Vetoed Bills

and

Messages

from the

Governor of Maryland

A total of 64 bills were vetoed by the Governor following the 2022 Regular Session of the General Assembly. Of these vetoed bills, 23 originated in the Senate and 41 of them originated in the House of Delegates. Pursuant to the provisions of Article II, Section 17 of the Maryland Constitution, these bills will be returned to the General Assembly immediately after the Legislature has organized at the next Regular or Special Session to be reconsidered in order to determine whether the veto is sustained or overridden.

2022 Session

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Vetoed Senate Bills and Messages

April 8, 2022

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

Dear President Ferguson:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed Senate Bill 1 – *State Finance and Procurement – Prevailing Wage – Stop Work Orders*.

Senate Bill 1 makes significant changes to the Prevailing Wage section of the State Finance and Procurement Article and broadly expands the authority of the Commissioner of Labor and Industry within the Department of Labor to issue a stop work order to an entire jobsite when there is a mere suspicion that there may be a violation of the prevailing wage law. All contractors working on the site would be prevented from working, delaying the progress of entire public works projects and pushing back completion dates for vital projects such as highways, schools, and other public works. Under a stop work order, contractors would also not receive wages without a final determination having been issued by the Commissioner.

The proposal also allows for stop work orders to be issued to worksites where the contractor in question is no longer performing work but may have been in violation. This is significant as large projects employ dozens of individual subcontractors, and one investigation could bring the entire jobsite to a halt.

The power granted to the Commissioner under current law already provides sufficient authority to enforce prevailing wage laws so much so that in the last ten years, not a single case has made it to a court hearing. Every investigation where a contractor has been determined to be in violation of the law has resulted in the workers being made whole within the existing means of the Commissioner. This new authority is unnecessary and ripe for abuse.

Senate Bill 1 may negatively impact the prevailing wage system, make contractors less likely to want to perform prevailing wage work, and could result in less competition and increased pricing on public works projects.

For these reasons, I have vetoed Senate Bill 1.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 1

AN ACT concerning

State Finance and Procurement – Prevailing Wage – Stop Work Orders

FOR the purpose of authorizing the Commissioner of Labor and Industry to issue a stop work order for each work site where the Commissioner has made an initial determination that a contractor or subcontractor may have violated the prevailing wage requirements; *requiring the Commissioner to follow certain procedures under certain circumstances;* authorizing a prime contractor to terminate the contract of a subcontractor without incurring certain liability if the subcontractor has a stop work order issued against them; authorizing the Commissioner to assess a penalty against a contractor or subcontractor for each day the contractor or subcontractor violates the stop work order; requiring the Commissioner to release a stop work order on a showing that the contractor or subcontractor is properly paying the required prevailing wage to employees and has paid all associated penalties; authorizing an appeal from the issuance of a stop work order; authorizing the Commissioner to impose a civil fine for each day an employer or employer's agent knowingly fails to comply with an investigation; ~~granting the Maryland State Board of Contract Appeals jurisdiction to hear a certain appeal;~~ and generally relating to stop work orders for the enforcement of prevailing wage laws.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
~~Section 15–211, 17–201(b), and 17–221~~
Section 17–221
Annotated Code of Maryland
(2021 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 17–201(a), *(b),* (c), (f), (g), and (h)
Annotated Code of Maryland
(2021 Replacement Volume)

~~BY adding to~~
~~Article – State Finance and Procurement~~
~~Section 17–201(b)~~
~~Annotated Code of Maryland~~
~~(2021 Replacement Volume)~~

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

Article – State Finance and Procurement

~~15–211.~~

~~(a) The Appeals Board shall have jurisdiction to hear and decide all appeals arising from the final action of a unit:~~

~~(1) on a protest relating to the formation of a procurement contract, including a violation of § 13–212.1 of this article; or~~

~~(2) except for a contract claim relating to a lease of real property, on a contract claim by a contractor or a unit concerning:~~

~~(i) breach;~~

~~(ii) performance;~~

~~(iii) modification; or~~

~~(iv) termination.~~

~~(b) THE APPEALS BOARD SHALL HAVE JURISDICTION TO HEAR AND DECIDE AN APPEAL ARISING FROM A DECISION OF THE COMMISSIONER OF LABOR AND INDUSTRY TO ISSUE A STOP WORK ORDER IN ACCORDANCE WITH § 17–221 OF THIS ARTICLE.~~

~~(C) A decision of the Appeals Board is final, subject to any judicial review.~~

17–201.

(a) In this subtitle, unless the context indicates otherwise, the following words have the meanings indicated.

~~(B) "APPEALS BOARD" MEANS THE MARYLAND STATE BOARD OF CONTRACT APPEALS.~~

~~[~~(b)~~]~~ ~~(B–1)~~ "Apprentice" means an individual who:

(1) is at least 16 years old;

(2) has signed with an employer or employer's agent, an association of employers, an organization of employees, or a joint committee from both, an agreement including a statement of:

(i) the trade, craft, or occupation that the individual is learning; and

(ii) the beginning and ending dates of the apprenticeship; and

(3) is registered in a program of the Council or the Office of Apprenticeship of the United States Department of Labor.

(c) "Commissioner" means:

(1) the Commissioner of Labor and Industry;

(2) the Deputy Commissioner of Labor and Industry; or

(3) an authorized representative of the Commissioner.

(f) (1) "Employee" means an apprentice or worker employed by a contractor or subcontractor under a public work contract.

(2) "Employee" does not include an individual employed by a public body.

(g) (1) "Locality" means the county in which the work is to be performed.

(2) If the public work is located within 2 or more counties, the locality includes all counties in which the public work is located.

(h) "Prevailing wage rate" means the hourly rate of wages paid in the locality as determined by the Commissioner under § 17–208 of this subtitle.

17–221.

(a) Each public body that awards a public work contract shall:

(1) take cognizance of a complaint of a violation of this subtitle committed in the course of performance of the public work contract; and

(2) when making payments to the contractor, withhold any amount that the contractor owes to its employees or the public body as a result of the violation.

(b) (1) The Commissioner shall **PROMPTLY** institute an investigation as necessary to determine compliance with this subtitle and regulations adopted under this subtitle **WHEN THE COMMISSIONER:**

(I) RECEIVES A COMPLAINT OF A VIOLATION OF THIS SUBTITLE; AND

(II) IS OTHERWISE MADE AWARE OF A POSSIBLE VIOLATION OF THIS SUBTITLE.

(2) **[**The Commissioner promptly shall investigate a complaint of a violation of this subtitle.

(3)**]** Any written or oral complaint or statement made by an employee is confidential and may not be disclosed to the employer without the consent of the employee.

(c) A contractor or subcontractor subject to an investigation under this section shall allow the Commissioner**, DURING NORMAL WORKING HOURS,** to observe work being performed at the site of a public work project, to interview employees, and to review books and records, to determine:

(1) the correctness of each classification;

(2) the ratio of apprentices to mechanics; and

(3) payment of straight and overtime prevailing wage rates as required under the public work contract.

(d) **(1)** If, after investigation, the Commissioner determines that a provision of this subtitle may have been violated, the Commissioner immediately shall notify the public body.

[(e) (1)**] (2)** On notification, the public body shall withhold from payment due the contractor or subcontractor an amount sufficient to:

(i) pay each employee of the contractor or subcontractor the full amount of wages due under this subtitle; and

(ii) satisfy a liability of a contractor for liquidated damages as provided in § 17–222(a) of this subtitle, pending a final determination.

[(2)**] (3)** If a subcontractor is responsible for a violation of this subtitle, the contractor:

(i) may withhold from payment to the subcontractor an amount equal to the amount withheld from the contractor under paragraph **[**(1)**] (2)** of this subsection; or

(ii) if payment has been made to the subcontractor, may sue to recover that amount.

(E) (1) (I) IF, AFTER ~~THE INVESTIGATION UNDER SUBSECTION (B) OF THIS SECTION~~ *INVESTIGATION*, THE COMMISSIONER MAKES AN INITIAL DETERMINATION THAT A CONTRACTOR OR SUBCONTRACTOR MAY HAVE VIOLATED THE REQUIREMENT TO PAY THE PREVAILING WAGE RATE UNDER THIS SUBTITLE, THE COMMISSIONER IMMEDIATELY MAY ISSUE A STOP WORK ORDER TO CEASE ALL BUSINESS OPERATIONS AT EVERY SITE WHERE A VIOLATION OCCURRED *AND SHALL:*

1. NOTIFY THE CONTRACTOR OR SUBCONTRACTOR OF THE VIOLATION, TO INCLUDE A STATEMENT OF FACTS DISCLOSED IN THE INVESTIGATION;

2. MEET WITH THE CONTRACTOR OR SUBCONTRACTOR WITHIN 48 HOURS OF ISSUING THE STOP WORK ORDER; AND

***3. PROVIDE THE CONTRACTOR OR SUBCONTRACTOR A REASONABLE TIMEFRAME, AS DETERMINED BY THE COMMISSIONER, TO RESOLVE THE VIOLATION*.**

(II) THE COMMISSIONER MAY ISSUE THE STOP WORK ORDER EVEN IF THE COMMISSIONER HAS REFERRED THE MATTER TO THE ATTORNEY GENERAL OR ANOTHER APPROPRIATE AUTHORITY FOR INVESTIGATION OR PROSECUTION.

(2) IF A STOP WORK ORDER IS ISSUED AGAINST A SUBCONTRACTOR~~,~~*:* ~~THE PRIME CONTRACTOR ON THE CONTRACT MAY TERMINATE THE CONTRACT WITH THE SUBCONTRACTOR WITHOUT INCURRING LIABILITY FOR DAMAGES RESULTING FROM THE TERMINATION.~~

(I) THE PRIME CONTRACTOR ON THE CONTRACT MAY NOT TERMINATE THE CONTRACT WITH THE SUBCONTRACTOR UNTIL 48 HOURS AFTER THE MEETING BETWEEN THE COMMISSIONER AND THE SUBCONTRACTOR;

(II) THE PRIME CONTRACTOR MAY NOT TERMINATE THE CONTRACT WITH THE SUBCONTRACTOR IF THE VIOLATION HAS BEEN RESOLVED; AND

(III) THE PRIME CONTRACTOR MAY NOT INCUR ANY CIVIL LIABILITY FOR DAMAGES TO THE SUBCONTRACTOR WHOSE CONTRACT WAS TERMINATED, OTHER SUBCONTRACTORS AFFECTED BY THE TERMINATION, OR ANY PUBLIC BODY RESULTING FROM THE TERMINATION.

(3) THE COMMISSIONER MAY IMPOSE A PENALTY OF UP TO $5,000 PER DAY AGAINST A CONTRACTOR OR SUBCONTRACTOR FOR EACH DAY THE CONTRACTOR OR SUBCONTRACTOR VIOLATES A STOP WORK ORDER.

(4) A STOP WORK ORDER ISSUED UNDER THIS SUBSECTION SHALL:

(I) TAKE EFFECT WHEN SERVED ON THE CONTRACTOR OR SUBCONTRACTOR; AND

(II) REMAIN IN EFFECT UNTIL THE COMMISSIONER ISSUES AN ORDER RELEASING THE STOP WORK ORDER.

(5) THE COMMISSIONER SHALL ISSUE AN ORDER RELEASING A STOP WORK ORDER ISSUED UNDER THIS SUBSECTION ON A SHOWING BY THE CONTRACTOR OR SUBCONTRACTOR THAT THE CONTRACTOR OR SUBCONTRACTOR:

(I) IS PROPERLY PAYING EMPLOYEES THE APPROPRIATE PREVAILING WAGE RATE SET IN ACCORDANCE WITH THIS SUBTITLE; AND

(II) HAS PAID ALL PENALTIES ASSESSED AGAINST THE CONTRACTOR OR SUBCONTRACTOR UNDER THIS SUBTITLE.

(6) THE COMMISSIONER MAY INCLUDE IN THE ORDER RELEASING A STOP WORK ORDER A REQUIREMENT THAT THE CONTRACTOR OR SUBCONTRACTOR SUBMIT PERIODIC REPORTS TO THE COMMISSIONER DEMONSTRATING COMPLIANCE WITH THE REQUIREMENTS OF THIS SUBTITLE.

(F) (1) (I) WITHIN 72 HOURS AFTER A CONTRACTOR OR SUBCONTRACTOR RECEIVES A STOP WORK ORDER UNDER SUBSECTION (E) OF THIS SECTION, THE CONTRACTOR OR SUBCONTRACTOR MAY SUBMIT A WRITTEN APPEAL TO THE ~~APPEALS BOARD~~ *COMMISSIONER* ON THE STOP WORK ORDER.

(II) IF AN APPEAL IS NOT REQUESTED WITHIN 72 HOURS, THE STOP WORK ORDER SHALL BECOME A FINAL ORDER OF THE COMMISSIONER.

(2) THE ~~APPEALS BOARD~~ *COMMISSIONER* SHALL HOLD A HEARING WITHIN 7 DAYS AFTER RECEIVING THE WRITTEN APPEAL.

(3) IF THE ~~APPEALS BOARD~~ *COMMISSIONER* DOES NOT HOLD A HEARING WITHIN 7 DAYS AFTER RECEIVING THE WRITTEN APPEAL, THE CONTRACTOR OR SUBCONTRACTOR MAY REQUEST AN ADMINISTRATIVE LAW JUDGE TO RELEASE THE ORDER.

(4) (I) WITHIN 5 DAYS AFTER HOLDING A HEARING ON A STOP WORK ORDER UNDER THIS SUBSECTION, THE ~~APPEALS BOARD~~ *COMMISSIONER* SHALL ISSUE A WRITTEN DECISION ON THE APPEAL.

(II) THE DECISION SHALL INCLUDE:

~~1. AN EXPLANATION OF WHY THE ORDER WAS UPHELD OR RELEASED; AND~~

~~**2. THE GROUNDS ON WHICH THE RESULT WAS DETERMINED. A DETERMINATION AS TO WHETHER A VIOLATION OCCURRED; AND**~~

~~**2. WHETHER A STOP WORK ORDER SHOULD BE ISSUED, INCLUDING THE CONDITIONS ON WHICH IT MAY BE RELEASED.**~~

~~**(III) A DETERMINATION UNDER THIS PARAGRAPH SHALL BE THE FINAL ORDER OF THE COMMISSIONER.**~~

1. AN EXPLANATION OF WHY THE ORDER WAS UPHELD OR RELEASED; AND

2. THE GROUNDS ON WHICH THE RESULT WAS DETERMINED.

[(f)**] (G)** ~~The~~ ***IF AFTER INVESTIGATION, THE COMMISSIONER DETERMINES THAT A PROVISION OF THIS SUBTITLE MAY HAVE BEEN VIOLATED AND HAS NOT ISSUED A STOP WORK ORDER IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION, THE*** Commissioner shall:

(1) issue an order for a hearing within 30 days after completing an investigation; and

(2) expeditiously conduct the hearing.

[(g)**] (H)** (1) At least 10 days before the hearing, the Commissioner shall serve, personally or by mail, written notice of the hearing on all interested persons, including the public body.

(2) The notice shall include:

(i) a statement of the facts disclosed in the investigation; and

(ii) the time and place of the hearing.

[(h)**] (I)** (1) In conducting an investigation or hearing under this section, the Commissioner is deemed to be acting in a quasi–judicial capacity and may:

(i) issue subpoenas;

(ii) administer oaths; or

(iii) examine witnesses.

(2) The Commissioner shall grant each interested person an opportunity to speak at the hearing on matters relevant to the complaint.

[(i)**] (J)** (1) After the conclusion of the hearing, the Commissioner shall:

(i) file in the Commissioner's office an order that states the Commissioner's determination; and

(ii) serve, personally or by mail, the public body and parties to the hearing with a copy of the order and notice of its filing.

(2) If the Commissioner finds a violation, the Commissioner shall determine the amount of liquidated damages and restitution to be assessed for the violation.

(3) On the entry and service of a Commissioner's order, the public body, from the money due the contractor or subcontractor, shall:

(i) pay the affected employees the full amount of wages due them; and

(ii) satisfy the obligation of the contractor or subcontractor to pay liquidated damages as required under § 17–222 of this subtitle.

(K) (1) IN ADDITION TO ANY OTHER PENALTY, THE COMMISSIONER MAY IMPOSE A CIVIL FINE OF NOT ~~LESS~~ MORE THAN $1,000 AGAINST A CONTRACTOR OR SUBCONTRACTOR THAT KNOWINGLY FAILS TO PRODUCE RECORDS OR ATTEND A HEARING OR DEPOSITION AS REQUIRED BY AN INVESTIGATION INTO A POSSIBLE PREVAILING WAGE VIOLATION UNDER SUBSECTION (B) OF THIS SECTION.

(2) EACH DAY THAT A VIOLATION UNDER PARAGRAPH (1) OF THIS SUBSECTION CONTINUES IS A SEPARATE OFFENSE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

April 8, 2022

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

Dear President Ferguson:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed Senate Bill 53 – *Juvenile Law – Child Interrogation Protection Act*.

We share the common goal of protecting the youth in the state's custody, and balancing the safety of our communities and the rehabilitation of youth involved in delinquency proceedings; however, Senate Bill 53, while it has good intentions, is a flawed bill that will hamper criminal investigations, and, in turn, potentially jeopardize public safety. Many of the provisions in the bill meant to protect youth were concepts that I could support, such as requiring the recording of interrogations, notification to parents/guardians, and developing age–appropriate language to explain Miranda rights to a youth. The hurdles created by this bill, most notably requiring consultation with an attorney prior to questioning, will effectively eliminate the ability for law enforcement to interrogate a youth. At a time where the public is concerned about increases in juvenile crime, this bill removes a crucial tool from the toolbox in the investigation of criminal activity and the administration of justice.

Recent studies suggest that youth are more vulnerable and culpable than adults, and may be more likely to submit to pressure from police to proceed with questioning instead of exercising their constitutional right against self–incrimination. Nonetheless, adult and youth suspects alike often choose to waive their Miranda rights and speak to police. These interactions, which are typically consensual, frequently provide crucial information that may lead to the identification of additional suspects and victims; evidence, such as firearms and other dangerous and deadly weapons, stolen property, and drug stashes; and facts that could assist in the investigation of alleged criminal activity as well as bringing criminals to justice. Despite the fact that some youth may choose to speak freely and voluntarily, this legislation bars a youth from waiving the requirement to speak with a defense attorney or public defender.

Additionally, law enforcement officers undergo routine training on best practices that are to be utilized when taking a youth into custody and questioning them. Law enforcement officials understand the inherent difference and special care that is needed when a youth is in custody, so they take extra precautions to ensure that any statement that a youth provides is voluntary and in accordance with the Constitution and precedent established by the judicial branch. Under current practices, it is rare for a custodial interrogation of a youth to not be recorded by audio and video. The recordings of the interrogation are then meticulously reviewed by prosecutors, challenged in court by the defense, and the court will ultimately decide if the youth's rights were violated or if the evidence is admissible.

After careful consideration of the dueling priorities of protecting both youth constitutional rights as well as public safety and criminal investigations, it is clear that Senate Bill 53 fails to strike an appropriate balance that protects the youth and public safety of the state.

For these reasons, I have vetoed Senate Bill 53.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 53

AN ACT concerning

Juvenile Law – ~~Juvenile~~ Child Interrogation Protection Act

FOR the purpose of establishing certain requirements for taking a child into custody, interrogating a child, or charging a child with a criminal violation, including notice requirements, requirements for consultation with an attorney, and requirements for the maintenance of certain records; authorizing the Court of Appeals to adopt certain rules relating to the advisement of a child of certain rights; establishing a certain rebuttable presumption that a statement made by a child during an interrogation is inadmissible under certain circumstances; requiring the Office of the Public Defender to develop and implement certain policies and to publish on its website or make available to law enforcement certain information; and generally relating to juvenile law and the interrogation of children by law enforcement.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–14
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 3–8A–14.2
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 2–108
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY adding to
Article – Criminal Procedure
Section 2–405
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

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

Article – Courts and Judicial Proceedings

3–8A–14.

(a) A child may be taken into custody under this subtitle by any of the following methods:

(1) Pursuant to an order of the court;

(2) By a law enforcement officer pursuant to the law of arrest;

(3) By a law enforcement officer or other person authorized by the court if the officer or other person has reasonable grounds to believe that the child is in immediate danger from the child's surroundings and that the child's removal is necessary for the child's protection;

(4) By a law enforcement officer or other person authorized by the court if the officer or other person has reasonable grounds to believe that the child has run away from the child's parents, guardian, or legal custodian; or

(5) In accordance with § 3–8A–14.1 of this subtitle.

(b) **(1) (I)** If a law enforcement officer takes a child into custody, the officer shall immediately notify, or cause to be notified, the child's parents, guardian, or custodian **IN A MANNER REASONABLY CALCULATED TO GIVE ACTUAL NOTICE** of the action.

(II) THE NOTICE REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL:

1. INCLUDE THE CHILD'S LOCATION;

2. PROVIDE THE REASON FOR THE CHILD BEING TAKEN INTO CUSTODY; AND

3. INSTRUCT THE PARENT, GUARDIAN, OR CUSTODIAN ON HOW TO MAKE IMMEDIATE IN–PERSON CONTACT WITH THE CHILD.

(2) After making every reasonable effort to give **ACTUAL** notice **TO A CHILD'S PARENT, GUARDIAN, OR CUSTODIAN**, the law enforcement officer shall with all reasonable speed:

[(1)**]** **(I)** Release the child to the child's parents, guardian, or custodian or to any other person designated by the court, upon their written promise to bring the child before the court when requested by the court, and such security for the child's appearance as the court may reasonably require, unless the child's placement in detention or shelter care is permitted and appears required by § 3–8A–15 of this subtitle; or

[(2)**]** **(II)** Deliver the child to the court or a place of detention or shelter care designated by the court.

(c) If a parent, guardian, or custodian fails to bring the child before the court when requested, the court may **[**issue**]:**

(1) ISSUE a writ of attachment directing that the child be taken into custody and brought before the court**[**. The court may proceed**]; AND**

(2) PROCEED against the parent, guardian, or custodian for contempt.

(d) In addition to the requirements for reporting child abuse and neglect under § 5–704 of the Family Law Article, if a law enforcement officer has reason to believe that a child who has been detained is a victim of sex trafficking, as defined in § 5–701 of the Family Law Article, the law enforcement officer shall notify any appropriate regional navigator, as defined in § 5–704.4 of the Family Law Article, for the jurisdiction where the child was taken into custody or where the child is a resident that the child is a suspected victim of sex trafficking.

(E) THE COURT OF APPEALS MAY ADOPT RULES CONCERNING AGE–APPROPRIATE LANGUAGE TO BE USED TO ADVISE A CHILD WHO IS TAKEN INTO CUSTODY OF THE CHILD'S RIGHTS.

3–8A–14.2.

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

(2) "CUSTODIAL INTERROGATION" RETAINS ITS JUDICIALLY DETERMINED MEANING.

(3) (I) "LAW ENFORCEMENT OFFICER" HAS THE MEANING STATED IN § 3–101 OF THE PUBLIC SAFETY ARTICLE.

(II) "LAW ENFORCEMENT OFFICER" INCLUDES A SCHOOL RESOURCE OFFICER, AS DEFINED IN § 7–1501 OF THE EDUCATION ARTICLE.

(B) A LAW ENFORCEMENT OFFICER MAY NOT CONDUCT A CUSTODIAL INTERROGATION OF A CHILD UNTIL:

(1) THE CHILD HAS CONSULTED WITH AN ATTORNEY WHO IS:

(I) RETAINED BY THE PARENT, GUARDIAN, OR CUSTODIAN OF THE CHILD; OR

(II) PROVIDED BY THE OFFICE OF THE PUBLIC DEFENDER; AND

(2) THE LAW ENFORCEMENT OFFICER HAS MADE AN EFFORT REASONABLY CALCULATED TO GIVE ACTUAL NOTICE TO THE PARENT, GUARDIAN, OR CUSTODIAN OF THE CHILD THAT THE CHILD WILL BE INTERROGATED.

(C) A CONSULTATION WITH AN ATTORNEY UNDER THIS SECTION:

(1) SHALL BE:

(I) CONDUCTED IN A MANNER CONSISTENT WITH THE MARYLAND RULES OF PROFESSIONAL CONDUCT; AND

(II) CONFIDENTIAL; AND

(2) MAY BE:

(I) IN PERSON; OR

(II) BY TELEPHONE OR VIDEO CONFERENCE.

(D) TO THE EXTENT PRACTICABLE AND CONSISTENT WITH THE MARYLAND RULES OF PROFESSIONAL CONDUCT, AN ATTORNEY PROVIDING CONSULTATION UNDER THIS SECTION SHALL COMMUNICATE AND COORDINATE WITH THE PARENT, GUARDIAN, OR CUSTODIAN OF THE CHILD IN CUSTODY.

(E) THE REQUIREMENT OF CONSULTATION WITH AN ATTORNEY UNDER THIS SECTION:

(1) MAY NOT BE WAIVED; AND

(2) APPLIES REGARDLESS OF WHETHER THE CHILD IS PROCEEDED AGAINST AS A CHILD UNDER THIS SUBTITLE OR IS CHARGED AS AN ADULT.

(F) (1) A LAW ENFORCEMENT AGENCY CONDUCTING AN INTERROGATION UNDER THIS SECTION SHALL MAINTAIN A RECORD OF THE NOTIFICATION OR ATTEMPTED NOTIFICATION OF A PARENT, GUARDIAN, OR CUSTODIAN UNDER THIS SECTION, INCLUDING:

(I) A SIGNED STATEMENT BY A DULY AUTHORIZED LAW ENFORCEMENT OFFICER EMPLOYED BY THE AGENCY THAT AN ATTEMPT TO NOTIFY A PARENT, GUARDIAN, OR CUSTODIAN WAS MADE;

(II) THE NAME OF THE PERSON SOUGHT TO BE NOTIFIED; AND

(III) THE METHOD OF ATTEMPTED NOTIFICATION.

(2) (I) A LAW ENFORCEMENT AGENCY CONDUCTING AN INTERROGATION UNDER THIS SECTION SHALL MAINTAIN A RECORD OF THE NAME OF THE ATTORNEY CONTACTED AND THE COUNTY OR COUNTIES IN WHICH THE ATTORNEY PROVIDED THE CONSULTATION.

(II) AN ATTORNEY CONTACTED TO PROVIDE LEGAL CONSULTATION TO A CHILD UNDER THIS SUBTITLE SHALL PROVIDE TO A LAW ENFORCEMENT OFFICER THE INFORMATION REQUIRED FOR THE RECORD REQUIRED TO BE MAINTAINED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(G) (1) NOTWITHSTANDING THE REQUIREMENTS OF THIS SECTION, A LAW ENFORCEMENT OFFICER MAY CONDUCT AN OTHERWISE LAWFUL CUSTODIAL INTERROGATION OF A CHILD IF:

(I) THE LAW ENFORCEMENT OFFICER REASONABLY BELIEVES THAT THE INFORMATION SOUGHT IS NECESSARY TO PROTECT ~~AN INDIVIDUAL FROM AN IMMINENT THREAT TO THE LIFE OF THE INDIVIDUAL AND A REASONABLE DELAY TO ALLOW THE CHILD TO HAVE LEGAL CONSULTATION WOULD IMPEDE THE ABILITY OF LAW ENFORCEMENT TO SAFEGUARD THE LIFE OF THE THREATENED INDIVIDUAL~~ AGAINST A THREAT TO PUBLIC SAFETY; AND

(II) THE QUESTIONS POSED TO THE CHILD BY THE LAW ENFORCEMENT OFFICER ARE LIMITED TO THOSE QUESTIONS REASONABLY NECESSARY TO OBTAIN THE INFORMATION NECESSARY TO PROTECT ~~THE INDIVIDUAL FROM AN IMMINENT THREAT TO THE LIFE OF THE INDIVIDUAL~~ AGAINST THE THREAT TO PUBLIC SAFETY.

(2) (I) UNLESS IT IS IMPOSSIBLE, IMPRACTICABLE, OR UNSAFE TO DO SO, AN INTERROGATION CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE RECORDED.

(II) IN A JURISDICTION THAT HAS ADOPTED THE USE OF BODY–WORN DIGITAL RECORDING DEVICES BY LAW ENFORCEMENT OFFICERS, THE INTERROGATION OF A CHILD MAY BE RECORDED USING A BODY–WORN DIGITAL RECORDING DEVICE IN A MANNER THAT IS CONSISTENT WITH DEPARTMENTAL POLICIES REGARDING THE USE OF BODY–WORN DIGITAL RECORDING DEVICES.

(III) IN A JURISDICTION THAT HAS NOT ADOPTED THE USE OF BODY–WORN DIGITAL RECORDING DEVICES, THE INTERROGATION OF A CHILD MAY BE RECORDED USING OTHER VIDEO AND AUDIO RECORDING TECHNOLOGY IN A

MANNER THAT IS CONSISTENT WITH ANY POLICIES OF THE LAW ENFORCEMENT AGENCY REGARDING THE USE OF VIDEO AND AUDIO RECORDING TECHNOLOGY.

(IV) A CHILD BEING INTERROGATED UNDER THIS SUBSECTION SHALL BE INFORMED IF THE INTERROGATION IS BEING RECORDED.

(H) (1) THERE IS A REBUTTABLE PRESUMPTION THAT A STATEMENT MADE BY A CHILD DURING A CUSTODIAL INTERROGATION IS INADMISSIBLE IN A DELINQUENCY PROCEEDING OR A CRIMINAL PROSECUTION AGAINST ~~THE~~ THAT CHILD IF A LAW ENFORCEMENT OFFICER WILLFULLY FAILED TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION.

(2) THE STATE MAY OVERCOME THE PRESUMPTION BY SHOWING, BY CLEAR AND CONVINCING EVIDENCE, THAT THE STATEMENT WAS MADE KNOWINGLY, INTELLIGENTLY, AND VOLUNTARILY.

(3) THIS SUBSECTION MAY NOT BE CONSTRUED TO RENDER A STATEMENT BY THAT CHILD INADMISSIBLE IN A PROCEEDING AGAINST ANOTHER INDIVIDUAL.

(I) THE OFFICE OF THE PUBLIC DEFENDER SHALL:

(1) DEVELOP AND IMPLEMENT POLICIES TO PROVIDE GUIDANCE AND INSTRUCTION TO ATTORNEYS TO MEET THE REQUIREMENTS OF THIS SECTION; AND

(2) ON OR BEFORE OCTOBER 1, 2022, PUBLISH ON ITS WEBSITE, OR PROVIDE TO LAW ENFORCEMENT ON REQUEST, INFORMATION ON ATTORNEYS AVAILABLE TO ACT AS COUNSEL TO A CHILD IN ACCORDANCE WITH THIS SECTION.

Article – Criminal Procedure

2–108.

(a) A law enforcement officer who charges a minor with a criminal offense shall make a reasonable attempt to **[**notify**]** **PROVIDE ACTUAL NOTICE TO** the parent or guardian of the minor of the charge.

(b) If a law enforcement officer takes a minor into custody, the law enforcement officer or the officer's designee shall make a reasonable attempt to notify the parent or guardian of the minor **[**within 48 hours of the arrest of the minor**]** **IN ACCORDANCE WITH THE REQUIREMENTS OF § 3–8A–14 OF THE COURTS ARTICLE**.

2–405.

A CUSTODIAL INTERROGATION OF A MINOR SHALL BE CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF § 3–8A–14.2 OF THE COURTS ARTICLE.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the term "threat to public safety", as used in this Act be construed in a manner consistent with the judicially recognized exception to the requirements of Miranda v. Arizona, 384 U.S. 436 (1966).

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

May 27, 2022

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Mr. President and Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 433 and Senate Bill 157 – *Baltimore City Board of School Commissioners – Student Members and Task Force to Study Compensation and Student Members.*

A strong education system depends on vibrant input and engagement from the students and families it serves. Student board members play a valuable role in the process, but this bill overreaches by proposing to include those members in matters relating to capital and operating budgets. This proposed delegation of responsibility jeopardizes the fiduciary responsibility to exercise due care and judgment in the expenditures of a budget that exceeds $1 billion in state tax dollars. Even the most business–savvy board members will require several years of experience working with the school budget in order to deal with a basic level of competency on a budget of such complexity. We cannot expect that a high school senior, serving a one–year term, would be capable of providing a level of meaningful budget oversight that our citizens rightfully expect.

Board members, who must deal with potential manipulation and influence in their handling of the budget, are also legally accountable, to include potential incarceration, for any malfeasance. I cannot in good conscience allow a young 17– or 18–year–old student to

be at risk of such a level of culpability. We should be actively looking for ways to ensure students a greater voice in the process, but this measure is not well thought out.

For these reasons, I have vetoed House Bill 433 and Senate Bill 157.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 157

AN ACT concerning

Baltimore City Board of School Commissioners – Student Members and Task Force to Study Compensation and Student Members

FOR the purpose of altering ~~the number of,~~ the voting rights of~~,~~ and the process for selecting a student ~~members~~ member of the Baltimore City Board of School Commissioners; establishing the Task Force to Study Compensation ~~for~~ and Student Members of the Baltimore City Board of School Commissioners; and generally relating to the Baltimore City Board of School Commissioners.

BY repealing and reenacting, without amendments,
Article – Education
Section 3–108.1(c) and (n)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 3–108.1(d) and (m)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

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

Article – Education

3–108.1.

(c) There is a Baltimore City Board of School Commissioners of the Baltimore City Public School System.

(d) (1) The board consists of:

(i) Except as provided in paragraph (2) of this subsection, nine voting members appointed by the Mayor from a list of qualified individuals submitted to the Mayor by the panel;

(ii) Two elected voting members; and

(iii) ~~[~~One~~]~~ ~~TWO~~ voting student **[**member appointed**]** ~~MEMBERS~~ **MEMBER ELECTED** as provided in subsection (m) of this section.

(2) If the Mayor elects not to appoint a member from a list submitted by the panel under paragraph (1)(i) of this subsection, the Mayor shall reconvene the panel to submit additional names of qualified candidates.

(m) (1) ~~(I)~~ The student ~~[~~member~~]~~ ~~MEMBERS~~ shall be ~~[~~a student~~]~~ **REGULARLY** enrolled ~~STUDENTS~~ **IN THEIR JUNIOR OR SENIOR YEAR OF HIGH SCHOOL** in the Baltimore City Public School System who shall be **[**selected by the Associated Student Congress of Baltimore City**]** **ELECTED BY THE MIDDLE AND HIGH SCHOOL STUDENTS OF THE CITY, IN ACCORDANCE WITH** ~~THIS PARAGRAPH~~ **PROCEDURES ESTABLISHED BY THE BOARD IN COLLABORATION WITH THE ASSOCIATED STUDENT CONGRESS OF BALTIMORE CITY**.

~~(II) 1. THE NOMINATION AND ELECTION PROCESS FOR THE STUDENT MEMBERS SHALL:~~

~~A. BE AS AGREED ON BY THE BOARD AND THE ASSOCIATED STUDENT CONGRESS OF BALTIMORE CITY; AND~~

~~B. INCLUDE A PROCESS TO REPLACE ONE OF THE FINAL CANDIDATES IF THEY ARE UNABLE TO PROCEED IN THE ELECTION.~~

~~2. ANY STUDENT ENROLLED IN A MIDDLE OR HIGH SCHOOL IN THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM MAY:~~

~~A. NOMINATE A STUDENT MEMBER CANDIDATE;~~

~~B. VOTE FOR DELEGATES FROM THE STUDENT'S SCHOOL, WHO IN TURN VOTE IN A NOMINATING CONVENTION TO REDUCE TO FOUR THE NUMBER OF CANDIDATES FOR STUDENT MEMBER IF THERE ARE FIVE OR MORE CANDIDATES; AND~~

~~C. VOTE DIRECTLY FOR TWO OF THE REMAINING STUDENT MEMBER CANDIDATES.~~

~~3. THE CANDIDATES RECEIVING THE THIRD AND FOURTH HIGHEST NUMBER OF VOTES IN THE DIRECT ELECTION SHALL BECOME THE~~

~~**ALTERNATE STUDENT MEMBERS AND SHALL SERVE IF A STUDENT MEMBER IS UNABLE TO COMPLETE THEIR ELECTED TERM.**~~

(2) The term of a student member is 1 year.

(3) A student member may not serve more than two consecutive full terms.

(4) The student **[**member**]** ~~**MEMBERS**~~ may vote on ~~all~~ matters before the board **[**except**]** **INCLUDING** those relating to:

~~(i) Personnel;~~

~~(ii)~~ **(I)** Capital and operating budgets;

~~(iii)~~ **(II)** School closings, reopenings, and boundaries; **AND**

~~(iv) Collective bargaining decisions;~~

~~(v)~~ **(III)** Student disciplinary matters~~; and~~

~~(vi) Appeals to the board as provided under §§ 4–205 and 6–202 of this article~~.

(5) **THE STUDENT MEMBER MAY NOT VOTE ON MATTERS BEFORE THE BOARD RELATING TO PERSONNEL AND COLLECTIVE BARGAINING DECISIONS.**

(6) The student **[**member**]** ~~**MEMBERS**~~ may **[**not**]** attend or participate in an executive or special session of the board.

(n) Any action by the board shall require:

(1) A quorum of a majority of the voting members then serving; and

(2) The affirmative vote of a majority of the voting members then serving.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force to Study Compensation ~~for~~ and Student Members of the Baltimore City Board of School Commissioners.

(b) The Task Force consists of the following members:

(1) one member of the Baltimore City Senate Delegation, appointed by the President of the Senate;

(2) one member of the Baltimore City House Delegation, appointed by the Speaker of the House;

(3) ~~five~~ three members, appointed by the Mayor of Baltimore City, of which~~:~~

~~(i) not more than two may be members of the Baltimore City Board of School Commissioners; and~~

~~(ii)~~ one member shall be a resident of Baltimore City who is not employed by the City, State, or federal government; ~~and~~

~~(2)~~ (4) two members, appointed by the Chair of the Baltimore City Board of School Commissioners; and

(5) ~~four~~ two members, appointed by the President of the City Council of Baltimore City, of which one member shall be a resident of Baltimore City who is not employed by the City, State, or federal government.

(c) The Mayor of Baltimore City shall designate the chair of the Task Force.

(d) The Office of the Mayor of Baltimore City shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

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

(f) The Task Force shall:

(1) study the compensation of members of the Baltimore City Board of School Commissioners, including the student members; ~~and~~

(2) study the possibility and effect of adding a second student member to the Baltimore City Board of School Commissioners; and

~~(2)~~ (3) make recommendations regarding the amount of and revenue stream for any proposed compensation to begin with the Baltimore City budget for fiscal year 2024.

(g) On or before April 1, 2023, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall remain effective for a period of 1 year and, at the end of June 30, 2023, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

May 27, 2022

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Mr. President and Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 862 and Senate Bill 163 – *Election Law – Ballots – Processing and Reporting Procedures*.

As the very foundation of democracy, free and fair elections provide citizens with a voice that is essential to the accountability of elected officials and the proper functioning of government. Amidst the many uncertainties of an unprecedented global pandemic, the 2020 election cycle experienced a tremendous expansion of mail–in voting across our State and the entire nation – and as more and more voters embrace mail–in voting, it is imperative that we remain mindful of maintaining that crucial balance between ease of access and election integrity.

Several provisions within House Bill 862 and Senate Bill 163 offer positive changes to State election law. Early canvassing of absentee ballots would allow hard working election officials to get a much needed head start on the deluge of ballot envelopes that, under current law, must wait until after Election Day for processing. Precinct level reporting that includes early, absentee, and provisional ballots would provide valuable information to elected officials in relation to their constituents, as well as to election officials regarding the allocation of resources. Additionally, the codification of a ballot curing process would allow voters an opportunity to correct an error by providing a signature for the oath on an absentee ballot envelope – and therefore, have their vote counted.

Maximizing voter participation and providing citizens with accessible and convenient ways to cast their ballots is vital to a healthy democracy. Just as equally vital, however, are election security and voter confidence – and most scholars agree that abuse does happen more so with mail–in voting versus voting in person. Yet, as our vote by mail numbers rise, the missing piece in this legislation is that balance – for even the *appearance* of impropriety or the *opportunity* for fraud can be enough to undermine citizens' confidence in their electoral system. While this legislation allows a voter to provide a missing signature by one of several ways – including in person, mail, email, and text – it remains silent on basic security measures such as signature verification — with Maryland being one of only nine states that does not conduct signature verification — and does nothing to address ballot collecting.

For these reasons, I have vetoed House Bill 862 and Senate Bill 163.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 163

AN ACT concerning

Election Law – Ballots – Processing and Reporting Procedures

FOR the purpose of altering the procedures for the canvassing of and curing of errors on absentee and provisional ballots; repealing the requirements that a certain statement of election results be by precinct and that the local boards of elections publish copies of the complete election results in a certain manner; requiring that ~~all~~ a certain report of election results by the State Board of Elections be reported by precinct, including reports of the early, absentee, and provisional vote; and generally relating to ballot processing and reporting procedures.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 11–101, 11–302, 11–303(d), and 11–402
Annotated Code of Maryland
(2017 Replacement Volume and 2021 Supplement)

BY adding to
Article – Election Law
Section 11–303.2
Annotated Code of Maryland
(2017 Replacement Volume and 2021 Supplement)

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

Article – Election Law

11–101.

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

(b) "Board of canvassers" means the local board of elections in a county after the local board organizes itself for the purpose of canvassing the vote **[**after**]** **FOR** an election in that county.

(c) (1) "Canvass" means the entire process of vote tallying, vote tabulation, and vote verification **[**or audit**]**, culminating in the production and certification of the official election results.

(2) For absentee ballots, the "canvass" includes the opening of any envelope accompanying an absentee ballot and the assembly and review of absentee ballots ~~[~~in preparation for vote tallying~~]~~.

(3) For provisional ballots, the "canvass" includes the review of the provisional ballot applications described in § 11–303 of this title and the assembly and review of provisional ballots ~~[~~in preparation for vote tallying~~]~~.

(4) For votes cast during early voting, the "canvass" includes the ~~VOTE~~ tabulation ~~[~~of votes cast~~]~~ during early voting.

(5) For votes cast in a special election conducted by mail under Title 9, Subtitle 5 of this article, the "canvass" includes:

(i) the opening of any envelope accompanying a vote–by–mail ballot and the assembly and review of vote–by–mail ballots in preparation for vote tabulation; and

(ii) the tabulation of vote–by–mail ballots.

(d) "Counting center" means one or more central locations designated by a local board to conduct the canvass.

(e) "Removable data storage device" means a read–only memory device that is programmed to record votes as they are cast on an electronic voting system.

(f) ~~[~~(1)~~]~~ "Unofficial returns" means **[**a**]** vote **[**tabulation**]** **TOTALS** reported on election night after the polls close.

~~[~~(2) "Unofficial returns" does not include ~~the absentee ballot count or~~ the provisional ballot count.~~]~~

(g) "Vote tabulation" or "vote counting" means the aggregation of the votes cast by individual voters to produce vote totals at any level.

(h) "Vote tallying" means the recording of votes cast by individual voters on a certified voting system **[**whether done by:

(1) a mechanical lever voting machine;

(2) an electronic voting device; or

(3) making marks manually on a tally sheet**]**.

11–302.

(a) **(1) [**Following an election, each**]** **EACH** local board shall meet at its designated counting center to canvass the absentee ballots cast in that election in accordance with the regulations and guidelines established by the State Board.

(2) ~~**AFTER THE COMMENCEMENT OF THE CANVASS OF ABSENTEE BALLOTS IN ACCORDANCE WITH THIS SECTION**~~ ***PROMPTLY AFTER RECEIPT OF AN ABSENTEE BALLOT*****, A LOCAL BOARD SHALL REVIEW THE BALLOT ENVELOPE OR BALLOT/RETURN ENVELOPE FOR THE OMISSION OF THE VOTER'S SIGNATURE ON THE OATH.**

(b) (1) **[**A**]** **SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION** ***AND EXCEPT AS PROVIDED IN SUBSECTION (A)(2) OF THIS SECTION*****, A** local board may not **[**open**]** **ACCEPT, REJECT, OPEN, OR PROCESS** any ~~envelope of an~~ absentee ballot **[**prior to**]** **BEFORE** 8 a.m. on the **[**Wednesday following election day**]** **DAY THAT IS 8 BUSINESS DAYS BEFORE THE FIRST DAY OF EARLY VOTING**.

(2) A local board may not delay the commencement of the canvass to await the receipt of late–arriving, timely absentee ballots.

(3) A LOCAL BOARD OR AN EMPLOYEE OF A LOCAL BOARD MAY NOT ~~**TABULATE RELEASE**~~ ***TABULATE*** **ABSENTEE BALLOT** ~~**RESULTS**~~ **VOTE TOTALS BEFORE** ***THE POLLS CLOSE ON*** **ELECTION DAY.**

(c) (1) An absentee ballot shall be deemed timely received if it is received in accordance with the regulations and guidelines established by the State Board.

(2) An absentee ballot that is received after the deadline specified by the regulations and guidelines may not be counted.

(d) (1) The State Board shall adopt regulations that reflect the policy that the clarity of the intent of the voter is the overriding consideration in determining the validity of an absentee ballot or the vote cast in a particular contest.

(2) **[**A**]** **SUBJECT TO § 11–303.2 OF THIS SUBTITLE, A** local board may not reject an absentee ballot except by unanimous vote and in accordance with regulations of the State Board.

(3) The local board shall reject an absentee ballot if:

(i) the voter failed to sign the oath on the ballot envelope **OR BALLOT/RETURN ENVELOPE AND FAILED TO CORRECT THE OMISSION BEFORE 10 A.M. ON THE DAY THAT IS 10 DAYS AFTER ELECTION DAY**;

(ii) the local board received more than one ballot from the same individual for the same election in the same ballot envelope; or

(iii) the local board determines that an absentee ballot is intentionally marked with an identifying mark that is clearly evident and placed on the ballot for the purpose of identifying the ballot.

(4) (I) THE STATE BOARD SHALL ADOPT REGULATIONS REQUIRING A LOCAL BOARD TO:

1. ~~WITHIN 3~~ AS SOON AS PRACTICABLE BUT NOT LATER THAN 3 BUSINESS DAYS AFTER THE DATE ON WHICH IT WAS DETERMINED THAT A VOTER FAILED TO SIGN THE OATH ON THE BALLOT ENVELOPE OR BALLOT/RETURN ENVELOPE, NOTIFY THE VOTER OF THE FAILURE; AND

2. PROVIDE THE VOTER AN OPPORTUNITY TO CORRECT THE OMISSION AND HAVE THE BALLOT COUNTED.

(II) THE REGULATIONS UNDER THIS PARAGRAPH SHALL ALLOW A VOTER TO:

1. SUPPLY A SIGNATURE TO THE LOCAL BOARD THROUGH A DIGITAL PICTURE MESSAGE SENT BY ~~MOBILE TELEPHONE OR~~ E–MAIL *OR, BEGINNING JUNE 1, 2023, MOBILE TELEPHONE,* IF THE VOTER FAILED TO SIGN THE OATH ON THE BALLOT ENVELOPE OR BALLOT/RETURN ENVELOPE; AND

2. CHOOSE AMONG MULTIPLE METHODS OF COMMUNICATING WITH THE LOCAL BOARD TO CORRECT THE FAILURE TO SIGN THE OATH ON THE BALLOT ENVELOPE OR BALLOT/RETURN ENVELOPE, INCLUDING:

A. ~~**TEXT MESSAGE;**~~

~~**B.**~~ **E–MAIL;**

~~**B.**~~ ~~**C.**~~ ***B.*** ~~**AN ACCESSIBLE ONLINE PORTAL;**~~

~~**C.**~~ ~~**D.**~~ **A MAILED FORM;** ~~**AND**~~

~~**D.**~~ ~~**E.**~~ ***C.*** **AN IN–PERSON VISIT TO THE LOCAL BOARD OFFICE*; AND***

***D. BEGINNING JUNE 1, 2023, TEXT MESSAGE AND AN ACCESSIBLE ONLINE PORTAL*.**

~~**[**(4)**]** **(5)** If the local board receives more than one legally sufficient ballot, in separate envelopes, from the same individual, the local board shall:~~

~~(i) count only the ballot with the **[**latest**]** **FIRST** properly signed oath; and~~

~~(ii) reject any other ballot.~~

[(5)**]** ~~**(6)**~~ ***(5)*** If the intent of the voter is not clearly demonstrated, the local board shall reject only the vote for that office or question.

[(6)**]** ~~**(7)**~~ ***(6)*** If an absentee voter casts a vote for an individual who has ceased to be a candidate, the vote for that candidate may not be counted, but that vote does not invalidate the remainder of the ballot.

(e) **[**At**]** **BEGINNING AFTER THE POLLS CLOSE ON ELECTION DAY, AT** the end of each day of canvassing, a local board shall prepare and release a report of the unofficial ~~results~~ **RETURNS** of the absentee ballot vote tabulation.

11–303.

(d) (1) **[**A**]** **SUBJECT TO § 11–303.2 OF THIS SUBTITLE, A** local board may not reject a provisional ballot except by unanimous vote and in accordance with regulations of the State Board.

(2) The local board shall reject a provisional ballot if:

(i) pursuant to paragraph (4) of this subsection, the local board determines that the individual who cast the provisional ballot is not qualified to vote that provisional ballot;

(ii) the individual failed to sign the oath on the provisional ballot application; ***OR***

~~(iii) the individual cast more than one ballot for the same election; or~~

~~(iv)~~ the local board determines that a provisional ballot is intentionally marked with an identifying mark that is clearly evident and placed on the ballot for the purpose of identifying the ballot.

(3) If the intent of the voter with respect to a particular contest is not clearly demonstrated, the local board shall reject only the vote for that contest.

(4) For the purposes of this section, an individual is qualified to vote the provisional ballot cast if the local board determines that:

(i) the individual is registered in the State;

(ii) if the provisional ballot was cast because the voter failed to provide required identification, the individual who cast the provisional ballot has met the identification requirements established by the State Board; and

(iii) if the provisional ballot was cast during a period covered by a court order or other order extending the time for closing the polls, the order has not been invalidated by a subsequent court order.

11–303.2.

~~**(A) A LOCAL BOARD SHALL COUNT AN ABSENTEE BALLOT AND REJECT A PROVISIONAL BALLOT CAST BY THE SAME INDIVIDUAL IF THE LOCAL BOARD:**~~

~~**(1) RECEIVED THE ABSENTEE BALLOT BEFORE THE COMMENCEMENT OF THE CANVASS OF PROVISIONAL BALLOTS; AND**~~

~~**(2) (I) THE ABSENTEE BALLOT WAS LEGALLY SUFFICIENT WHEN RECEIVED; OR**~~

~~**(II) 1. THE ABSENTEE BALLOT WAS LEGALLY INSUFFICIENT DUE TO THE FAILURE OF THE VOTER TO SIGN THE OATH ON THE BALLOT ENVELOPE; AND**~~

~~**2. THE VOTER CORRECTED THE OMISSION UNDER § 11–302 OF THIS SUBTITLE.**~~

~~**(B) A LOCAL BOARD SHALL COUNT A PROVISIONAL BALLOT AND REJECT AN ABSENTEE BALLOT CAST BY THE SAME INDIVIDUAL IF:**~~

~~(1) THE LOCAL BOARD RECEIVED THE ABSENTEE BALLOT AFTER THE COMMENCEMENT OF THE CANVASS OF PROVISIONAL BALLOTS; AND~~

~~(2) THE PROVISIONAL BALLOT IS LEGALLY SUFFICIENT.~~

IF A LOCAL BOARD RECEIVES MORE THAN ONE BALLOT, IN SEPARATE ENVELOPES, FROM THE SAME INDIVIDUAL, THE LOCAL BOARD SHALL:

(1) COUNT THE FIRST BALLOT FROM THE INDIVIDUAL THAT IS DETERMINED TO BE LEGALLY SUFFICIENT; AND

(2) REJECT ANY OTHER BALLOT.

11–402.

(a) Unless otherwise provided by the Maryland Constitution, and **[**except as provided in**]** **SUBJECT TO** subsection (b) of this section, each board of canvassers shall prepare a statement of election results ~~by precinct~~ for each candidate or question voted on at the election and declare:

(1) who is elected or nominated for office:

(i) in county government; or

(ii) for any other office voted for only within that county, if the certificate of candidacy for that office was issued by the local board; and

(2) whether or not a question is adopted or approved.

(b) The statement prepared by the board of canvassers under ***SUBSECTION (A) OF*** this section **[**may not**]** **SHALL** report the **EARLY,** absentee**, AND PROVISIONAL** vote separately ~~by precinct~~.

~~(c) Each local board shall publish a sufficient number of copies of the complete election results, tabulated by precinct, and shall make the copies available to the public at cost.~~

~~(d)~~ **(C)** (1) In addition to the statement of election results specified under subsection (a) of this section, the State Board shall make available in an electronic format a report of election results for each candidate or question voted on at the election:

(i) by precinct**, INCLUDING THE EARLY, ABSENTEE, AND PROVISIONAL VOTE**;

(ii) by State legislative district, including any subdistrict;

(iii) by county legislative district; and

(iv) for each county as a whole.

(2) The State Board may make the report specified under paragraph (1) of this subsection available to the public at cost.

SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding § 11–302(b)(3) of the Election Law Article, as enacted by Section 1 of this Act, only during the 2022 statewide primary election, a local board or an employee of a local board:

(1) may tabulate absentee ballot vote totals before the polls close on election day; and

(2) may not release absentee ballot vote totals before the polls close on election day.

SECTION ~~2.~~ *3.* AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

April 8, 2022

The Honorable Bill Ferguson
President of the Senate
H–107 State House
Annapolis, MD 21401

Dear President Ferguson:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed Senate Bill 259 – *Procurement – Prevailing Wage – Applicability*.

From my first day in office, our Administration has made it a mission to keep Maryland open for business – and despite the hardships and uncertainties of a global pandemic, our great State has achieved one of the most impressive economic turnarounds in the nation. Jumping from 31st to 12th place in a recent ranking of America's top business states, Maryland was recognized in 2021 as the most improved state for business. This legislation, however, threatens to unravel much of what we have accomplished by hurting our small

business job creators – just as inflation skyrockets to a 40–year high. Although well intended, Senate Bill 259 sadly will cause more harm than good.

By expanding the definition of "construction" to include ongoing service maintenance contracts and lowering the threshold to only $2,500, this legislation increases the applicability of prevailing wage for public work contracts – and in doing so, will create a ripple of unintended consequences for our State.

As the global economy grapples with geopolitical tensions and soaring inflation, many already are experiencing sticker shock at the rising prices of labor and supplies – and arbitrarily inflating the cost of doing business with our State is not in anyone's best interest. By making public work projects more expensive, job opportunities will decrease as less projects are funded; competition will falter as smaller firms are deterred from bidding on State contracts; and ultimately, taxpayers will end up paying more while receiving less.

Though large contractors are better equipped to absorb the added costs, smaller businesses are hurt at a disproportionate rate by both prevailing wage requirements and inflationary pressures. Many small businesses lack the staff and resources necessary to keep up with the additional accounting and reporting red tape that accompanies prevailing wage. For many of our smaller contractors, the risks of participating in State procurement simply will outweigh the benefits. And although we have come a long way from the earliest days of the pandemic, many small businesses remain on high alert to the dangers of uncertainties within the global economy. A national small business survey published in January revealed that 87% of small businesses found labor shortages *to be a significant challenge*; 69% expressed that supply chain issues *had negatively affected their business revenue*; and 76% said that inflation *had hurt their business' financial health.*

With passage of Senate Bill 259, the General Assembly chose the absolute worst possible time to burden Maryland's families and job creating small businesses. Now more than ever, we should continue to build on our State's economic success story, proudly support our small business community, and keep Maryland open for business.

For these reasons, I have vetoed Senate Bill 259.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 259

AN ACT concerning

Procurement – Prevailing Wage – Applicability

FOR the purpose of applying the Prevailing Wage Law to a certain contract for the construction of a public work under certain circumstances; and generally relating to the applicability of the Prevailing Wage Law.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 17–201 and 17–202
Annotated Code of Maryland
(2021 Replacement Volume)

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

Article – State Finance and Procurement

17–201.

(a) In this subtitle, unless the context indicates otherwise, the following words have the meanings indicated.

(b) "Apprentice" means an individual who:

(1) is at least 16 years old;

(2) has signed with an employer or employer's agent, an association of employers, an organization of employees, or a joint committee from both, an agreement including a statement of:

(i) the trade, craft, or occupation that the individual is learning; and

(ii) the beginning and ending dates of the apprenticeship; and

(3) is registered in a program of the Council or the Office of Apprenticeship of the United States Department of Labor.

(c) "Commissioner" means:

(1) the Commissioner of Labor and Industry;

(2) the Deputy Commissioner of Labor and Industry; or

(3) an authorized representative of the Commissioner.

(d) "Construction" includes all:

(1) building;

(2) reconstructing;

(3) improving;

(4) enlarging;

(5) painting and decorating;

(6) altering;

(7) maintaining; **[**and**]**

(8) repairing**; AND**

(9) SERVICES PROVIDED UNDER A MECHANICAL SYSTEMS SERVICE CONTRACT.

(e) "Council" means the Apprenticeship and Training Council.

(f) (1) "Employee" means an apprentice or worker employed by a contractor or subcontractor under a public work contract.

(2) "Employee" does not include an individual employed by a public body.

(g) (1) "Locality" means the county in which the work is to be performed.

(2) If the public work is located within 2 or more counties, the locality includes all counties in which the public work is located.

(H) "MECHANICAL SYSTEMS SERVICE CONTRACT" MEANS A CONTRACT FOR:

(1) HVAC SYSTEMS, INCLUDING HEATING, VENTILATION, DUCTWORK, AND COOLING/AIR–CONDITIONING EQUIPMENT;

(2) REFRIGERATION SYSTEMS;

(3) PLUMBING SYSTEMS, INCLUDING PIPES, TANKS, FITTINGS, AND OTHER ELEMENTS THAT CONTROL THE WATER AND GAS SUPPLY, HEATING, AND SANITATION OF A BUILDING;

(4) ELECTRICAL SYSTEMS, INCLUDING ELECTRICAL COMPONENTS THAT SUPPLY, DISTRIBUTE, GENERATE, AND USE ELECTRICAL POWER, OVERHEAD AND UNDERGROUND LINES, POLES, TRANSFORMERS, AND OTHER RELATED EQUIPMENT; AND

(5) ELEVATOR SYSTEMS, INCLUDING ESCALATORS, MOVING WALKWAYS, AND OTHER CONVEYANCES.

[(h)**] (I)** "Prevailing wage rate" means the hourly rate of wages paid in the locality as determined by the Commissioner under § 17–208 of this subtitle.

[(i)**] (J)** (1) "Public body" means:

(i) the State;

(ii) except as provided in paragraph (2)(i) of this subsection, a unit of the State government or instrumentality of the State;

(iii) any political subdivision, agency, person, or entity with respect to the construction of any public work for which 25% or more of the money used for construction is State money;

(iv) notwithstanding paragraph (2)(ii) of this subsection, a political subdivision if its governing body:

1. provides by ordinance or resolution that the political subdivision is covered by this subtitle; and

2. gives written notice of that ordinance or resolution to the Commissioner; and

(v) the Washington Suburban Sanitary Commission.

(2) "Public body" does not include:

(i) except as provided in paragraph (1)(v) of this subsection, a unit of the State government or instrumentality of the State funded wholly from a source other than the State; or

(ii) any political subdivision, agency, person, or entity with respect to the construction of any public work for which less than 25% of the money used for construction is State money.

[(j)**] (K)** (1) Subject to paragraph (2) of this subsection, "public work" means a structure or work, including a bridge, building, ditch, road, alley, waterwork, or sewage disposal plant, that:

(i) is constructed for public use or benefit; or

(ii) is paid for wholly or partly by public money.

(2) "Public work" does not include:

(i) unless let to contract, a structure or work whose construction is performed by a public service company under order of the Public Service Commission or other public authority regardless of:

1. public supervision or direction; or

2. payment wholly or partly from public money; or

(ii) a capital project that receives State funds in the annual State capital budget as:

1. a local House of Delegates initiative; or

2. a local Senate initiative.

[(k)**] (L)** "Public work contract" means a contract for construction of a public work.

[(l)**] (M)** "Worker" means a laborer or mechanic.

17–202.

(a) This subtitle does not limit:

(1) the hours of work an employee may work in a particular period of time; or

(2) the right of a contractor to pay an employee under a public work contract more than the prevailing wage rate.

(b) **[**This**] EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, THIS** subtitle does not apply to:

(1) a public work contract of less than $250,000; or

(2) the part of a public work contract for which the federal government provides money if, as to that part, the contractor is required to pay the prevailing wage rate as determined by the United States Secretary of Labor.

(c) If this subtitle and the federal Davis–Bacon Act apply and the federal act is suspended, the Governor may declare this subtitle suspended for the same period for:

(1) the part of that public work contract for which the United States Secretary of Labor would have been required to make a determination of a prevailing wage rate; or

(2) that entire public work contract.

(d) (1) Subject to paragraph (2) of this subsection, this subtitle applies to the construction of a structure or work, including a bridge, a building, a ditch, a road, an alley, a waterwork, or a sewage disposal plant, funded with bond proceeds from bonds issued in accordance with Title 12, Subtitle 2 of the Economic Development Article that is located in a designated tax increment financing development district created on or after July 1, 2018, established under State or local law.

(2) This subsection applies to the construction of a structure or work only if a political subdivision of the State, Baltimore City, or the Revenue Authority of Prince George's County authorizes that the construction of the structure or work is subject to this subtitle.

(E) THIS SUBTITLE APPLIES TO A MECHANICAL SYSTEMS SERVICE CONTRACT THAT IS PART OF A PUBLIC WORK CONTRACT WITH A VALUE IN EXCESS OF THE THRESHOLD SPECIFIED IN 41 U.S.C. 6702(A)(2), THE MCNAMARA–O'HARA SERVICE CONTRACT ACT OF 1965 (SCA).

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

April 8, 2022

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

Dear President Ferguson:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed Senate Bill 275 – *Labor and Employment – Family and Medical Leave Insurance Program – Establishment (Time to Care Act of 2022).*

While we share the goal of providing a healthy working environment and sufficient leave time for working Marylanders to care for themselves, their families, and bond with new children, Senate Bill 275 is an irresponsibly crafted, rushed piece of legislation that unfairly penalizes the hundreds of thousands of hard working men and women who own and operate small businesses in Maryland.

Previous Administration Proposals. During my administration, I have introduced two serious proposals to provide paid leave benefits to Marylanders and an invitation to engage in a productive conversation with the Legislature to reach a common sense solution. In December of 2016, I was the first Republican governor in the nation to introduce a statewide measure to expand paid leave. My plan required larger businesses to provide paid leave, incentivized small businesses with fewer than 50 employees—the definition of a small business as set by the Obama administration—to offer the benefit by providing tax benefits to help offset the costs, and had the potential to cover 100% of Maryland workers. But the legislature failed to take any action on my proposal, or even come to the table, and instead passed a confusing, unwieldy, and unfair program. Several years later, we are back in the same situation, with an even worse proposal unfairly burdening small businesses.

A New Regressive Payroll Tax. Senate Bill 275 mandates that every employer with 15 or more employees—well below the Obama administration standard—must participate in the Family and Medical Leave Insurance Program ("FMLI" or "the Program") and contribute an indeterminate amount per employee to the Family and Medical Leave Insurance Fund ("the Fund"). After two years of a devastating global pandemic, inflation reaching a 40–year high of 7.9%, U.S. banks like Goldman Sachs predicting a 35% chance of a US recession within the next year, and critical workforce shortages, a new $1.6 billion dollar regressive statewide payroll tax is the worst thing lawmakers could be imposing on our Maryland employers and employees.

No Payroll Cap Or Cost–Sharing Formula. As amended, Senate Bill 275 contains no payroll deduction cap or cost–sharing formula, and puts the onus on the Department of Labor (Labor) to determine these rates. Every single Family Medical Leave Insurance program that has been enacted has included a set payroll cap in statute to ensure reasonableness and protect the viability of the program. Further, and perhaps most egregiously, the yearly maximum benefit amount increases are attached to the Consumer Price Index (CPI). This is guaranteed to mirror the state's current issue that is also tied to the CPI: the gas tax. However, unlike the gas tax, the CPI increase has no cap and the maximum benefit will increase year–over–year with inflation. With benefit output increasing, and deposits into the fund remaining constant, the solvency of the Fund will immediately be threatened.

Flawed and Rushed Implementation Process. To determine these Program dependent rates, Labor is required to conduct multiple studies in only six months while the Department of Legislative Services (DLS) is simultaneously studying if Labor is even capable or has the capacity to implement and administer the Program. For a program that has failed to pass the legislature on several previous occasions, this rush to get to the finish line in an election year is unfortunate timing for the small businesses and employees of Maryland. Something so important deserves a thoughtful, bipartisan approach with input from industry stakeholders, and a holistic evaluation – not a piece of legislation created behind closed doors.

In addition, employees are mandated to take employer–provided leave first before utilizing the 12 weeks provided under this Program. The employee may then be qualified for an additional 12 weeks within a benefit year if the employee has both a serious health condition and the birth of a newborn. Therefore, an employee could be absent from the

workplace for over 24 weeks – nearly half a year – putting an extreme burden on the employer who is mandated to hold the position for the employee until they return unless the employer can provide "cause" for the employee to be let go. "Cause" is undefined and an overly ambiguous term that could complicate an employers' compliance.

Had the General Assembly moved forward with a family leave proposal that adhered to the Obama administration's definition of small businesses, I would have been more inclined to support it. An innovative and thoughtful approach to family leave that is flexible for both the employee and employer is important to improve the quality of life in the state. However, this legislation is backed by no actuarial analysis, no viable plan for implementation, and leaves the smallest of small businesses vulnerable to insurmountable regulatory burdens. Its most pressing concern appears to be election–year politics. I cannot in good faith allow such a costly and flawed measure to take effect.

For these reasons, I have vetoed Senate Bill 275.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 275

AN ACT concerning

Labor and Employment – Family and Medical Leave Insurance Program – Establishment
(Time to Care Act of 2022)

FOR the purpose of establishing the Family and Medical Leave Insurance Program in the Maryland Department of Labor to provide certain benefits to individuals who take leave from employment for certain purposes; establishing the Family and Medical Leave Insurance Fund as a special, nonlapsing fund; requiring, beginning on a certain date, certain employees, employers, and self–employed individuals to contribute to the Fund in a certain manner; requiring the ~~Department, under certain circumstances, to deduct and withhold a certain amount from benefits paid;~~ *Secretary to establish the total rate of contribution and the percentages of the total rate of contribution to be paid by certain employees and employers;* ~~authorizing certain employees to bring a certain action against certain employers for certain violations of this Act under certain circumstances;~~ requiring the Secretary of Labor to establish a system of appeals for certain covered individuals; requiring that certain judicial review be allowed after a certain aggrieved party has exhausted certain administrative remedies; requiring interest earnings of the Fund to be credited to the Fund; and generally relating to the Family and Medical Leave Insurance Program.

BY adding to

Article – Labor and Employment
Section 8.3–101 through 8.3–1001 to be under the new title "Title 8.3. Family and Medical Leave Insurance Program"
Annotated Code of Maryland
(2016 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2021 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)144. and 145.
Annotated Code of Maryland
(2021 Replacement Volume)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)146.
Annotated Code of Maryland
(2021 Replacement Volume)

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

Article – Labor and Employment

TITLE 8.3. FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM.

SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

8.3–101.

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

(B) "APPLICATION YEAR" MEANS THE 12–MONTH PERIOD BEGINNING ON THE FIRST DAY OF THE CALENDAR WEEK IN WHICH A COVERED INDIVIDUAL FILES AN APPLICATION FOR BENEFITS.

(C) "BENEFITS" MEANS THE MONEY PAYABLE UNDER THIS TITLE TO A COVERED INDIVIDUAL.

(D) "COVERED EMPLOYEE" MEANS AN EMPLOYEE WHO HAS WORKED AT LEAST 680 HOURS OVER THE 12–MONTH PERIOD IMMEDIATELY PRECEDING THE DATE ON WHICH LEAVE IS TO BEGIN.

(E) "COVERED INDIVIDUAL" MEANS A COVERED EMPLOYEE OR A SELF–EMPLOYED INDIVIDUAL WHO ELECTS TO PARTICIPATE IN THE PROGRAM UNDER § 8.3–201 OF THIS TITLE.

(F) "DEPARTMENT" MEANS THE MARYLAND DEPARTMENT OF LABOR.

(G) "DEPLOYMENT" MEANS A SERVICE MEMBER ACTING UNDER OFFICIAL ORDERS WHO, ON ANY DAY, IS PERFORMING SERVICE IN A TRAINING EXERCISE OR OPERATION AT A LOCATION OR UNDER CIRCUMSTANCES THAT MAKE IT IMPOSSIBLE OR INFEASIBLE FOR THE SERVICE MEMBER TO SPEND OFF–DUTY TIME IN THE HOUSING IN WHICH THE SERVICE MEMBER RESIDES WHEN ON GARRISON DUTY AT THE SERVICE MEMBER'S PERMANENT DUTY STATION OR HOMEPORT.

~~(G)~~ (H) (1) "EMPLOYER" MEANS A PERSON OR GOVERNMENTAL ENTITY THAT EMPLOYS AT LEAST ONE INDIVIDUAL IN THE STATE.

(2) "EMPLOYER" DOES NOT INCLUDE AN INDIVIDUAL WHO:

(I) IS THE SOLE OWNER OF A SOLE PROPRIETORSHIP, LIMITED LIABILITY COMPANY, C CORPORATION, OR S CORPORATION; AND

(II) IS THE ONLY INDIVIDUAL EMPLOYED BY THE SOLE PROPRIETORSHIP, LIMITED LIABILITY COMPANY, C CORPORATION, OR S CORPORATION.

~~(H)~~ (I) "FAMILY MEMBER" MEANS:

(1) A BIOLOGICAL CHILD, AN ADOPTED CHILD, A FOSTER CHILD, OR A STEPCHILD OF THE COVERED INDIVIDUAL;

(2) A CHILD FOR WHOM THE COVERED INDIVIDUAL HAS LEGAL OR PHYSICAL CUSTODY OR GUARDIANSHIP;

(3) A CHILD FOR WHOM THE COVERED INDIVIDUAL STANDS IN LOCO PARENTIS, REGARDLESS OF THE CHILD'S AGE;

(4) A BIOLOGICAL PARENT, AN ADOPTIVE PARENT, A FOSTER PARENT, OR A STEPPARENT OF THE COVERED INDIVIDUAL OR OF THE COVERED INDIVIDUAL'S SPOUSE;

(5) THE LEGAL GUARDIAN OF THE COVERED INDIVIDUAL OR THE WARD OF THE COVERED INDIVIDUAL OR OF THE COVERED INDIVIDUAL'S SPOUSE;

(6) AN INDIVIDUAL WHO ACTED AS A PARENT OR STOOD IN LOCO PARENTIS TO THE COVERED INDIVIDUAL OR THE COVERED INDIVIDUAL'S SPOUSE WHEN THE COVERED INDIVIDUAL OR THE COVERED INDIVIDUAL'S SPOUSE WAS A MINOR;

(7) THE SPOUSE OF THE COVERED INDIVIDUAL;

(8) A BIOLOGICAL GRANDPARENT, AN ADOPTED GRANDPARENT, A FOSTER GRANDPARENT, OR A STEPGRANDPARENT OF THE COVERED INDIVIDUAL;

(9) A BIOLOGICAL GRANDCHILD, AN ADOPTED GRANDCHILD, A FOSTER GRANDCHILD, OR A STEPGRANDCHILD OF THE COVERED INDIVIDUAL; OR

(10) A BIOLOGICAL SIBLING, AN ADOPTED SIBLING, A FOSTER SIBLING, OR A STEPSIBLING OF THE COVERED INDIVIDUAL.

~~(H)~~ (J) "FUND" MEANS THE FAMILY AND MEDICAL LEAVE INSURANCE FUND ESTABLISHED UNDER § 8.3–501 OF THIS TITLE.

~~(J)~~ (K) "GOVERNMENTAL ENTITY" HAS THE MEANING STATED IN § 8–101 OF THIS ARTICLE.

~~**(K) "NEXT OF KIN" MEANS THE NEAREST BLOOD RELATIVE.**~~

(L) "PROGRAM" MEANS THE FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM ESTABLISHED UNDER § 8.3–301 OF THIS TITLE.

(M) "QUALIFYING EXIGENCY" MEANS ANY OF THE FOLLOWING REASONS FOR WHICH LEAVE MAY BE NEEDED BY A FAMILY MEMBER OF A SERVICE MEMBER:

(1) BECAUSE THE SERVICE MEMBER HAS RECEIVED NOTICE OF DEPLOYMENT WITHIN 7 DAYS BEFORE THE DEPLOYMENT IS TO BEGIN;

(2) TO ATTEND MILITARY EVENTS AND RELATED ACTIVITIES INCLUDING FAMILY SUPPORT PROGRAMS RELATED TO THE ACTIVE DUTY OF THE SERVICE MEMBER;

(3) TO ARRANGE, PROVIDE, OR ATTEND CHILD CARE OR SCHOOL ACTIVITIES ONLY WHEN THE SERVICE MEMBER IS ON ACTIVE DUTY CALL OR ACTIVE DUTY STATUS;

(4) TO MAKE FINANCIAL AND LEGAL ARRANGEMENTS FOR THE SERVICE MEMBER'S ABSENCE OR BECAUSE OF THE ABSENCE;

(5) TO ATTEND COUNSELING THAT:

(I) IS NEEDED DUE TO THE ACTIVE DUTY OR CALL TO ACTIVE DUTY STATUS OF THE SERVICE MEMBER; AND

(II) IS PROVIDED BY AN INDIVIDUAL WHO IS NOT A LICENSED HEALTH CARE PROVIDER;

(6) TO SPEND UP TO 15 CALENDAR DAYS WITH A SERVICE MEMBER WHO IS ON SHORT–TERM TEMPORARY REST AND RECUPERATION LEAVE DURING THE PERIOD OF DEPLOYMENT;

(7) TO ATTEND POSTDEPLOYMENT ACTIVITIES INCLUDING REINTEGRATION SERVICES FOR A PERIOD OF 90 DAYS IMMEDIATELY FOLLOWING THE TERMINATION OF ACTIVE STATUS;

(8) TO ATTEND TO MATTERS RELATED TO THE DEATH OF THE SERVICE MEMBER WHILE ON ACTIVE DUTY STATUS;

(9) TO ARRANGE FOR OR PROVIDE ALTERNATIVE CARE FOR A PARENT OF THE SERVICE MEMBER WHEN THE PARENT IS INCAPABLE OF SELF–CARE AND THE COVERED ACTIVE DUTY OR CALL TO ACTIVE DUTY NECESSITATES A CHANGE; OR

(10) BECAUSE OF ANY OTHER ISSUES THAT ARISE OUT OF ACTIVE DUTY OR A CALL TO ACTIVE DUTY THAT AN EMPLOYER AND COVERED EMPLOYEE AGREE SHOULD BE COVERED.

(N) "SECRETARY" MEANS THE SECRETARY OF LABOR.

(O) (1) "SERIOUS HEALTH CONDITION" MEANS AN ILLNESS, AN INJURY, AN IMPAIRMENT, OR A PHYSICAL OR MENTAL CONDITION THAT INVOLVES:

(I) INPATIENT CARE IN A HOSPITAL, HOSPICE, OR RESIDENTIAL HEALTH CARE FACILITY;

(II) CONTINUED TREATMENT BY A LICENSED HEALTH CARE PROVIDER; OR

(III) CONTINUED TREATMENT OR SUPERVISION AT HOME BY A LICENSED HEALTH CARE PROVIDER OR OTHER COMPETENT INDIVIDUAL UNDER THE SUPERVISION OF A LICENSED HEALTH CARE PROVIDER.

(2) "SERIOUS HEALTH CONDITION" INCLUDES AN ILLNESS, AN INJURY, AN IMPAIRMENT, OR A PHYSICAL OR MENTAL CONDITION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION THAT CONTINUES OVER AN EXTENDED PERIOD OF TIME AND REQUIRES INTERMITTENT TREATMENT.

(P) "SERVICE MEMBER" MEANS AN INDIVIDUAL WHO IS AN ACTIVE DUTY OR FORMER MEMBER OF:

(1) THE UNITED STATES ARMED FORCES;

(2) A RESERVE COMPONENT OF THE UNITED STATES ARMED FORCES; OR

(3) THE NATIONAL GUARD OF ANY STATE.

(Q) "TREATMENT" INCLUDES:

(1) EXAMINATIONS OR TESTING TO DETERMINE THE EXTENT TO WHICH A SERIOUS HEALTH CONDITION EXISTS OR PERSISTS;

(2) ONGOING OR PERIODIC EVALUATIONS OF THE SERIOUS HEALTH CONDITION; AND

(3) ACTUAL TREATMENT BY A HEALTH CARE PROVIDER.

8.3–102.

(A) (1) THIS ~~SECTION~~ SUBSECTION DOES NOT APPLY TO THE DISCLOSURE OF INFORMATION TO:

~~(1)~~ (I) A PUBLIC EMPLOYEE IN THE PERFORMANCE OF THE PUBLIC EMPLOYEE'S OFFICIAL DUTIES;

~~(2)~~ (II) THE INDIVIDUAL TO WHOM THE INFORMATION RELATES; OR

~~(3)~~ (III) IF AN AUTHORIZED REPRESENTATIVE HAS THE SIGNED AUTHORIZATION OF THE INDIVIDUAL TO WHOM THE INFORMATION RELATES, THE AUTHORIZED REPRESENTATIVE.

~~(B)~~ (2) AN EMPLOYEE OF THE DEPARTMENT MAY NOT DISCLOSE INFORMATION RELATING TO AN INDIVIDUAL WHO HAS APPLIED FOR OR RECEIVED BENEFITS UNDER THIS TITLE.

(B) THIS TITLE PREEMPTS THE AUTHORITY OF A LOCAL JURISDICTION TO ENACT A LAW ON OR AFTER JUNE 1, 2022, THAT ESTABLISHES A PAID FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM FOR EMPLOYEES OF AN EMPLOYER OTHER THAN THE LOCAL JURISDICTION.

SUBTITLE 2. SCOPE OF TITLE.

8.3–201.

(A) IN THIS SECTION, "SELF–EMPLOYED INDIVIDUAL" INCLUDES AN INDIVIDUAL THAT:

(1) IS THE SOLE OWNER OF A SOLE PROPRIETORSHIP, LIMITED LIABILITY COMPANY, C CORPORATION, OR S CORPORATION; AND

(2) IS THE ONLY INDIVIDUAL EMPLOYED BY THE SOLE PROPRIETORSHIP, LIMITED LIABILITY COMPANY, C CORPORATION, OR S CORPORATION.

(B) (1) A SELF–EMPLOYED INDIVIDUAL MAY ELECT TO PARTICIPATE IN THE PROGRAM BY FILING A WRITTEN NOTICE OF ELECTION WITH THE SECRETARY IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY.

(2) AN ELECTION MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION BECOMES EFFECTIVE ON THE DATE THE WRITTEN NOTICE IS FILED.

~~(B)~~ (C) (1) IF A SELF–EMPLOYED INDIVIDUAL ELECTS TO PARTICIPATE IN THE PROGRAM UNDER SUBSECTION ~~(A)~~ (B) OF THIS SECTION, THE INDIVIDUAL SHALL PARTICIPATE FOR AN INITIAL PERIOD OF NOT LESS THAN 3 YEARS.

(2) ONCE THE INITIAL PARTICIPATION PERIOD EXPIRES, THE SELF–EMPLOYED INDIVIDUAL MAY RENEW PARTICIPATION IN THE PROGRAM FOR A PERIOD OF NOT LESS THAN 1 YEAR.

(3) IF THE SELF–EMPLOYED INDIVIDUAL DOES NOT WISH TO RENEW PARTICIPATION IN THE PROGRAM UNDER PARAGRAPH (2) OF THIS SUBSECTION, WITHIN 30 DAYS BEFORE THE PARTICIPATION PERIOD EXPIRES, THE SELF–EMPLOYED INDIVIDUAL SHALL NOTIFY THE SECRETARY IN WRITING OF THE SELF–EMPLOYED INDIVIDUAL'S WITHDRAWAL FROM THE PROGRAM.

~~(C)~~ (D) DURING THE PERIOD A SELF–EMPLOYED INDIVIDUAL PARTICIPATES IN THE PROGRAM, THE SELF–EMPLOYED INDIVIDUAL SHALL PAY THE CONTRIBUTION REQUIRED UNDER § 8.3–601 OF THIS TITLE.

8.3–202.

THIS TITLE MAY NOT BE CONSTRUED TO DIMINISH AN EMPLOYER'S OBLIGATION TO COMPLY WITH A COLLECTIVE BARGAINING AGREEMENT OR AN EMPLOYER POLICY THAT ALLOWS AN EMPLOYEE TO TAKE LEAVE FOR A LONGER PERIOD OF TIME THAN THE EMPLOYEE WOULD BE ABLE TO RECEIVE BENEFITS UNDER THIS TITLE.

8.3–203.

(A) AN EMPLOYEE'S RIGHT TO BENEFITS UNDER THIS TITLE MAY NOT BE DIMINISHED BY A COLLECTIVE BARGAINING AGREEMENT ~~ENTERED INTO OR RENEWED~~ OR BY AN EMPLOYER POLICY ~~ADOPTED OR RETAINED ON OR AFTER JUNE 1, 2022~~.

(B) AN AGREEMENT TO WAIVE THE EMPLOYEE'S RIGHTS UNDER THIS TITLE IS VOID AS AGAINST PUBLIC POLICY.

SUBTITLE 3. ESTABLISHMENT OF PROGRAM.

8.3–301.

THERE IS A FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM IN THE DEPARTMENT.

8.3–302.

THE PURPOSE OF THE PROGRAM IS TO PROVIDE TEMPORARY BENEFITS TO A COVERED INDIVIDUAL WHO IS TAKING LEAVE FROM EMPLOYMENT:

(1) TO CARE FOR A CHILD DURING THE FIRST YEAR AFTER THE CHILD'S BIRTH OR AFTER THE PLACEMENT OF THE CHILD THROUGH FOSTER CARE, KINSHIP CARE, OR ADOPTION;

(2) TO CARE FOR A FAMILY MEMBER WITH A SERIOUS HEALTH CONDITION;

(3) BECAUSE THE COVERED INDIVIDUAL HAS A SERIOUS HEALTH CONDITION THAT RESULTS IN THE COVERED INDIVIDUAL BEING UNABLE TO PERFORM THE FUNCTIONS OF THE COVERED INDIVIDUAL'S POSITION;

(4) TO CARE FOR A SERVICE MEMBER WHO IS THE COVERED INDIVIDUAL'S NEXT OF KIN; OR

(5) BECAUSE THE COVERED INDIVIDUAL HAS A QUALIFYING EXIGENCY ARISING OUT OF THE DEPLOYMENT OF A SERVICE MEMBER WHO IS A FAMILY MEMBER OF THE COVERED INDIVIDUAL.

SUBTITLE 4. ADMINISTRATION.

8.3–401.

THIS TITLE SHALL BE ADMINISTERED UNDER THE SUPERVISION OF THE SECRETARY.

8.3–402.

THE SECRETARY MAY DELEGATE TO AN EMPLOYEE OF THE DEPARTMENT ANY POWER OR DUTY THAT IS REASONABLE AND PROPER FOR THE ADMINISTRATION OF THIS TITLE.

8.3–403.

(A) THE SECRETARY, *IN CONSULTATION WITH OTHER STATE AGENCIES AND RELEVANT STAKEHOLDERS*, SHALL:

(1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, ADOPT REGULATIONS NECESSARY TO CARRY OUT THIS TITLE;

(2) ESTABLISH PROCEDURES AND FORMS FOR FILING CLAIMS FOR BENEFITS, INCLUDING:

(I) PROCEDURES FOR NOTIFYING AN EMPLOYER WITHIN 5 BUSINESS DAYS AFTER AN EMPLOYEE OF THE EMPLOYER FILES A CLAIM FOR BENEFITS UNDER THIS TITLE; AND

(II) NOTICES OF ELECTIONS BY SELF–EMPLOYED INDIVIDUALS FOR BENEFITS UNDER § 8.3–201 OF THIS TITLE;

(3) USE INFORMATION–SHARING AND INTEGRATION TECHNOLOGY TO FACILITATE THE DISCLOSURE OF RELEVANT INFORMATION OR RECORDS NEEDED FOR THE ADMINISTRATION OF THIS TITLE; AND

(4) SUBJECT TO SUBSECTION (D) OF THIS SECTION, CARRY OUT A PUBLIC EDUCATION PROGRAM.

(B) THE REGULATIONS ADOPTED UNDER SUBSECTION (A)(1) OF THIS SECTION SHALL BE CONSISTENT WITH REGULATIONS ADOPTED TO IMPLEMENT THE

FEDERAL FAMILY AND MEDICAL LEAVE ACT AND ANY RELEVANT STATE LAWS TO THE EXTENT THAT THE ADOPTED REGULATIONS DO NOT CONFLICT WITH THIS TITLE.

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A COVERED INDIVIDUAL UNDER § 8.3–302(2), (3), (4), OR (5) OF THIS TITLE SHALL PROVIDE CERTIFICATION FOR A CLAIM FOR BENEFITS UNDER THIS TITLE.

(2) A CERTIFICATION FOR A CLAIM FOR BENEFITS FOR A COVERED INDIVIDUAL UNDER § 8.3–302(2), (3), OR (4) OF THIS TITLE SHALL INCLUDE:

(I) THE DATE ON WHICH THE SERIOUS HEALTH CONDITION OF THE FAMILY MEMBER, COVERED INDIVIDUAL, OR SERVICE MEMBER COMMENCED;

(II) THE PROBABLE DURATION OF THE SERIOUS HEALTH CONDITION;

(III) THE APPROPRIATE FACTS RELATED TO THE SERIOUS HEALTH CONDITION WITHIN THE KNOWLEDGE OF THE LICENSED HEALTH CARE PROVIDER;

(IV) 1. FOR A CLAIM FOR BENEFITS UNDER § 8.3–302(2) OF THIS TITLE, A STATEMENT THAT THE COVERED INDIVIDUAL NEEDS TO CARE FOR A FAMILY MEMBER AND AN ESTIMATE OF THE AMOUNT OF TIME REQUIRED TO PROVIDE THE CARE; OR

2. FOR A CLAIM FOR BENEFITS UNDER § 8.3–302(3) OF THIS TITLE, A STATEMENT THAT THE COVERED INDIVIDUAL IS UNABLE TO PERFORM THE FUNCTIONS OF THE COVERED INDIVIDUAL'S POSITION; AND

(V) 1. FOR A CERTIFICATION FOR INTERMITTENT LEAVE UNDER § 8.3–302(2) OR (4) OF THIS TITLE, ~~THE EXPECTED DATES AND DURATION OF THE LEAVE~~ A STATEMENT THAT THE COVERED INDIVIDUAL NEEDS TO CARE FOR A FAMILY MEMBER OR SERVICE MEMBER AND THE EXPECTED DURATION OF THE INTERMITTENT LEAVE; OR

2. FOR A CERTIFICATION OF INTERMITTENT LEAVE UNDER § 8.3–302(3) OF THIS TITLE, A STATEMENT THAT THE COVERED INDIVIDUAL IS UNABLE TO PERFORM THE FUNCTIONS OF THE COVERED INDIVIDUAL'S POSITION AND THE EXPECTED DURATION OF THE INTERMITTENT LEAVE.

(3) THE SECRETARY SHALL ESTABLISH:

(I) STANDARDS IN REGULATION FOR THE CERTIFICATION OF CLAIMS FOR BENEFITS UNDER § 8.3–302(5) OF THIS TITLE;

(II) STANDARDS FOR VERIFYING THE IDENTITY OF A FAMILY MEMBER FOR A CLAIM FOR BENEFITS UNDER § 8.3–302(2) OF THIS TITLE; AND

(III) ~~PROCEDURES FOR DENYING A CLAIM FOR BENEFITS UNDER THIS TITLE IF A COVERED EMPLOYEE'S ABSENCE WILL CAUSE A DEMONSTRATED HARDSHIP TO THE EMPLOYER; AND~~

~~(IV)~~ PROCEDURES FOR AN EMPLOYER TO PROVIDE EVIDENCE OF SUSPECTED FRAUD TO THE SECRETARY.

(D) (1) THE SECRETARY MAY USE A PORTION OF THE FUNDS PAID UNDER § 8.3–601 OF THIS TITLE OR OTHER AVAILABLE FUNDING TO PAY FOR AND CARRY OUT THE REQUIREMENTS UNDER SUBSECTION (A)(4) OF THIS SECTION.

(2) MATERIALS USED IN THE PUBLIC EDUCATION PROGRAM REQUIRED UNDER SUBSECTION (A)(4) OF THIS SECTION SHALL BE MADE AVAILABLE IN ENGLISH AND SPANISH.

8.3–404.

(A) ~~To~~ SUBJECT TO § 8.3–905 OF THIS TITLE, TO ENFORCE THIS TITLE, THE SECRETARY MAY:

(1) CONDUCT AN INVESTIGATION UNDER THIS TITLE, ON THE SECRETARY'S OWN INITIATIVE OR ON RECEIPT OF A WRITTEN COMPLAINT;

(2) ADMINISTER AN OATH;

(3) CERTIFY TO AN OFFICIAL ACT;

(4) TAKE A DEPOSITION;

(5) ISSUE A SUBPOENA FOR THE ATTENDANCE OF A WITNESS TO TESTIFY OR THE PRODUCTION OF BOOKS, CORRESPONDENCE, MEMORANDA, PAPERS, OR OTHER RECORDS; AND

(6) BRING A CIVIL ACTION IN THE COUNTY WHERE THE VIOLATION ALLEGEDLY OCCURRED.

(B) (1) A SUBPOENA ISSUED UNDER SUBSECTION (A)(5) OF THIS SECTION SHALL BE SERVED IN ANY MANNER IN WHICH A SUBPOENA OF A COURT MAY BE SERVED.

(2) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER SUBSECTION (A)(5) OF THIS SECTION ON A COMPLAINT FILED BY THE SECRETARY, THE CIRCUIT COURT FOR THE COUNTY WHERE THE INVESTIGATION IS BEING CONDUCTED OR WHERE THE PERSON RESIDES, IS PRESENT, OR TRANSACTS BUSINESS MAY ISSUE AN ORDER DIRECTING COMPLIANCE WITH THE SUBPOENA OR COMPELLING TESTIMONY.

(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A PERSON MAY NOT BE EXCUSED FROM COMPLYING WITH A SUBPOENA ISSUED UNDER SUBSECTION (A)(5) OF THIS SECTION ON THE GROUND THAT THE EVIDENCE OR TESTIMONY REQUIRED MAY TEND TO INCRIMINATE THE PERSON OR SUBJECT THE PERSON TO A FORFEITURE OR PENALTY.

(II) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, AFTER CLAIMING THE PRIVILEGE AGAINST SELF–INCRIMINATION, A PERSON MAY NOT BE PROSECUTED OR SUBJECTED TO ANY FORFEITURE OR PENALTY BECAUSE OF ANY MATTER, THING, OR TRANSACTION ABOUT WHICH THE PERSON IS COMPELLED TO PRODUCE EVIDENCE OR TESTIFY.

2. IF THE PERSON COMMITS PERJURY WHILE GIVING TESTIMONY, THE PERSON IS SUBJECT TO PROSECUTION FOR THAT OFFENSE.

8.3–405.

~~IN~~ SUBJECT TO § 8.3–905 OF THIS TITLE, IN A CIVIL ACTION TO ENFORCE THIS TITLE, THE SECRETARY AND THE STATE MAY BE REPRESENTED BY:

(1) THE ATTORNEY GENERAL; OR

(2) ANY QUALIFIED ATTORNEY WHO:

(I) IS A SALARIED EMPLOYEE OF THE SECRETARY; AND

(II) ON RECOMMENDATION OF THE ATTORNEY GENERAL, IS DESIGNATED TO REPRESENT THE SECRETARY OR THE BOARD OF APPEALS AND THE STATE.

8.3–406.

(A) ON OR BEFORE SEPTEMBER 1 EACH YEAR, THE SECRETARY SHALL SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY AN ANNUAL REPORT ON THE ADMINISTRATION AND OPERATION OF THIS TITLE DURING THE IMMEDIATELY PRECEDING FISCAL YEAR.

(B) THE ANNUAL REPORT SHALL INCLUDE INFORMATION REGARDING:

(1) PROJECTED AND ACTUAL PROGRAM PARTICIPATION RATES;

(2) CONTRIBUTION RATES;

(3) PROJECTED AND ACTUAL FUND BALANCES;

(4) PUBLIC OUTREACH AND TECHNICAL ASSISTANCE EFFORTS;

(5) ALL ENFORCEMENT EFFORTS;

(6) THE NUMBER AND STATUS OF COMPLAINTS UNDER SUBTITLE 9 OF THIS TITLE; ~~AND~~

(7) THE ~~COST~~ *COSTS* OF ADMINISTERING THE PROGRAM *ATTRIBUTABLE TO EACH OF THE FOLLOWING:*

(I) EMPLOYERS;

(II) EMPLOYEES OF EMPLOYERS;

(III) SELF–EMPLOYED INDIVIDUALS; AND

(IV) THE STATE;

(8) THE STATE AGENCIES AND RELEVANT STAKEHOLDERS THAT WERE CONSULTED AS REQUIRED UNDER THIS TITLE; AND

(9) THE CAPABILITY AND CAPACITY OF THE DEPARTMENT TO ADMINISTER THE PROGRAM AS COMPARED TO THE FINDINGS AND RECOMMENDATIONS OF THE CAPABILITY AND CAPACITY STUDY COMPLETED UNDER § 5 OF CHAPTER _____ (S.B. 275) OF THE ACTS OF THE GENERAL ASSEMBLY OF 2022.

SUBTITLE 5. THE FAMILY AND MEDICAL LEAVE INSURANCE FUND.

8.3–501.

THERE IS A FAMILY AND MEDICAL LEAVE INSURANCE FUND.

8.3–502.

(A) THE SECRETARY SHALL ADMINISTER THE FUND.

(B) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

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

8.3–503.

(A) THE FUND CONSISTS OF:

(1) EMPLOYEE CONTRIBUTIONS;

(2) SELF–EMPLOYED INDIVIDUAL CONTRIBUTIONS;

(3) EMPLOYER CONTRIBUTIONS;

(4) MONEY PAID TO THE FUND FOR THE PURPOSE OF REIMBURSING THE SECRETARY UNDER § 8.3–902 OF THIS TITLE FOR BENEFITS PAID IN ERROR;

(5) INTEREST EARNED ON MONEY IN THE FUND; AND

(6) MONEY RECEIVED FOR THE FUND FROM ANY OTHER SOURCE.

(B) MONEY IN THE FUND MAY BE COMMINGLED.

(C) THE FUND MAY BE USED ONLY FOR THE PURPOSES OF THIS TITLE.

8.3–504.

(A) (1) THE STATE TREASURER IS CUSTODIAN OF THE FUND.

(2) THE STATE TREASURER SHALL MANAGE THE FUND IN ACCORDANCE WITH REGULATIONS THAT THE SECRETARY ADOPTS.

(B) UNDER THE DIRECTION OF THE SECRETARY, THE STATE TREASURER SHALL ESTABLISH THE FUND ACCOUNT IN ANY FINANCIAL INSTITUTION IN WHICH THE GENERAL FUND OF THE STATE MAY BE DEPOSITED.

(C) ON RECEIPT OF ANY MONEY PAYABLE TO THE FUND, THE SECRETARY SHALL ENSURE IMMEDIATE DEPOSIT OF THE MONEY INTO THE FUND ACCOUNT AS REQUIRED BY THE STATE TREASURER.

(D) IN ACCORDANCE WITH REGULATIONS THAT THE SECRETARY ADOPTS, MONEY IN THE FUND ACCOUNT:

(1) SHALL BE USED TO PAY BENEFITS UNDER THIS TITLE; AND

(2) MAY BE USED TO PAY FOR:

(I) THE PUBLIC EDUCATION PROGRAM; AND

(II) ANY COSTS ASSOCIATED WITH THE INITIAL IMPLEMENTATION AND ONGOING ADMINISTRATION OF THIS TITLE.

8.3–505.

A CHECK THAT THE STATE TREASURER ISSUES TO PAY BENEFITS OR REFUNDS SHALL:

(1) BE ISSUED ONLY ON A WARRANT SIGNED BY THE SECRETARY;

(2) BEAR THE SIGNATURE OF THE STATE TREASURER; AND

(3) BE COUNTERSIGNED BY AN AUTHORIZED AGENT.

8.3–506.

THIS TITLE DOES NOT GRANT AN EMPLOYEE ANY PRIOR CLAIM OR RIGHT TO MONEY THE EMPLOYEE PAYS INTO THE FUND.

SUBTITLE 6. CONTRIBUTIONS.

8.3–601.

(A) BEGINNING ~~JANUARY 1, 2023~~ OCTOBER 1, 2023, EACH EMPLOYEE OF AN EMPLOYER, EACH EMPLOYER *WITH 15 OR MORE EMPLOYEES*, AND EACH SELF–EMPLOYED INDIVIDUAL PARTICIPATING IN THE PROGRAM SHALL CONTRIBUTE TO THE FUND.

~~(B) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE SECRETARY ANNUALLY SHALL SET A TOTAL RATE OF CONTRIBUTION TO BE PAID IN ACCORDANCE WITH THIS SUBSECTION.~~

~~(II) THE TOTAL RATE OF CONTRIBUTION ESTABLISHED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH:~~

~~1. MAY NOT EXCEED 0.75% OF AN EMPLOYEE'S WAGES;~~

~~2. SHALL BE APPLIED TO ALL WAGES UP TO AND INCLUDING THE SOCIAL SECURITY WAGE BASE;~~

~~3. SHALL BE SHARED EQUALLY BY EMPLOYERS AND EMPLOYEES; AND~~

~~4. SHALL BE SUFFICIENT TO FUND THE BENEFITS PAYABLE UNDER THIS TITLE.~~

~~(2) EACH EMPLOYER SHALL CONTRIBUTE AN AMOUNT EQUAL TO 50%~~ ~~25%~~ ~~OF THE TOTAL RATE OF CONTRIBUTION FOR EACH EMPLOYEE EMPLOYED BY THE EMPLOYER.~~

(B) ON OR BEFORE DECEMBER 1 EVERY 2 YEARS, BEGINNING IN ~~*2022*~~ *2025, THE SECRETARY, IN CONSULTATION WITH STATE AGENCIES AND RELEVANT STAKEHOLDERS, SHALL CONDUCT A COST ANALYSIS OF THE PROGRAM THAT IS FOCUSED ON THE COST OF MAINTAINING SOLVENCY AND PAYING BENEFITS TO COVERED INDIVIDUALS.*

(C) (1) ONCE EVERY 2 YEARS, BEGINNING IN ~~*2023*~~ *2025, THE SECRETARY, IN CONSULTATION WITH STATE AGENCIES AND RELEVANT STAKEHOLDERS, SHALL STUDY AND MAKE RECOMMENDATIONS REGARDING THE FOLLOWING:*

(I) THE APPROPRIATE TOTAL RATE OF CONTRIBUTION;

(II) THE APPROPRIATE COST–SHARING FORMULA BETWEEN EMPLOYERS AND EMPLOYEES FOR MAKING CONTRIBUTIONS TO FUND THE PROGRAM, INCLUDING VARIOUS FORMULAS THAT RANGE BETWEEN A COST SHARE OF:

1. A. 75% PAID BY EMPLOYERS; AND

B. 25% PAID BY EMPLOYEES; AND

2. A. 25% PAID BY EMPLOYERS; AND

B. 75% PAID BY EMPLOYEES;

(III) THE COST EFFICIENCY AND BENEFITS OF THE DEPARTMENT ISSUING A REQUEST FOR PROPOSALS SEEKING THE SERVICES OF AN OUTSIDE CONTRACTOR FOR THE FOLLOWING:

1. PREMIUM COLLECTION;

2. CLAIMS ADMINISTRATION;

3. DATA MANAGEMENT;

4. FRAUD CONTROL;

5. MARKETING AND ADVERTISING; OR

6. IMPLEMENTING ANY OTHER ELEMENTS OF THE PROGRAM.

(2) ON OR BEFORE APRIL 1 EACH YEAR A STUDY IS CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE SECRETARY SHALL REPORT THE FINDINGS AND RECOMMENDATIONS TO THE SENATE FINANCE COMMITTEE, THE HOUSE ECONOMIC MATTERS COMMITTEE, AND THE JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON OR BEFORE JUNE 1 EVERY 2 YEARS, BEGINNING IN ~~2023~~ 2025, THE SECRETARY SHALL SET THE TOTAL RATE OF CONTRIBUTION AND THE PERCENTAGE OF THE TOTAL RATE OF CONTRIBUTION TO BE PAID BY EMPLOYEES OF EMPLOYERS AND EMPLOYERS WITH 15 OR MORE EMPLOYEES THAT WILL BE IN EFFECT FOR THE 24–MONTH PERIOD BEGINNING ON THE IMMEDIATELY FOLLOWING JANUARY 1.

(2) THE RATE AND PERCENTAGES SET UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE BASED ON THE STUDY REQUIRED UNDER SUBSECTION ~~(B)~~ (C) OF THIS SECTION.

(3) THE TOTAL RATE OF CONTRIBUTION SHALL BE APPLIED TO ALL WAGES UP TO AND INCLUDING THE SOCIAL SECURITY WAGE BASE.

(4) THE PERCENTAGES SET UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT VARY BETWEEN EMPLOYEES OR EMPLOYERS.

~~(3) (I)~~ *(E) (1)* ~~EACH EMPLOYEE OF AN EMPLOYER SHALL CONTRIBUTE AN AMOUNT EQUAL TO 50% 75% OF THE TOTAL RATE OF CONTRIBUTION.~~

~~(II) 1.~~ ~~THE~~ EXCEPT AS PROVIDED IN ~~SUBSUBPARAGRAPH 2~~ *PARAGRAPH (2)* OF THIS ~~SUBPARAGRAPH~~ *SUBSECTION*, THE EMPLOYER OF THE EMPLOYEE SHALL DEDUCT THE *EMPLOYEE'S REQUIRED* CONTRIBUTION ~~REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH~~ FROM THE WAGES OF THE EMPLOYEE.

~~2.~~ *(2)* IF THE EMPLOYER OF AN EMPLOYEE ELECTS TO PAY A PORTION OF THE EMPLOYEE'S REQUIRED CONTRIBUTION, THE EMPLOYER MAY DEDUCT AN AMOUNT THAT IS LESS THAN ~~80%~~ *75%* OF THE ~~TOTAL~~ RATE OF CONTRIBUTION REQUIRED ~~UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH~~ FROM THE WAGES OF THE EMPLOYEE.

~~(4)~~ *(F)* EACH SELF–EMPLOYED INDIVIDUAL PARTICIPATING IN THE PROGRAM SHALL:

~~(I)~~ *(1)* PAY CONTRIBUTIONS DURING EACH YEAR THAT THE SELF–EMPLOYED INDIVIDUAL PARTICIPATES IN THE PROGRAM; AND

~~(II)~~ *(2)* CONTRIBUTE AN AMOUNT EQUAL TO THE TOTAL RATE OF CONTRIBUTION ~~ESTABLISHED~~ *SET* UNDER ~~PARAGRAPH (1)(I) OF THIS SUBSECTION~~ *SUBSECTION (D) OF THIS SECTION*.

SUBTITLE 7. BENEFITS.

8.3–701.

(A) (1) ~~BEGINNING JULY 1, 2024~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, BEGINNING JANUARY 1, 2025, A COVERED INDIVIDUAL TAKING LEAVE FROM EMPLOYMENT MAY SUBMIT A CLAIM FOR BENEFITS TO:

~~(1)~~ (I) CARE FOR A NEWBORN CHILD OR A CHILD NEWLY PLACED FOR ADOPTION, FOSTER CARE, OR KINSHIP CARE WITH THE COVERED INDIVIDUAL DURING THE FIRST YEAR AFTER THE BIRTH, ADOPTION, OR PLACEMENT;

~~(2)~~ (II) CARE FOR A FAMILY MEMBER WITH A SERIOUS HEALTH CONDITION;

~~(3)~~ (III) ATTEND TO A SERIOUS HEALTH CONDITION THAT RESULTS IN THE COVERED INDIVIDUAL BEING UNABLE TO PERFORM THE FUNCTIONS OF THE COVERED INDIVIDUAL'S POSITION;

~~(4)~~ (IV) CARE FOR A SERVICE MEMBER WITH A SERIOUS HEALTH CONDITION RESULTING FROM MILITARY SERVICE WHO IS THE COVERED INDIVIDUAL'S NEXT OF KIN; OR

~~(5)~~ (V) ATTEND TO A QUALIFYING EXIGENCY ARISING OUT OF THE DEPLOYMENT OF A SERVICE MEMBER WHO IS A FAMILY MEMBER OF THE COVERED INDIVIDUAL.

(2) (I) EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF THE NEED TO USE LEAVE IS FORESEEABLE, AN EMPLOYER MAY REQUIRE A COVERED EMPLOYEE TAKING LEAVE UNDER THIS TITLE TO PROVIDE THE EMPLOYER WITH WRITTEN NOTICE OF THE COVERED EMPLOYEE'S INTENTION TO TAKE LEAVE AT LEAST 30 DAYS BEFORE COMMENCING THE LEAVE.

(II) IF THE NEED TO USE LEAVE IS NOT FORESEEABLE, THE COVERED EMPLOYEE SHALL:

1. PROVIDE NOTICE TO THE EMPLOYER AS SOON AS PRACTICABLE; AND

2. GENERALLY COMPLY WITH THE EMPLOYER'S NOTICE OR PROCEDURAL REQUIREMENTS FOR REQUESTING OR REPORTING OTHER LEAVE, IF THOSE REQUIREMENTS DO NOT INTERFERE WITH THE COVERED EMPLOYEE'S ABILITY TO USE LEAVE FOR WHICH BENEFITS MAY BE PAID UNDER THIS TITLE.

(B) (1) SUBJECT TO ~~PARAGRAPH (2)~~ PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A COVERED INDIVIDUAL MAY TAKE THE LEAVE FOR WHICH THE INDIVIDUAL IS ELIGIBLE FOR BENEFITS UNDER SUBSECTION (A) OF THIS SECTION ON AN INTERMITTENT LEAVE SCHEDULE.

(2) IF LEAVE IS TAKEN ON AN INTERMITTENT LEAVE SCHEDULE, THE COVERED INDIVIDUAL SHALL:

(I) MAKE A REASONABLE EFFORT TO SCHEDULE THE INTERMITTENT LEAVE IN A MANNER THAT DOES NOT UNDULY DISRUPT THE OPERATIONS OF THE EMPLOYER; AND

(II) PROVIDE THE EMPLOYER WITH REASONABLE AND PRACTICABLE PRIOR NOTICE OF THE REASON FOR WHICH THE INTERMITTENT LEAVE IS NECESSARY.

(3) A COVERED EMPLOYEE MAY NOT TAKE INTERMITTENT LEAVE IN AN INCREMENT OF LESS THAN 4 HOURS.

~~(3)~~ (4) IF LEAVE IS TAKEN ON AN INTERMITTENT LEAVE SCHEDULE, AN EMPLOYER MAY NOT REDUCE THE TOTAL AMOUNT OF LEAVE TO WHICH THE COVERED INDIVIDUAL IS ENTITLED BEYOND THE AMOUNT OF LEAVE ACTUALLY TAKEN.

8.3–702.

(A) (1) ~~(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A~~ ~~A~~ EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A COVERED INDIVIDUAL MAY NOT RECEIVE MORE THAN 12 WEEKS OF BENEFITS IN AN APPLICATION YEAR.

~~(2) A COVERED INDIVIDUAL MAY RECEIVE AN ADDITIONAL 12 WEEKS OF BENEFITS IF THE COVERED INDIVIDUAL DURING THE SAME APPLICATION YEAR:~~

~~(I) RECEIVED BENEFITS BECAUSE THE COVERED INDIVIDUAL WAS ELIGIBLE FOR BENEFITS UNDER § 8.3–701(A)(3) OF THIS SUBTITLE; AND~~

~~(II) BECOMES ELIGIBLE FOR BENEFITS UNDER § 8.3–701(A)(1), (2), (4), OR (5) OF THIS SUBTITLE.~~

(2) A COVERED INDIVIDUAL MAY RECEIVE AN ADDITIONAL 12 WEEKS OF BENEFITS IF THE COVERED INDIVIDUAL DURING THE SAME APPLICATION YEAR:

(I) 1. RECEIVED BENEFITS BECAUSE THE COVERED INDIVIDUAL WAS ELIGIBLE FOR BENEFITS UNDER § 8.3–701(A)(1)(I) OF THIS SUBTITLE; AND

2. BECOMES ELIGIBLE FOR BENEFITS UNDER § 8.3–701(A)(1)(III) OF THIS SUBTITLE; OR

(II) 1. RECEIVED BENEFITS BECAUSE THE COVERED INDIVIDUAL WAS ELIGIBLE FOR BENEFITS UNDER § 8.3–701(A)(1)(III) OF THIS SUBTITLE; AND

2. BECOMES ELIGIBLE FOR BENEFITS UNDER § 8.3–701(A)(1)(I) OF THIS SUBTITLE.

(B) IF A COVERED INDIVIDUAL TAKES LEAVE FOR WHICH THE COVERED INDIVIDUAL IS RECEIVING BENEFITS UNDER THIS TITLE, THE LEAVE SHALL RUN CONCURRENTLY WITH ELIGIBLE LEAVE THAT MAY BE TAKEN BY THE COVERED INDIVIDUAL UNDER THE FEDERAL FAMILY AND MEDICAL LEAVE ACT.

(C) *(1) A COVERED INDIVIDUAL SHALL EXHAUST ALL EMPLOYER–PROVIDED LEAVE THAT IS NOT REQUIRED TO BE PROVIDED UNDER LAW BEFORE RECEIVING BENEFITS UNDER THIS TITLE.*

(2) FOR THE PURPOSES OF §§ 8.3–706 AND 8.3–707 OF THIS SUBTITLE AND §§ 8.3–904 AND 8.3–905 OF THIS TITLE, EMPLOYER–PROVIDED LEAVE THAT IS BEING EXHAUSTED AS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE TREATED THE SAME AS LEAVE FROM WORK FOR WHICH BENEFITS MAY BE PAID UNDER THIS TITLE.

(3) THIS SUBSECTION MAY NOT BE CONSTRUED TO REDUCE ANY WEEKS OF LEAVE FOR WHICH BENEFITS MAY BE PAID UNDER THIS TITLE.

(D) **(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN INDIVIDUAL RECEIVING BENEFITS UNDER TITLE 8 OF THIS ARTICLE OR WAGE REPLACEMENT BENEFITS UNDER TITLE 9 OF THIS ARTICLE IS NOT ELIGIBLE TO RECEIVE BENEFITS UNDER THIS TITLE.**

(2) AN INDIVIDUAL RECEIVING COMPENSATION FOR A PERMANENT PARTIAL DISABILITY UNDER TITLE 9 OF THIS ARTICLE MAY BE ELIGIBLE FOR BENEFITS UNDER THIS TITLE.

8.3–703.

~~**(A) AN EMPLOYER MAY ALLOW A COVERED INDIVIDUAL TO USE PAID VACATION, PAID SICK LEAVE, OR OTHER PAID TIME OFF UNDER AN EMPLOYER POLICY IN ADDITION TO THE BENEFITS AVAILABLE UNDER THIS TITLE TO REPLACE THE COVERED INDIVIDUAL'S WAGES UP TO 100% OF THE COVERED INDIVIDUAL'S WEEKLY WAGE DURING THE PERIOD OF LEAVE FOR WHICH BENEFITS ARE RECEIVED UNDER THIS TITLE.**~~

~~**(B) AN EMPLOYER CONTRIBUTING TO THE FUND MAY REQUIRE A COVERED INDIVIDUAL WHO RECEIVES BENEFITS UNDER THIS TITLE TO USE THOSE BENEFITS CONCURRENTLY WITH FAMILY OR MEDICAL LEAVE BENEFITS PROVIDED UNDER AN EMPLOYER POLICY.**~~

~~**8.3–704.**~~

(A) FOR THE PURPOSES OF THIS SECTION:

(1) THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE SHALL BE CALCULATED AS THE TOTAL WAGES RECEIVED BY THE COVERED INDIVIDUAL OVER THE LAST 680 HOURS FOR WHICH THE COVERED INDIVIDUAL WAS PAID DIVIDED BY THE NUMBER OF WEEKS WORKED; AND

(2) THE STATE AVERAGE WEEKLY WAGE SHALL BE THE WAGE CALCULATED UNDER § 9–603 OF THIS ARTICLE.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE WEEKLY BENEFIT AMOUNT PAYABLE TO A COVERED INDIVIDUAL UNDER THIS TITLE SHALL BE:

(I) IF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE IS 65% OR LESS OF THE STATE AVERAGE WEEKLY WAGE, 90% OF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE;

(II) IF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE IS GREATER THAN 65% OF THE STATE AVERAGE WEEKLY WAGE, THE SUM OF:

1. 90% OF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE UP TO 65% OF THE STATE AVERAGE WEEKLY WAGE; AND

2. 50% OF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE THAT IS GREATER THAN 65% OF THE STATE AVERAGE WEEKLY WAGE; OR

(III) IF THE COVERED INDIVIDUAL IS TAKING PARTIALLY PAID LEAVE, THE LESSER OF:

1. THE AMOUNT REQUIRED TO MAKE UP THE DIFFERENCE BETWEEN THE WAGES PAID TO THE COVERED INDIVIDUAL WHILE THE COVERED INDIVIDUAL IS TAKING PARTIALLY PAID LEAVE AND THE FULL WAGES NORMALLY PAID TO THE COVERED INDIVIDUAL; AND

2. IF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE IS GREATER THAN 65% OF THE STATE AVERAGE WEEKLY WAGE, THE SUM OF:

A. 90% OF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE UP TO 65% OF THE STATE AVERAGE WEEKLY WAGE; AND

B. 50% OF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE THAT IS GREATER THAN 65% OF THE STATE AVERAGE WEEKLY WAGE.

(2) THE WEEKLY BENEFIT AMOUNT PAYABLE UNDER PARAGRAPH (1) OF THIS SUBSECTION:

(I) SHALL BE AT LEAST $50; AND

(II) MAY NOT EXCEED:

1. FOR THE 12–MONTH PERIOD BEGINNING ~~JULY 1, 2024~~ JANUARY 1, 2025, $1,000; AND

2. FOR THE 12–MONTH PERIOD BEGINNING ~~JULY 1, 2025~~ JANUARY 1, 2026, AND EACH SUBSEQUENT 12–MONTH PERIOD, THE AMOUNT DETERMINED AND ANNOUNCED BY THE SECRETARY UNDER PARAGRAPH (3) OF THIS SUBSECTION.

(3) (I) IN THIS PARAGRAPH, "CONSUMER PRICE INDEX" MEANS THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FOR THE WASHINGTON–ARLINGTON–ALEXANDRIA, DC–VA–MD–WV METROPOLITAN AREA OR A SUCCESSOR INDEX PUBLISHED BY THE FEDERAL BUREAU OF LABOR STATISTICS.

(II) ~~EXCEPT AS PROVIDED IN SUBPARAGRAPH (IV) OF THIS PARAGRAPH~~ SUBJECT TO SUBSECTION (E) OF THIS SECTION, FOR THE 12–MONTH PERIOD BEGINNING ~~JULY 1, 2025~~ JANUARY 1, 2026, AND EACH SUBSEQUENT 12–MONTH PERIOD, THE MAXIMUM WEEKLY BENEFIT AMOUNT SHALL BE INCREASED BY THE AMOUNT, ROUNDED TO THE NEAREST CENT, THAT EQUALS THE PRODUCT OF:

1. THE MAXIMUM WEEKLY BENEFIT AMOUNT IN EFFECT FOR THE IMMEDIATELY PRECEDING 12–MONTH PERIOD; AND

2. THE ANNUAL PERCENTAGE GROWTH IN THE CONSUMER PRICE INDEX FOR THE IMMEDIATELY PRECEDING 12–MONTH PERIOD, AS DETERMINED BY THE SECRETARY UNDER SUBPARAGRAPH (III)1 OF THIS PARAGRAPH.

(III) BEGINNING ~~MARCH 1, 2025~~ SEPTEMBER 1, 2025, AND ON EACH SUBSEQUENT SEPTEMBER 1, THE SECRETARY SHALL DETERMINE AND ANNOUNCE:

1. THE ANNUAL PERCENTAGE GROWTH, IF ANY, IN THE CONSUMER PRICE INDEX BASED ON THE MOST RECENT 12–MONTH PERIOD FOR WHICH DATA ARE AVAILABLE ON SEPTEMBER 1; AND

2. THE MAXIMUM WEEKLY BENEFIT AMOUNT EFFECTIVE FOR THE 12–MONTH PERIOD BEGINNING THE IMMEDIATELY FOLLOWING ~~JULY 1~~ JANUARY 1.

~~(IV) IF THERE IS A DECLINE OR NO GROWTH IN THE CONSUMER PRICE INDEX, THE MAXIMUM WEEKLY BENEFIT AMOUNT SHALL REMAIN THE SAME AS THE AMOUNT THAT WAS IN EFFECT FOR THE PRECEDING 12–MONTH PERIOD.~~

(C) AN INCREASE IN THE WEEKLY BENEFIT AMOUNT UNDER SUBSECTION (B)(3) OF THIS SECTION APPLIES ONLY TO A CLAIM FOR BENEFITS FILED AFTER THE DATE THE INCREASE BECOMES EFFECTIVE.

(D) THE DEPARTMENT SHALL:

(1) NOTIFY THE EMPLOYER OF A COVERED INDIVIDUAL WITHIN 5 BUSINESS DAYS AFTER THE COVERED INDIVIDUAL FILES A CLAIM FOR BENEFITS UNDER THIS TITLE;

(2) APPROVE OR DENY THE CLAIM AND NOTIFY THE COVERED INDIVIDUAL AND THE COVERED INDIVIDUAL'S EMPLOYER WITHIN 10 BUSINESS DAYS AFTER THE COVERED INDIVIDUAL FILES THE CLAIM;

(3) MAKE THE FIRST PAYMENT OF BENEFITS TO A COVERED INDIVIDUAL WITHIN 5 BUSINESS DAYS AFTER THE CLAIM IS APPROVED; AND

(4) MAKE SUBSEQUENT PAYMENTS EVERY 2 WEEKS UNTIL THE BENEFIT PERIOD ENDS.

(E) (1) IN THIS SUBSECTION, "BOARD" MEANS THE BOARD OF PUBLIC WORKS.

(2) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ON OR BEFORE SEPTEMBER 1 EACH YEAR, BEGINNING IN 2025, THE BOARD SHALL DETERMINE WHETHER THE SEASONALLY ADJUSTED TOTAL EMPLOYMENT FROM THE CURRENT EMPLOYMENT STATISTICS SERIES AS REPORTED BY THE U.S. BUREAU OF LABOR STATISTICS FOR THE MOST RECENT 6–MONTH PERIOD IS NEGATIVE AS COMPARED WITH THE IMMEDIATELY PRECEDING 6–MONTH PERIOD.

(3) (I) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE BOARD MAY TEMPORARILY SUSPEND AN INCREASE IN THE MAXIMUM WEEKLY BENEFIT SPECIFIED UNDER SUBSECTION (B)(2)(II) OF THIS SECTION IF THE BOARD DETERMINED UNDER PARAGRAPH (2) OF THIS SUBSECTION THAT THE SEASONALLY ADJUSTED TOTAL EMPLOYMENT IS NEGATIVE.

(II) IF THE SEASONALLY ADJUSTED TOTAL EMPLOYMENT IS NEGATIVE, THE BOARD MAY CONSIDER THE PERFORMANCE OF STATE REVENUES IN THE IMMEDIATELY PRECEDING 6 MONTHS, AS REPORTED BY THE OFFICE OF THE COMPTROLLER, IN DETERMINING WHETHER TO TEMPORARILY SUSPEND AN

INCREASE TO THE MAXIMUM WEEKLY BENEFIT SPECIFIED UNDER SUBSECTION (B)(2)(II) OF THIS SECTION.

(4) IF THE BOARD TEMPORARILY SUSPENDS AN INCREASE TO THE MAXIMUM WEEKLY BENEFIT SPECIFIED UNDER SUBSECTION (B)(2)(II)2 OF THIS SECTION:

(I) THE MAXIMUM WEEKLY BENEFIT IN EFFECT FOR THE PERIOD BEGINNING THE FOLLOWING JANUARY 1 SHALL REMAIN THE SAME AS THE RATE THAT WAS IN EFFECT FOR THE IMMEDIATELY PRECEDING 12–MONTH PERIOD; AND

(II) THE BOARD SHALL NOTIFY THE SECRETARY THAT THE MAXIMUM WEEKLY BENEFIT INCREASE FOR THE PERIOD BEGINNING THE FOLLOWING JANUARY 1 IS SUSPENDED FOR 1 YEAR.

(F) THE DEPARTMENT SHALL NOTIFY EACH EMPLOYER OF THE INCREASE TO THE MAXIMUM WEEKLY BENEFIT SPECIFIED UNDER SUBSECTION (B)(2)(II) OF THIS SECTION.

~~**8.3–705.**~~ ***8.3–704.***

(A) IF THE INTERNAL REVENUE SERVICE DETERMINES THAT BENEFITS PAID UNDER THIS SUBTITLE ARE SUBJECT TO FEDERAL INCOME TAX, AT THE TIME A COVERED INDIVIDUAL FILES A NEW CLAIM FOR BENEFITS, THE DEPARTMENT SHALL NOTIFY THE COVERED INDIVIDUAL THAT:

(1) THE INTERNAL REVENUE SERVICE HAS DETERMINED THAT THE BENEFITS ARE SUBJECT TO FEDERAL INCOME TAX;

(2) THERE ARE REQUIREMENTS REGARDING ESTIMATED TAX PAYMENTS;

(3) THE COVERED INDIVIDUAL MAY ELECT TO HAVE FEDERAL INCOME TAX DEDUCTED AND WITHHELD FROM THE BENEFITS THAT THE COVERED INDIVIDUAL RECEIVES UNDER THIS TITLE AT THE RATE SPECIFIED IN THE INTERNAL REVENUE CODE; AND

(4) THE COVERED INDIVIDUAL IS ALLOWED TO CHANGE A PREVIOUSLY ELECTED WITHHOLDING STATUS.

(B) (1) IF A COVERED INDIVIDUAL ELECTS TO HAVE FEDERAL INCOME TAX DEDUCTED AND WITHHELD UNDER SUBSECTION (A)(3) OF THIS SECTION, THE DEPARTMENT SHALL DEDUCT AND WITHHOLD AN AMOUNT AT THE RATE SPECIFIED

IN THE INTERNAL REVENUE CODE IN A MANNER REQUIRED BY THE INTERNAL REVENUE SERVICE.

(2) IF THE DEPARTMENT DEDUCTS AND WITHHOLDS FEDERAL INCOME TAX UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE AMOUNT DEDUCTED AND WITHHELD SHALL REMAIN IN THE FUND UNTIL IT IS TRANSFERRED TO THE INTERNAL REVENUE SERVICE AS A PAYMENT OF INCOME TAX.

~~***8.3–706.***~~ ***8.3–705.***

(A) AN EMPLOYER MAY SATISFY THE REQUIREMENTS OF THIS TITLE THROUGH A PRIVATE EMPLOYER PLAN CONSISTING OF EMPLOYER–PROVIDED BENEFITS, INSURANCE, OR A COMBINATION OF BOTH IF THE PRIVATE EMPLOYER PLAN IS OFFERED TO ALL OF THE EMPLOYER'S ELIGIBLE EMPLOYEES AND MEETS OR EXCEEDS THE RIGHTS, PROTECTIONS, AND BENEFITS PROVIDED TO A COVERED EMPLOYEE UNDER THIS TITLE.

(B) A PRIVATE EMPLOYER PLAN SHALL BE FILED WITH THE DEPARTMENT FOR APPROVAL.

(C) AN EMPLOYER THAT PROVIDES COVERED EMPLOYEES WITH A PRIVATE EMPLOYER PLAN AND AN EMPLOYEE THAT IS COVERED BY A PRIVATE EMPLOYER PLAN ARE EXEMPT FROM THE CONTRIBUTIONS REQUIRED UNDER SUBTITLE 6 OF THIS TITLE.

~~***8.3–707.***~~ ***8.3–706.***

(A) THIS SECTION DOES NOT APPLY TO AN EMPLOYER WHO IS AN INDIVIDUAL WITH A DEVELOPMENTAL DISABILITY, AND WHO SELF–DIRECTS SERVICES UNDER THE MARYLAND MEDICAID HOME– AND COMMUNITY–BASED SERVICES WAIVER PROGRAM.

(B) ~~IF~~ EXCEPT AS PROVIDED IN SUBSECTION (C)(2) OF THIS SECTION, IF A COVERED INDIVIDUAL RECEIVES BENEFITS UNDER THIS TITLE OR TAKES LEAVE FROM WORK FOR WHICH BENEFITS MAY BE PAID UNDER THIS TITLE, THE EMPLOYER OF THE COVERED INDIVIDUAL SHALL, ON THE EXPIRATION OF THE LEAVE, RESTORE THE COVERED INDIVIDUAL TO AN EQUIVALENT POSITION OF EMPLOYMENT.

(C) AN EMPLOYER MAY:

(1) DURING A PERIOD OF LEAVE FROM WORK FOR WHICH BENEFITS MAY BE PAID UNDER THIS TITLE, TERMINATE EMPLOYMENT OF THE COVERED INDIVIDUAL TAKING THE LEAVE ONLY FOR CAUSE; AND

(2) DENY RESTORATION OF A COVERED INDIVIDUAL'S POSITION OF EMPLOYMENT UNDER SUBSECTION (B) OF THIS SECTION IF:

(I) THE DENIAL IS NECESSARY TO PREVENT SUBSTANTIAL AND GRIEVOUS ECONOMIC INJURY TO THE OPERATIONS OF THE EMPLOYER;

(II) THE EMPLOYER NOTIFIES THE COVERED INDIVIDUAL OF THE INTENT OF THE EMPLOYER TO DENY RESTORATION OF THE COVERED INDIVIDUAL'S POSITION OF EMPLOYMENT AT THE TIME THE EMPLOYER DETERMINES THE ECONOMIC INJURY WOULD OCCUR; AND

(III) IF THE LEAVE HAS ALREADY BEGUN IN A CASE OF LEAVE FROM WORK FOR WHICH BENEFITS MAY BE PAID UNDER THIS TITLE, THE COVERED INDIVIDUAL ELECTS NOT TO RETURN TO EMPLOYMENT AFTER RECEIVING NOTICE OF THE EMPLOYER'S INTENTION TO DENY RESTORATION OF THE COVERED INDIVIDUAL'S POSITION OF EMPLOYMENT.

~~**8.3–708.**~~ ***8.3–707.***

IF A COVERED INDIVIDUAL IS RECEIVING BENEFITS UNDER THIS TITLE OR IS TAKING LEAVE FOR WHICH BENEFITS MAY BE PAID UNDER THIS TITLE, THE EMPLOYER OF THE COVERED INDIVIDUAL SHALL CONTINUE ANY EMPLOYMENT HEALTH BENEFITS IN THE SAME MANNER AS REQUIRED UNDER ~~TITLE 3, SUBTITLE 12 OF THIS ARTICLE~~ MAINTENANCE OF HEALTH BENEFITS IN THE FEDERAL FAMILY AND MEDICAL LEAVE ACT FOR THE TIME PERIOD THAT THE COVERED INDIVIDUAL IS ABSENT FROM WORK OR RECEIVING BENEFITS UNDER THIS TITLE.

SUBTITLE 8. NOTICE TO EMPLOYEES.

8.3–801.

(A) AN EMPLOYER SHALL PROVIDE WRITTEN NOTICE TO EACH EMPLOYEE OF THE RIGHTS AND DUTIES OF AN EMPLOYEE UNDER THIS TITLE AT THE TIME OF HIRE AND ANNUALLY THEREAFTER.

(B) (1) WHEN AN EMPLOYEE REQUESTS LEAVE UNDER THIS TITLE, OR WHEN AN EMPLOYER KNOWS THAT AN EMPLOYEE'S LEAVE MAY BE FOR A REASON UNDER § 8.3–302 OF THIS TITLE, THE EMPLOYER SHALL NOTIFY THE EMPLOYEE OF THE EMPLOYEE'S ELIGIBILITY TO TAKE LEAVE FOR WHICH BENEFITS MAY BE PAID UNDER THIS TITLE WITHIN 5 BUSINESS DAYS.

(2) THE NOTICE PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) THE RIGHT OF AN ELIGIBLE EMPLOYEE TO RECEIVE PROGRAM BENEFITS UNDER THIS TITLE;

(II) THE PROCEDURE FOR FILING A CLAIM FOR BENEFITS;

(III) AN ELIGIBLE EMPLOYEE'S RESPONSIBILITIES WITH RESPECT TO PROVIDING NOTIFICATION PRIOR TO THE COMMENCEMENT OF LEAVE AND ANY PENALTIES FOR FAILING TO DO SO;

(IV) THE RIGHT OF AN EMPLOYEE TO FILE A COMPLAINT FOR ALLEGED VIOLATIONS OF THIS TITLE;

(V) THE RIGHT OF AN ELIGIBLE EMPLOYEE TO JOB PROTECTION; AND

(VI) A DESCRIPTION OF THE PROHIBITED ACTS, PENALTIES, AND COMPLAINT PROCEDURES UNDER SUBTITLE 9 OF THIS TITLE.

(C) ***(1) THE DEPARTMENT SHALL DEVELOP STANDARD NOTICES FOR AN EMPLOYER TO USE UNDER THIS SUBTITLE.***

(2) **THE NOTICES REQUIRED UNDER THIS SUBTITLE SHALL BE PROVIDED IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY.**

SUBTITLE 9. PROHIBITED ACTS; PENALTIES.

8.3–901.

(A) IF AN INDIVIDUAL WILLFULLY MAKES A FALSE STATEMENT OR MISREPRESENTATION REGARDING A MATERIAL FACT OR WILLFULLY FAILS TO REPORT A MATERIAL FACT TO OBTAIN BENEFITS UNDER THIS TITLE, THE INDIVIDUAL IS DISQUALIFIED FROM RECEIVING BENEFITS FOR 1 YEAR.

(B) IF AN EMPLOYER WILLFULLY MAKES OR CAUSES TO BE MADE A FALSE STATEMENT OR WILLFULLY FAILS TO REPORT A MATERIAL FACT REGARDING A CLAIM FOR BENEFITS BY AN EMPLOYEE, THE EMPLOYER IS SUBJECT TO A CIVIL PENALTY OF UP TO $1,000 FOR EACH OCCURRENCE.

(C) AN EMPLOYER MAY NOT WILLFULLY:

(1) FAIL OR REFUSE TO PAY CONTRIBUTIONS TO THE FUND; OR

(2) TAKE DEDUCTIONS FROM THE WAGES OF AN EMPLOYEE TO PAY ANY PORTION OF THE EMPLOYER CONTRIBUTIONS DUE FROM THE EMPLOYER.

8.3–902.

(A) THE DEPARTMENT MAY SEEK REPAYMENT OF BENEFITS FROM AN INDIVIDUAL WHO RECEIVED BENEFITS UNDER THIS TITLE IF:

(1) THE BENEFITS WERE PAID ERRONEOUSLY OR AS A RESULT OF WILLFUL MISREPRESENTATION BY THE INDIVIDUAL; OR

(2) A CLAIM FOR BENEFITS UNDER THIS TITLE IS REJECTED AFTER THE BENEFITS WERE PAID.

(B) THE SECRETARY MAY WAIVE IN WHOLE OR IN PART THE REPAYMENT OF BENEFITS UNDER SUBSECTION (A) OF THIS SECTION IF:

(1) THE ERROR IN PAYMENT WAS NOT DUE TO ANY FALSE STATEMENT, NONDISCLOSURE OF MATERIAL FACT, OR MISREPRESENTATION BY A COVERED INDIVIDUAL; OR

(2) THE REPAYMENT WOULD BE AGAINST EQUITY AND GOOD CONSCIENCE OR ADMINISTRATIVE EFFICIENCY.

8.3–903.

IF AN EMPLOYER FAILS TO PAY THE CONTRIBUTIONS DUE TO THE FUND, THE SECRETARY MAY, IN ACCORDANCE WITH § 8.3–404 OF THIS TITLE:

(1) ASSESS THE AMOUNT OF CONTRIBUTIONS AND INTEREST DUE;

(2) MAKE AN ADDITIONAL ASSESSMENT IN AN AMOUNT NOT TO EXCEED TWO TIMES THE CONTRIBUTIONS WITHHELD, AS A PENALTY FOR FAILURE TO PAY THE CONTRIBUTIONS DUE; AND

(3) ORDER AN AUDIT OF THE EMPLOYER FOR THE IMMEDIATELY FOLLOWING FISCAL YEAR TO INVESTIGATE AND DETERMINE COMPLIANCE WITH THIS TITLE AND TITLES 3, 8, AND 9 OF THIS ARTICLE.

8.3–904.

A PERSON MAY NOT DISCHARGE, DEMOTE, OR OTHERWISE DISCRIMINATE OR TAKE ADVERSE ACTION AGAINST A COVERED INDIVIDUAL BECAUSE THE COVERED INDIVIDUAL HAS:

(1) FILED FOR, APPLIED FOR, OR RECEIVED BENEFITS, OR TAKEN FAMILY OR MEDICAL LEAVE FOR WHICH BENEFITS MAY BE PAID UNDER THIS TITLE;

(2) INQUIRED ABOUT THE RIGHTS AND RESPONSIBILITIES UNDER THIS TITLE;

(3) COMMUNICATED TO THE PERSON AN INTENT TO FILE A CLAIM, A COMPLAINT, OR AN APPEAL UNDER THIS TITLE; OR

(4) TESTIFIED OR INTENDS TO TESTIFY OR OTHERWISE HAS ASSISTED IN A PROCEEDING UNDER THIS TITLE.

8.3–905.

~~(A) (1) AN EMPLOYEE ALLEGING A VIOLATION OF THIS SUBTITLE MAY FILE A COMPLAINT WITH THE SECRETARY TO RECOVER LOST WAGES AND DAMAGES EQUAL TO THE AMOUNT OF WAGES, SALARY, EMPLOYMENT BENEFITS, OR OTHER COMPENSATION DENIED OR LOST, AND APPROPRIATE PUNITIVE DAMAGES.~~

~~(2) A COMPLAINT UNDER THIS SUBSECTION MAY ALSO SEEK APPROPRIATE RELIEF INCLUDING REINSTATEMENT OR THE HIRING OF EMPLOYEES WITH OR WITHOUT BACK PAY.~~

~~(B) THIS SECTION DOES NOT DEPRIVE A PRIVATE RIGHT OR CAUSE OF ACTION TO ANY EMPLOYEE FOR VIOLATIONS OF § 8.3–904 OF THIS SUBTITLE OR § 8.3–707 OF THIS TITLE.~~

~~8.3–906.~~

~~(A) (1) NOTWITHSTANDING ANY ADMINISTRATIVE REMEDY AVAILABLE UNDER § 8.3–905 OF THIS SUBTITLE, AN EMPLOYEE MAY BRING AN ACTION AGAINST AN EMPLOYER FOR VIOLATIONS OF § 8.3–904 OF THIS SUBTITLE OR § 8.3–707 OR § 8.3–708 OF THIS TITLE TO RECOVER LOST WAGES AND DAMAGES EQUAL TO THE AMOUNT OF WAGES, SALARY, EMPLOYMENT BENEFITS, OR OTHER COMPENSATION DENIED OR LOST, AND APPROPRIATE PUNITIVE DAMAGES.~~

~~(2) AN ACTION UNDER THIS SUBSECTION MAY SEEK INJUNCTIVE AND OTHER APPROPRIATE EQUITABLE RELIEF INCLUDING REINSTATEMENT OR THE HIRING OF EMPLOYEES WITH OR WITHOUT BACK PAY.~~

~~(B) ON A FINDING THAT AN EMPLOYEE IS ENTITLED TO JUDGMENT IN AN ACTION UNDER SUBSECTION (A) OF THIS SECTION, THE COURT SHALL ALLOW AGAINST THE EMPLOYER REASONABLE ATTORNEY'S FEES AND OTHER COSTS.~~

(A) IF AN EMPLOYEE BELIEVES THAT AN EMPLOYER HAS VIOLATED THIS TITLE, THE EMPLOYEE MAY FILE A WRITTEN COMPLAINT WITH THE SECRETARY.

(B) (1) WITHIN 90 DAYS AFTER THE RECEIPT OF A WRITTEN COMPLAINT, THE SECRETARY SHALL CONDUCT AN INVESTIGATION AND ATTEMPT TO RESOLVE THE ISSUE INFORMALLY THROUGH MEDIATION.

(2) (I) IF THE SECRETARY IS UNABLE TO RESOLVE AN ISSUE THROUGH MEDIATION DURING THE PERIOD STATED IN PARAGRAPH (1) OF THIS SUBSECTION AND THE SECRETARY DETERMINES THAT AN EMPLOYER HAS VIOLATED THIS SUBTITLE, THE SECRETARY SHALL ISSUE AN ORDER.

(II) AN ORDER ISSUED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH:

1. SHALL DESCRIBE THE VIOLATION;

2. SHALL DIRECT, IF APPROPRIATE, THE RECOVERY OF LOST WAGES AND DAMAGES EQUAL TO THE AMOUNT OF WAGES, SALARY, EMPLOYMENT BENEFITS, OR OTHER COMPENSATION DENIED OR LOST, AND ANY ACTUAL ECONOMIC DAMAGES;

3. MAY, IN THE SECRETARY'S DISCRETION, SEEK REINSTATEMENT OR THE HIRING OF EMPLOYEES WITH OR WITHOUT BACK PAY; AND

4. MAY, IN THE COMMISSIONER'S DISCRETION, ASSESS A CIVIL PENALTY OF UP TO $1,000 FOR EACH EMPLOYEE FOR WHOM THE EMPLOYER IS NOT IN COMPLIANCE WITH THIS TITLE.

(3) THE ACTIONS TAKEN UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION ARE SUBJECT TO THE HEARING AND NOTICE REQUIREMENTS OF TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(C) (1) WITHIN 30 DAYS AFTER THE SECRETARY ISSUES AN ORDER, AN EMPLOYER SHALL COMPLY WITH THE ORDER.

(2) IF AN EMPLOYER DOES NOT COMPLY WITH AN ORDER WITHIN THE TIME PERIOD STATED IN PARAGRAPH (1) OF THIS SUBSECTION:

(I) THE SECRETARY MAY:

1. WITH THE WRITTEN CONSENT OF THE EMPLOYEE, ASK THE ATTORNEY GENERAL TO BRING AN ACTION ON BEHALF OF THE EMPLOYEE IN THE COUNTY WHERE THE EMPLOYER IS LOCATED; OR

2. BRING AN ACTION TO ENFORCE THE ORDER FOR THE CIVIL PENALTY IN THE COUNTY WHERE THE EMPLOYER IS LOCATED; AND

(II) WITHIN 3 YEARS AFTER THE DATE OF THE ORDER, AN EMPLOYEE MAY BRING A CIVIL ACTION TO ENFORCE THE ORDER IN THE COUNTY WHERE THE EMPLOYER IS LOCATED.

(3) IF AN EMPLOYEE PREVAILS IN AN ACTION BROUGHT UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION TO ENFORCE AN ORDER, THE COURT MAY AWARD:

(I) THREE TIMES THE VALUE OF THE EMPLOYEE'S LOST WAGES AND DAMAGES EQUAL TO THE AMOUNT OF WAGES, SALARY, EMPLOYMENT BENEFITS, OR OTHER COMPENSATION DENIED OR LOST;

(II) PUNITIVE DAMAGES IN AN AMOUNT TO BE DETERMINED BY THE COURT;

(III) REASONABLE COUNSEL FEES AND OTHER COSTS;

(IV) INJUNCTIVE RELIEF, IF APPROPRIATE; AND

(V) ANY OTHER RELIEF THAT THE COURT DEEMS APPROPRIATE.

~~**8.3–907.**~~ **8.3–906.**

(A) (1) THE SECRETARY SHALL ESTABLISH A SYSTEM FOR APPEALS BY COVERED INDIVIDUALS IN THE CASE OF DENIAL OF BENEFITS UNDER THIS TITLE.

(2) THE SECRETARY MAY USE THE PROCEDURES UNDER § 8–806 OF THIS ARTICLE FOR THE SYSTEM REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(B) JUDICIAL REVIEW OF ANY DECISION WITH RESPECT TO BENEFITS UNDER THIS TITLE SHALL BE ALLOWED IN A COURT OF COMPETENT JURISDICTION AFTER AN AGGRIEVED PARTY HAS EXHAUSTED ALL ADMINISTRATIVE REMEDIES ESTABLISHED BY THE SECRETARY UNDER THIS TITLE.

(C) THE SECRETARY SHALL IMPLEMENT PROCEDURES TO ENSURE CONFIDENTIALITY OF ALL INFORMATION RELATED TO ANY CLAIMS FILED OR APPEALS TAKEN TO THE MAXIMUM EXTENT ALLOWED BY LAW.

SUBTITLE 10. SHORT TITLE.

8.3–1001.

THIS TITLE MAY BE CITED AS THE MARYLAND FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM.

Article – State Finance and Procurement

6–226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

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

144. the Health Equity Resource Community Reserve Fund; **[**and**]**

145. the Access to Counsel in Evictions Special Fund**; AND**

146. THE FAMILY AND MEDICAL LEAVE INSURANCE FUND.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any collective bargaining agreement entered into before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That~~, *notwithstanding § 8.3–601(d) of the Labor and Employment Article, as enacted by Section 1 of this Act,*~~*:*

(a) On or before June 1, 2023, the Secretary of Labor shall set the total rate of contribution and percentage of the total rate of contribution to be paid by employees of employers and employers with 15 or more employees ~~*that is set under § 8.3–601(d)*~~ *under § 8–601(a) of the Labor and Employment Article, as enacted by Section 1 of this Act,* ~~*on or before June 1, 2023, shall be*~~ *effective October 1, 2023.*

(b) The rate and percentages set under subsection (a) of this section shall be:

(1) based on the study required under Section 11(2) of this Act; and

(2) in effect from October 1, 2023, through December 31, ~~2023~~ 2025, both inclusive.

SECTION 4. AND BE IT FURTHER ENACTED, That, on or before January 1, 2023, the Maryland Department of Labor shall report to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2–1257 of the State Government Article, on whether a covered employee using benefits under the Maryland Family and Medical Leave Insurance Program established under § 8.3–301 of the Labor and Employment Article, as enacted by Section 1 of this Act, is also eligible for Unemployment Insurance Benefits under Title 8 of the Labor and Employment Article and the effect that dual eligibility has on employer ratings.

SECTION ~~4.~~ *5.* AND BE IT FURTHER ENACTED, That the Maryland Department of Labor shall:

(1) conduct an actuarial study on the cost to~~:~~

~~(i) maintain the solvency of the Family and Medical Leave Insurance Fund established under § 8.3–501 of the Labor and Employment Article, as enacted by Section 1 of this Act, to pay the benefits to covered individuals under the Maryland Family and Medical Leave Insurance Program established under § 8.3–301 of the Labor and Employment Article, as enacted by Section 1 of this Act; and~~

~~(ii)~~ the State for paying the required contribution for community providers, as described in Section ~~5~~ *7* of this Act, under § 8.3–601 of the Labor and Employment Article, as enacted by Section 1 of this Act; and

(2) on or before October 1, 2022, report the actuary's findings and recommendations to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2–1257 of the State Government Article.

SECTION ~~5.~~ *6.* AND BE IT FURTHER ENACTED, That *the Department of Legislative Services shall:*

(1) contract with a consultant to study and make recommendations regarding the capability and capacity of the Maryland Department of Labor to implement and administer the Family and Medical Leave Insurance Program under Title 8.3 of the Labor and Employment Article, as enacted by Section 1 of this Act, including recommendations regarding any additional resources needed by the Department to meet future demands of the Program, such as operating budget appropriations, staff, contracting authority, and pay increases; and

(2) on or before October 1, 2022, report the consultant's findings and recommendations to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

SECTION 7. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the State pay the required contribution under § 8.3–601 of the Labor and Employment Article, as enacted by Section 1 of this Act, to the Family and Medical Leave Insurance Fund established under § 8.3–501 of the Labor and Employment Article, as enacted by Section 1 of this Act, for employers that are community providers that are community–based agencies or programs funded by the Behavioral Health Administration, the Developmental Disabilitites Administration, or the Medical Care Programs Administration to serve individuals with mental disorders, substance–related disorders, or a combination of those disorders or developmental disabilities.

SECTION ~~5.~~ ~~6.~~ *8.* AND BE IT FURTHER ENACTED, That, if a covered employee makes an hourly wage that is less than $15.00 an hour, it is the intent of the General Assembly that the State pay the covered employee's required contribution under § 8.3–601 of the Labor and Employment Article, as enacted by Section 1 of this Act, to the Family and Medical Leave Insurance Fund established under § 8.3–501 of the Labor and Employment Article, as enacted by Section 1 of this Act.

SECTION ~~6.~~ ~~7.~~ *9.* AND BE IT FURTHER ENACTED, That Section ~~5~~ ~~6~~ *8* of this Act shall remain effective for a period of 3 years and 6 months and, at the end of June 30, 2026, Section ~~5~~ ~~6~~ *8* of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

SECTION ~~3.~~ ~~7.~~ ~~8.~~ *10.* AND BE IT FURTHER ENACTED, That, on or before ~~October 1, 2022~~ June 1, 2023, the Secretary of Labor shall adopt regulations as required under § 8.3–403 of the Labor and Employment Article, as enacted by Section 1 of this Act.

SECTION 11. AND BE IT FURTHER ENACTED, That, on or before December 1, 2022, the Secretary of Labor shall:

(1) conduct the cost analysis described in § 8.3–601(b) of the Labor and Employment Article, as enacted by Section 1 of this Act;

(2) conduct the study and make recommendations as described in § 8.3–601(c) of the Labor and Employment Article, as enacted by Section 1 of this Act; and

(3) report the findings and recommendations to the Senate Finance Committee, the House Economic Matters Committee, and the Joint Committee on Administrative, Executive, and Legislative Review in accordance with § 2–1257 of the State Government Article.

SECTION ~~8.~~ ~~9.~~ ~~*11.*~~ *12.* AND BE IT FURTHER ENACTED, That Sections 1, ~~5~~ *7*, ~~and 7~~ ~~6~~ *8*, and ~~8~~ *10* of this Act shall take effect January 1, 2023.

SECTION ~~4.~~ ~~9.~~ ~~10.~~ ~~*12.*~~ *13.* AND BE IT FURTHER ENACTED, That, except as provided in Section ~~8~~ ~~9.~~ ~~*11*~~ *12* of this Act, this Act shall take effect June 1, 2022.

May 27, 2022

The Honorable Bill Ferguson
H–107 State House
100 State Circle
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed Senate Bill 353 – *Health Insurance – Prescription Insulin Drugs – Limits on Copayment and Coinsurance (Insulin Cost Reduction Act).*

This bill requires an insurer, nonprofit health service plan, or health maintenance organization that provides coverage for prescription drugs and devices to limit the amount a covered individual is required to pay in copayments or coinsurance for a covered prescription insulin drug to no more than $30 for a 30–day supply, regardless of the amount or type of insulin needed to fill the covered individual's prescription.

House Bill 1397, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 353.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 353

AN ACT concerning

Health Insurance – Prescription Insulin Drugs – Limits on Copayment and Coinsurance
(Insulin Cost Reduction Act)

FOR the purpose of requiring certain insurers, nonprofit health service plans, and health maintenance organizations to limit the amount a covered individual is required to pay in copayments or coinsurance for a covered prescription insulin drug to a certain amount; and generally relating to coverage for prescription insulin drugs under health insurance.

BY adding to

Article – Insurance
Section 15–822.1
Annotated Code of Maryland
(2017 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–847.1
Annotated Code of Maryland
(2017 Replacement Volume and 2021 Supplement)

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

Article – Insurance

15–822.1.

(A) (1) THIS SECTION APPLIES TO:

(I) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE COVERAGE FOR PRESCRIPTION DRUGS AND DEVICES TO INDIVIDUALS OR GROUPS UNDER HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE DELIVERED IN THE STATE; AND

(II) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE COVERAGE FOR PRESCRIPTION DRUGS AND DEVICES TO INDIVIDUALS OR GROUPS UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

(2) AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH MAINTENANCE ORGANIZATION THAT PROVIDES COVERAGE FOR PRESCRIPTION DRUGS AND DEVICES THROUGH A PHARMACY BENEFITS MANAGER IS SUBJECT TO THE REQUIREMENTS OF THIS SECTION.

(B) AN ENTITY SUBJECT TO THIS SECTION SHALL LIMIT THE AMOUNT A COVERED INDIVIDUAL IS REQUIRED TO PAY IN COPAYMENTS OR COINSURANCE FOR A COVERED PRESCRIPTION INSULIN DRUG TO NOT MORE THAN $30 FOR A 30–DAY SUPPLY, REGARDLESS OF THE AMOUNT OR TYPE OF INSULIN NEEDED TO FILL THE COVERED INDIVIDUAL'S PRESCRIPTION.

(C) AN ENTITY SUBJECT TO THIS SECTION MAY SET THE AMOUNT A COVERED INDIVIDUAL IS REQUIRED TO PAY TO AN AMOUNT THAT IS LESS THAN THE PAYMENT AMOUNT LIMIT UNDER SUBSECTION (B) OF THIS SECTION.

(D) A CONTRACT BETWEEN AN ENTITY SUBJECT TO THIS SECTION, OR A PHARMACY BENEFITS MANAGER THROUGH WHICH THE ENTITY PROVIDES COVERAGE FOR PRESCRIPTION DRUGS AND DEVICES, AND A PHARMACY OR THE PHARMACY'S CONTRACTING AGENT, MAY NOT:

(1) AUTHORIZE A PARTY TO THE CONTRACT TO CHARGE A COVERED INDIVIDUAL AN AMOUNT THAT IS MORE THAN THE PAYMENT AMOUNT LIMIT UNDER SUBSECTION (B) OF THIS SECTION;

(2) REQUIRE A PHARMACY TO COLLECT FROM A COVERED INDIVIDUAL AN AMOUNT THAT IS MORE THAN THE PAYMENT AMOUNT LIMIT UNDER SUBSECTION (B) OF THIS SECTION; OR

(3) REQUIRE A COVERED INDIVIDUAL TO PAY AN AMOUNT THAT IS MORE THAN THE PAYMENT AMOUNT LIMIT UNDER SUBSECTION (B) OF THIS SECTION.

15–847.1.

(a) This section applies to:

(1) insurers and nonprofit health service plans that provide coverage for prescription drugs under individual, group, or blanket health insurance policies or contracts that are issued or delivered in the State; and

(2) health maintenance organizations that provide coverage for prescription drugs under individual group contracts that are issued or delivered in the State.

(b) (1) Subject to paragraph (2) of this subsection **AND § 15–822.1 OF THIS SUBTITLE**, an entity subject to this section may not impose a copayment or coinsurance requirement on a prescription drug prescribed to treat diabetes, HIV, or AIDS that exceeds $150 for up to a 30–day supply of the drug.

(2) On July 1 each year, the limit on the copayment or coinsurance requirement on a prescription drug prescribed to treat diabetes, HIV, or AIDS shall increase by a percentage equal to the percentage change from the preceding year in the medical care component of the March Consumer Price Index for All Urban Consumers, Washington Metropolitan Area, from the U.S. Department of Labor, Bureau of Labor Statistics.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after January 1, 2023.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2023.

May 27, 2022

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Mr. President and Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 1163 and Senate Bill 362 – *Primary and Secondary Education – Virtual Education – Requirements.*

This bill threatens the closure of valuable education programs currently underway, such as the Blended Virtual Program (BVP) that was developed by the Eastern Shore of Maryland Educational Consortium (ESMEC) as an alternative for students unable to return to in–person learning. In its first year, this program boasts a 75% passage rate. It received positive feedback from parents, with 77% of parents wanting their children to continue in the program next year. As the former chairman of the National Governors Association (NGA), I strongly support public–private partnerships that involve the government working with private business to expand our ability to educate our students. Nationally, there are 35 States that allow statewide open enrollment into virtual schools and our very own Blueprint for Maryland's Future encourages innovative programs such as this.

Giving the Maryland State Department of Education (MSDE) discretion to shut down underperforming schools as currently drafted in this bill gives too much influence to political whims, instead of putting learning at the forefront. I believe that every parent and child should have the option to choose the best learning opportunity that works for their circumstances and abilities. This bill will erode that choice by limiting the types of providers local school systems can partner with to deliver a full–time education program.

I am confident that MSDE will continue working with local school systems to develop and set best–in–class standards, and will continue to monitor ongoing virtual programs to ensure the success of students, and, based on developing best practices and metrics, make recommendations regarding the effectiveness of virtual programs.

For these reasons, I have vetoed House Bill 1163 and Senate Bill 362.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 362

AN ACT concerning

Primary and Secondary Education – Virtual ~~Schools~~ *Education* – ~~Revisions~~ *Requirements*

FOR the purpose of ~~requiring a teacher preparation program to include certain training related to teaching in a virtual learning environment as a component of instruction; altering the requirements for virtual schools established by the State Department of Education or a county board of education; providing that certain virtual schools approved by the State Department of Education on or before a certain date may continue to operate as a virtual school for a certain period of time under certain circumstances~~ *requiring a teacher preparation program to include certain training related to teaching in a virtual learning environment as a component of instruction; providing that a county board of education may authorize a county superintendent of schools, under certain circumstances, to provide virtual education days to students instead of closing the public schools in the county because of severe weather conditions; requiring the county board to publish the county board's plan for the use of virtual education days on the school system's website and requiring the plan to include certain items; requiring a county superintendent to take certain actions and make certain accommodations if the county superintendent decides to provide a virtual education day for public school students in the county; requiring the State Department of Education, on or before a certain date, to establish a statewide universal learning management system for public schools and hire a dedicated employee to implement and manage the system; authorizing a county board to adopt the universal learning management system under certain circumstances; requiring the Department, beginning in a certain school year, to make certain curriculum standards available through the universal management system; altering the requirements for virtual schools established by a county board; requiring county boards to adopt virtual education plans for the operation of public schools during a prolonged state of emergency; providing for the contents of a virtual education plan; requiring public schools to establish certain learning supports and a behavioral health plan under certain circumstances; requiring the Department to establish certain training standards for teachers on the provision of virtual education under certain circumstances; requiring the Department to expand computer and Internet security infrastructure for virtual education; requiring a community school to address and mitigate the effects of learning loss and chronic absenteeism caused by school closures; requiring the State Superintendent of Schools to report to the State Board of*

Education and the General Assembly on or before a certain date certain findings and recommendations regarding the balance between certain types of learning in virtual schools; providing that certain virtual schools approved by the Department on or before a certain date may continue to operate as a virtual school for a certain period of time under certain circumstances; requiring the Department, in consultation with certain stakeholders, to study best practices for the provision of virtual education and submit a certain report on or before a certain date; prohibiting the approval of a new elementary grade band virtual school on or before a certain date; and generally relating to virtual ~~schools~~ *education in the State*.

BY repealing and reenacting, with amendments,
Article – Education
Section 6–121(a) ~~and~~, *7–202.1,* 7–1401 through 7–1408*, and 9.9–103*
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY adding to
Article – Education
Section *7–103.2 and* 7–1401.1*; and 7–14A–01 through 7–14A–09 to be under the new subtitle "Subtitle 14A. Operation of Public Schools During a Prolonged State of Emergency – Virtual Education Plans"*
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

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

Article – Education

6–121.

(a) A teacher preparation program shall:

(1) Include the following components of instruction:

(i) Basic research skills and methods and training on the routine evaluation and use of research and data to improve student performance;

(ii) Differentiation of instruction and demonstration of cultural competence for students of diverse racial, ethnic, linguistic, and economic backgrounds with different learning abilities;

(iii) Implementation of restorative approaches for student behaviors;

(iv) Identifying and assessing, in the context of the classroom, typical student learning deficits and techniques to remedy learning deficits;

(v) Recognizing and effectively using high quality instructional materials, including digital resources and computer technology;

(vi) Core academic subjects that teachers will be teaching;

(vii) Methods and techniques for identifying and addressing the social and emotional needs of students, including trauma–informed approaches to pedagogy; **[**and**]**

(viii) Skills and techniques for effective classroom management; **AND**

(IX) TRAINING IN THE SKILLS AND TECHNIQUES FOR TEACHING EFFECTIVELY IN A VIRTUAL LEARNING ENVIRONMENT;

(2) Require program participants to demonstrate competency in each of the components required under paragraph (1) of this subsection;

(3) Provide training in the knowledge and skills required to understand and teach the Maryland curriculum frameworks; and

(4) On or after July 1, 2025, require passing a nationally recognized, portfolio–based assessment of teaching ability as a requirement for graduation.

7–103.2.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A COUNTY BOARD MAY AUTHORIZE THE COUNTY SUPERINTENDENT, IN CASES OF SEVERE WEATHER CONDITIONS, TO PROVIDE VIRTUAL EDUCATION DAYS TO STUDENTS INSTEAD OF CLOSING THE PUBLIC SCHOOLS IN THE COUNTY DURING A SEVERE WEATHER EVENT.

(B) BEFORE A COUNTY BOARD MAY AUTHORIZE THE COUNTY SUPERINTENDENT TO PROVIDE VIRTUAL EDUCATION DAYS TO STUDENTS IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION, THE COUNTY BOARD SHALL:

(1) DISCUSS THIS TOPIC AT AN OPEN MEETING; AND

(2) VOTE AFFIRMATIVELY TO AUTHORIZE THE COUNTY SUPERINTENDENT TO PROVIDE VIRTUAL EDUCATION DAYS TO STUDENTS DURING A SEVERE WEATHER EVENT.

(C) (1) A COUNTY BOARD SHALL PUBLISH THE COUNTY BOARD'S PLAN FOR THE USE OF VIRTUAL EDUCATION DAYS ON THE SCHOOL SYSTEM'S WEBSITE.

(2) THE COUNTY BOARD'S PLAN PUBLISHED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) A PLAN TO ENSURE THAT ATTENDANCE WILL BE TAKEN FOR ALL STUDENTS AND TEACHERS DURING EACH VIRTUAL EDUCATION DAY;

(II) A PLAN TO PROVIDE OPPORTUNITIES FOR STUDENTS TO MAKE UP WORK MISSED DURING VIRTUAL EDUCATION DAYS WHEN THEY RETURN TO IN–PERSON SCHOOL;

(III) A PLAN TO ENSURE THAT ALL STAFF AND STUDENTS, INCLUDING STUDENTS WITH DISABILITIES, HOMELESS STUDENTS, AND ENGLISH LANGUAGE LEARNERS, HAVE THE NECESSARY DEVICES AT HOME FOR VIRTUAL EDUCATION DAYS, INCLUDING ACCESS TO WI–FI; AND

(IV) SPECIFIC STRATEGIES FOR THE CONTINUED IMPLEMENTATION OF INDIVIDUALIZED EDUCATION PROGRAMS DURING THE VIRTUAL EDUCATION DAY, INCLUDING SPECIALLY DESIGNED INSTRUCTION, RELATED SERVICES, SUPPLEMENTARY AIDS AND SERVICES, AND ACCOMMODATIONS.

(D) A COUNTY SUPERINTENDENT MAY DECIDE TO PROVIDE A DAY OF VIRTUAL EDUCATION FOR PUBLIC SCHOOL STUDENTS IN THE COUNTY ONLY IF:

(1) THE LOCAL SCHOOL SYSTEM HAS USED ALL THE DAYS INCORPORATED INTO ITS CALENDAR FOR SCHOOL CLOSURES FOR SEVERE WEATHER CONDITIONS;

(2) THE COUNTY BOARD HAS AUTHORIZED THE COUNTY SUPERINTENDENT TO PROVIDE VIRTUAL EDUCATION DAYS TO STUDENTS IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION; AND

(3) THE COUNTY SUPERINTENDENT DETERMINES THAT SEVERE WEATHER CONDITIONS ARE LIKELY TO PREVENT NORMAL ATTENDANCE AT THE PUBLIC SCHOOL.

(E) (1) IF A COUNTY SUPERINTENDENT DECIDES TO PROVIDE A VIRTUAL EDUCATION DAY FOR PUBLIC SCHOOL STUDENTS IN THE COUNTY, THE COUNTY SUPERINTENDENT SHALL NOTIFY THE SCHOOL PRINCIPALS AS SOON AS POSSIBLE AFTER THE DECISION IS MADE.

(2) A SCHOOL PRINCIPAL WHO RECEIVES NOTICE OF A VIRTUAL EDUCATION DAY IMMEDIATELY SHALL NOTIFY THE STUDENTS, PARENTS, AND SCHOOL STAFF OF THE IMPLEMENTATION OF THE VIRTUAL EDUCATION DAY.

(F) (1) A VIRTUAL EDUCATION DAY SHALL CONSIST OF NOT LESS THAN 4 HOURS OF SYNCHRONOUS INSTRUCTION, AND ASYNCHRONOUS INSTRUCTION DESIGNED TO MAXIMIZE THE ADVANTAGES OF ONLINE ACCESS.

(2) A COUNTY SUPERINTENDENT SHALL ADEQUATELY DESIGN THE VIRTUAL EDUCATION DAY MODEL BEFORE IMPLEMENTATION OF THE FIRST VIRTUAL EDUCATION DAY.

7–202.1.

(a) The Department shall, in consultation with experienced and highly effective teachers, including teachers on the career ladder under Title 6, Subtitle 10 of this article, develop curriculum standards and curriculum resources for each subject at each grade level, that build on one another in logical sequence, in core subjects that may be used by local school systems and public school teachers.

(b) (1) The purpose of the curriculum standards and curriculum resources developed under this section is to provide county boards with technical assistance to inform high–quality instruction that will ultimately result in students meeting the college and career readiness standards in the manner described under § 7–205.1 of this subtitle.

(2) The curriculum resources developed under this section shall include, for each core subject at each grade level:

(i) Course syllabi;

(ii) Sample lessons for teachers to use as models;

(iii) Examples of student work that meet standards for proficiency;

(iv) Explanations of why student work examples meet proficiency standards so that teachers know what student knowledge is required; and

(v) Curriculum units aligned with the course syllabi.

(3) In developing the curriculum resources under this subsection, the Department:

(i) May use as a model a course or unit developed by a teacher in or out of the State; but

(ii) Shall review each model course and unit for quality, using accepted benchmarks such as approval by EdReports or Tier 1 and Tier 2 evidence–based standards established by the federal Every Student Succeeds Act.

(4) The Department shall compile curriculum units in such a manner that:

(i) Complete courses are formed; and

(ii) When taken by a student in sequence, the student can achieve the college and career readiness standard adopted under § 7–205.1 of this subtitle by the end of grade 10.

(c) The Department shall submit curriculum resources and curriculum standards developed under this section to the State Board for adoption.

(d) ***(1) (I) ON OR BEFORE SEPTEMBER 1, 2022, THE DEPARTMENT SHALL:***

1. ESTABLISH A STATEWIDE UNIVERSAL LEARNING MANAGEMENT SYSTEM FOR EVENTUAL USE IN ALL PUBLIC SCHOOLS IN THE STATE; AND

2. HIRE A DEDICATED EMPLOYEE TO IMPLEMENT AND MANAGE THE UNIVERSAL LEARNING MANAGEMENT SYSTEM.

(II) IF A COUNTY BOARD HAS NOT, ON OR BEFORE AUGUST 31, 2022, CONTRACTED TO LICENSE A LEARNING MANAGEMENT SYSTEM OTHER THAN THE UNIVERSAL LEARNING MANAGEMENT SYSTEM ESTABLISHED BY THE DEPARTMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE COUNTY BOARD MAY ADOPT THE UNIVERSAL LEARNING MANAGEMENT SYSTEM ESTABLISHED BY THE DEPARTMENT.

(III) THE DEPARTMENT SHALL PROVIDE TECHNICAL SUPPORT, AID WITH PROFESSIONAL DEVELOPMENT, AND FINANCIAL SUPPORT TO A COUNTY BOARD THAT ADOPTS THE UNIVERSAL LEARNING MANAGEMENT SYSTEM ESTABLISHED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(IV) THE DEPARTMENT MAY NOT PROVIDE LEARNING MANAGEMENT BASED SUPPORT TO A COUNTY BOARD THAT DOES NOT ADOPT THE UNIVERSAL LEARNING MANAGEMENT SYSTEM ESTABLISHED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(2) BEGINNING IN THE 2024–2025 SCHOOL YEAR, THE DEPARTMENT SHALL MAKE THE CURRICULUM STANDARDS DEVELOPED UNDER THIS SECTION AVAILABLE THROUGH THE UNIVERSAL LEARNING MANAGEMENT SYSTEM.

(E) *The State Board shall establish a system of assessments to ensure that students are acquiring the knowledge contained in the curriculum standards in English, Mathematics, Science, and History or Social Studies.*

[(e)***] (F)*** (1) Using the assessments established under subsection ***[***(d)***] (E)*** of this section, the Department shall identify low–performing schools.

(2) An Expert Review Team established under § 5–411 of this article, under the supervision of the Department, shall visit schools identified under paragraph (1) of this subsection according to the criteria established under § 5–411 of this article.

(3) If the Department, based on a recommendation of an Expert Review Team, determines that a school's low performance on assessments is, largely, due to curricular problems, the school shall adopt the curriculum resources developed under this section.

(4) Except as provided in paragraph (3) of this subsection, this section does not require a public school or county board to adopt the Department's curriculum standards and curriculum resources and may not be construed to restrict a county board's authority to adopt curricula under § 4–111 of this article.

Subtitle 14. Virtual Schools.

7–1401.

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

(b) "Quality online education standards" means the National Standards for Quality Online Programs: Second Edition (2019).

(c) "Sponsor" means ***[***the Department or***]*** a county ***[***school***]*** board, having a fiduciary responsibility for the operation of the virtual school.

(d) "Virtual school" means a public school ***[***established***]:***

(1) ESTABLISHED by ***[***the Department or by***]*** a county board ***OR MULTIPLE COUNTY BOARDS UNDER A WRITTEN AGREEMENT*** under § 4–109 of this article ***[***in which the school***];***

(2) THAT uses ***[***technology***]*** ***ONE OR MORE TECHNOLOGIES*** to deliver ***[***a significant portion of***]*** instruction to its students ***[***via the Internet in a virtual or remote setting***]*** ***ENTIRELY OR PRIMARILY ONLINE; AND***

(3) IN WHICH THE STUDENTS AND INSTRUCTORS PARTICIPATE REMOTELY FROM SEPARATE LOCATIONS.

7–1401.1.

THIS SUBTITLE DOES NOT APPLY TO:

(1) A VIRTUAL LEARNING OPPORTUNITY OFFERED BY THE DEPARTMENT OR A COUNTY BOARD UNDER § 7–1002 OF THIS TITLE;

(2) AN UPPER–LEVEL HIGH SCHOOL PROGRAM THAT:

(I) HAS ONLINE COMPONENTS; AND

(II) DESIGNS A STUDENT'S ACADEMIC PROGRAM TO MAXIMIZE THE FLEXIBILITY OF THE STUDENT'S SCHEDULE TO ACCOMMODATE THE STUDENT'S WORK SCHEDULE; OR

(3) A PUBLIC SCHOOL OPERATING UNDER A VIRTUAL EDUCATION PLAN DURING A PROLONGED STATE OF EMERGENCY UNDER SUBTITLE 14A OF THIS TITLE.

7–1402.

(a) ***(1) [****Subject****] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND SUBJECT*** *to the approval of the Department, a county board may establish* ***[****a****] ONE*** *virtual school* ***FOR THE ELEMENTARY, MIDDLE, AND HIGH SCHOOL GRADE BANDS****.*

(2) THE DEPARTMENT MAY PROVIDE PRELIMINARY AUTHORIZATION TO A COUNTY BOARD TO ESTABLISH ONE ADDITIONAL VIRTUAL SCHOOL ON A SHOWING OF JUST CAUSE, AS DETERMINED BY THE DEPARTMENT.

(3) EACH VIRTUAL SCHOOL SHALL RECEIVE FINAL APPROVAL FROM THE STATE BOARD.

(4) THE DEPARTMENT MAY REVOKE APPROVAL OF A VIRTUAL SCHOOL, SUBJECT TO FINAL APPROVAL OF THE STATE BOARD, IF DURING THE PREVIOUS SCHOOL YEAR THE VIRTUAL SCHOOL FAILS TO MEET THE STANDARDS ESTABLISHED BY THE DEPARTMENT IN REGULATION.

(B) A VIRTUAL SCHOOL MAY NOT INCLUDE CLASSES FOR PREKINDERGARTEN OR KINDERGARTEN STUDENTS.

[*(b)****] (C)*** *A virtual school is subject to all applicable federal and State laws and regulations governing the operation of a public school.*

(D) EACH APPROVED VIRTUAL SCHOOL SHALL HAVE A SCHOOL ACCOUNTABILITY CODE ASSIGNED BY THE DEPARTMENT.

(E) (1) A COUNTY BOARD MAY NOT CONTRACT WITH A FOR–PROFIT ENTITY, BUT MAY CONTRACT WITH A NONPROFIT ENTITY, TO OPERATE OR ADMINISTER A VIRTUAL SCHOOL FOR THE COUNTY BOARD.

(2) THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT A COUNTY BOARD FROM CONTRACTING WITH A FOR–PROFIT ENTITY FOR GOODS AND SERVICES FOR A VIRTUAL SCHOOL.

7–1403.

[*(c)****] (A)*** *A student who is eligible for enrollment in a public school in the State* ***[****may****] IS ELIGIBLE TO*** *enroll in a virtual school.*

(B) IN ADDITION TO THE CRITERIA ESTABLISHED BY THE DEPARTMENT OR A COUNTY BOARD, AN APPLICATION FOR ENROLLMENT IN A VIRTUAL SCHOOL SHALL REQUIRE AN APPLICANT TO DESCRIBE WHY INSTRUCTION IN A VIRTUAL LEARNING ENVIRONMENT WILL LEAD TO SUCCESSFUL ACADEMIC OUTCOMES FOR THE APPLICANT.

(C) (1) NOT MORE THAN 10% OF THE STUDENTS WHO WOULD OTHERWISE ATTEND A SINGLE PUBLIC SCHOOL IN THE COUNTY IN ANY SCHOOL YEAR MAY ENROLL IN A VIRTUAL SCHOOL ESTABLISHED BY A COUNTY BOARD.

(2) THE DEPARTMENT MAY AUTHORIZE A COUNTY BOARD TO EXCEED THE CAP UNDER PARAGRAPH (1) OF THIS SUBSECTION ON A SHOWING OF JUST CAUSE.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF A COUNTY BOARD RECEIVES MORE APPLICATIONS THAN THERE ARE AVAILABLE SPACES IN A VIRTUAL SCHOOL, THE COUNTY BOARD SHALL ADMIT ALL STUDENTS ON A LOTTERY BASIS.

(2) A COUNTY BOARD SHALL GIVE GREATER WEIGHT TO A STUDENT'S LOTTERY STATUS AS A PART OF A LOTTERY HELD UNDER PARAGRAPH (1) OF THIS SECTION BASED ON DEMOGRAPHIC DIVERSITY UNDER SUBSECTION (E) OF THIS SECTION AND ANY OTHER CRITERIA ESTABLISHED BY THE COUNTY BOARD.

(E) TO THE EXTENT PRACTICABLE, THE STUDENT BODY OF A VIRTUAL SCHOOL SHALL REFLECT THE SOCIOECONOMIC, RACIAL, ETHNIC, CULTURAL, AND GENDER DIVERSITY OF THE STUDENTS ENROLLED IN THE PUBLIC SCHOOL SYSTEM IN THE COUNTY.

(F) THE COUNTY BOARD SHALL DEVELOP AN OUTREACH CAMPAIGN TO PROVIDE INFORMATION TO THE PUBLIC ON THE AVAILABILITY OF THE VIRTUAL SCHOOL OPTION.

[*7–1403.****] 7–1404.***

(a) A virtual school shall provide each enrolled student:

(1) Access to a sequential curriculum approved by the State Board that meets or exceeds the standards adopted by the county board in the county of the virtual school's principal place of business ***OR THE COUNTY DESIGNATED UNDER A WRITTEN AGREEMENT BETWEEN MULTIPLE COUNTY BOARDS****;*

(2) The same length of time for learning opportunities per academic year that is required for public school students, unless the virtual school can show that a student has demonstrated mastery or completion of the subject area; ***[****and****]***

(3) Regular assessment in the core areas of instruction as required by regulations adopted by the State Board under ***[****§ 7–1408****] § 7–1409*** *of this subtitle****; AND***

(4) ACCESS TO THE FOLLOWING SERVICES:

(I) TO THE EXTENT PRACTICABLE, EXTRACURRICULAR ACTIVITIES AT THE PUBLIC SCHOOL THE STUDENT WOULD OTHERWISE BE REQUIRED TO ATTEND;

(II) NOTWITHSTANDING ANY OTHER LAW OR REGULATION AND SUBJECT TO A PARTICIPATION AGREEMENT BETWEEN THE PUBLIC SCHOOL AND THE PARENT OR GUARDIAN OF THE STUDENT, PARTICIPATION IN ORGANIZED ATHLETICS AND ON ATHLETIC TEAMS AT THE PUBLIC SCHOOL THE STUDENT WOULD OTHERWISE BE REQUIRED TO ATTEND;

(III) WRAPAROUND SERVICES;

(IV) FOOD AND NUTRITION SERVICES; AND

(V) HEALTH CARE SERVICES EQUIVALENT TO SERVICES AVAILABLE TO STUDENTS WHO RECEIVE IN–PERSON INSTRUCTION IN THE PUBLIC SCHOOLS IN THE COUNTY.

(b) A curriculum adopted under subsection (a) of this section shall have ***[****an****]:***

(1) AN *interactive program with significant online components****; AND***

(2) AN INTERACTIVE SOCIAL AND EMOTIONAL WELLNESS COMPONENT DESIGNED FOR A VIRTUAL SCHOOL ENVIRONMENT.

(c) Beginning in the 2022–2023 school year, a virtual school shall follow the quality online education standards.

(D) THE DEPARTMENT SHALL ESTABLISH IN REGULATION THE FOLLOWING STANDARDS FOR ALL VIRTUAL SCHOOLS:

(1) AFTER COLLABORATION WITH LOCAL SCHOOL SYSTEMS, STUDENT ATTENDANCE REQUIREMENTS AND REPORTING;

(2) STUDENT ENGAGEMENT AND CONDUCT;

(3) PROGRAM QUALITY METRICS;

(4) TRACKING AND USE OF STUDENT DATA; AND

(5) DATA REPORTING REQUIREMENTS.

(E) A COUNTY BOARD SHALL ADOPT POLICIES FOR THE MANDATORY RETURN TO IN–PERSON INSTRUCTION FOR STUDENTS ENROLLED IN A VIRTUAL SCHOOL, INCLUDING STUDENTS WHO ARE FAILING ACADEMICALLY AFTER RECEIVING THE APPROPRIATE SUPPORTS.

[*7–1404.****] 7–1405.***

(a) A virtual school shall provide to the parent or guardian of each enrolled student:

(1) Instructional materials, including software; ***[****and****]***

*(2) Information on the closest public facility that offers access to a computer****[****, printer,****]*** *and Internet connection****; AND***

(3) INFORMATIONAL MATERIALS ON:

(I) SCHOOL POLICIES;

(II) STUDENT ATTENDANCE, CONDUCT, AND ENGAGEMENT REQUIREMENTS;

(III) ACCESS TO EXTRACURRICULAR ACTIVITIES AND WRAPAROUND SERVICES;

(IV) ACCESS TO FOOD AND NUTRITION SERVICES AND HEALTH CARE SERVICES;

(V) TECHNOLOGY REQUIREMENTS AND SUPPORT SERVICES;

(VI) CYBERSECURITY POLICY AND BEST PRACTICES;

(VII) TEACHER CONTACT INFORMATION AND OFFICE HOURS; AND

(VIII) ANY OTHER RELEVANT INFORMATION AS DETERMINED BY THE VIRTUAL SCHOOL.

(B) (1) A VIRTUAL SCHOOL IS STRONGLY ENCOURAGED TO HOLD IN–PERSON ORIENTATION SESSIONS WITH THE STUDENTS, PARENTS OR GUARDIANS, AND SCHOOL PERSONNEL TO PROVIDE THE INFORMATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.

(2) A VIRTUAL SCHOOL SHALL HOLD AN ONLINE ORIENTATION TO PROVIDE THE INFORMATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION IF THE VIRTUAL SCHOOL IS UNABLE TO HOLD IN–PERSON ORIENTATION SESSIONS.

[*(b)****] (C)*** *A virtual school* ***[****may****]:***

(1) MAY *not provide funds for the purchase of instructional programs or materials to a student or to a student's parent or guardian****; AND***

(2) SHALL PROVIDE THE APPROPRIATE DIGITAL DEVICE TO A STUDENT TO PARTICIPATE IN THE VIRTUAL SCHOOL, IF REQUIRED.

[*7–1405.****] 7–1406.***

(A) (1) *A teacher* ***[****employed by****]*** ***ASSIGNED TO*** *a virtual school shall have a teacher's certificate issued by the State Superintendent under Title 6 of this article* ***OR ANY OTHER RELEVANT PROFESSIONAL CERTIFICATION AUTHORIZED UNDER COMAR 13A.12.01.***

(2) TEACHERS OR EDUCATION SUPPORT PERSONNEL ASSIGNED TO WORK IN A VIRTUAL SCHOOL SHALL:

(I) BE AN EMPLOYEE OF THE COUNTY, OR A COLLABORATING COUNTY, THAT ESTABLISHED THE VIRTUAL SCHOOL;

(II) SUBJECT TO SUBSECTION (B) OF THIS SECTION, BE SUBJECT TO THE COLLECTIVE BARGAINING AGREEMENT OF THAT JURISDICTION; AND

(III) HAVE ACCESS TO PROFESSIONAL DEVELOPMENT.

(B) A COLLECTIVE BARGAINING AGREEMENT MAY INCLUDE PROVISIONS SPECIFIC TO EMPLOYEES WHO WORK IN A VIRTUAL SCHOOL IN CONSIDERATION OF THE CONDITIONS AND REQUIREMENTS RELEVANT TO THAT WORK ENVIRONMENT.

(C) AN EMPLOYEE ASSIGNED TO A VIRTUAL SCHOOL MAY NOT BE REQUIRED TO PROVIDE VIRTUAL AND IN–PERSON INSTRUCTION OR SUPPORT TO STUDENTS SIMULTANEOUSLY.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COUNTY BOARD SHALL DETERMINE THE APPROPRIATE STUDENT–TEACHER RATIO FOR THE SIZE OF A CLASS IN A VIRTUAL SCHOOL BASED ON MULTIPLE FACTORS, INCLUDING GRADE LEVEL, SUBJECT MATTER, AND TEACHER WORKLOAD.

(2) THE SIZE OF A CLASS IN A VIRTUAL SCHOOL SHALL BE CONSISTENT WITH THE COUNTYWIDE AVERAGE CLASS SIZE FOR IN–PERSON CLASSES.

(E) A VIRTUAL SCHOOL SHALL PROVIDE TO A TEACHER AND ANY OTHER EMPLOYEE EMPLOYED TO TEACH OR PROVIDE DIRECT INSTRUCTION IN A VIRTUAL SCHOOL:

(1) THE TECHNOLOGY AND EQUIPMENT REQUIRED TO PERFORM THE FUNCTIONS OF THE JOB; AND

(2) IF NECESSARY, A PHYSICAL SPACE TO CONDUCT TEACHING OR PROVIDE DIRECT INSTRUCTION IN THE VIRTUAL SCHOOL.

(F) A VIRTUAL SCHOOL SHALL HAVE A PLANNED STAFFING MODEL, INCLUDING PROVISIONS FOR STAFF RECRUITMENT, TRAINING, EVALUATION, AND PROFESSIONAL DEVELOPMENT.

[*7–1406.****] 7–1407.***

A virtual school shall maintain an administrative office in the State that shall be considered its principal place of business.

[*7–1407.****] 7–1408.***

A virtual school shall be evaluated each year by ***[****its sponsor****]*** ***THE COUNTY BOARD*** *based on the following criteria:*

(1) The extent to which the school demonstrates increases in student achievement according to county and State academic standards; and

(2) The accountability and viability of the virtual school, as demonstrated by its academic, fiscal, and operational performance.

[*7–1408.****]*** ***7–1409.***

(A) (1) (I) THE STATE SUPERINTENDENT MAY ASSIGN THE DUTIES RELATED TO THE OVERSIGHT OF VIRTUAL SCHOOLS TO THE APPROPRIATE OFFICE OR DIVISION WITHIN THE DEPARTMENT.

(II) THESE DUTIES SHALL INCLUDE:

1. THE DEVELOPMENT, COMPILATION, AND UPDATING OF BEST PRACTICES FOR TEACHING AND LEARNING IN A VIRTUAL ENVIRONMENT, PROVISION OF SERVICES, AND THE OPERATION AND ADMINISTRATION OF A VIRTUAL SCHOOL; AND

2. LIAISING WITH COUNTY BOARDS THAT OPERATE VIRTUAL SCHOOLS OR OTHER STAKEHOLDERS.

(2) THE OFFICE OR DIVISION ASSIGNED THE DUTIES UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY CREATE AN ADVISORY COMMITTEE TO PROVIDE ADVICE ON TOPICS REGARDING VIRTUAL SCHOOLS AND VIRTUAL LEARNING.

(B) *The State Board shall adopt regulations to carry out the provisions of this subtitle, including establishing minimum criteria for the establishment and approval of a virtual school.*

SUBTITLE 14A. OPERATION OF PUBLIC SCHOOLS DURING A PROLONGED STATE OF EMERGENCY – VIRTUAL EDUCATION PLANS.

7–14A–01.

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

(B) "LEARNING LOSS" MEANS A GENERAL OR SPECIFIC LOSS OF KNOWLEDGE OR SKILLS DUE TO AN EXTENDED GAP OR DISCONTINUITY IN A STUDENT'S REGULAR EDUCATION PROGRAM.

(C) "PROLONGED STATE OF EMERGENCY" MEANS A STATE OF EMERGENCY DECLARED BY THE GOVERNOR UNDER TITLE 14 OF THE PUBLIC SAFETY ARTICLE THAT PREVENTS REGULAR, IN–PERSON ATTENDANCE AT A PUBLIC SCHOOL FOR AT LEAST 14 SCHOOL DAYS.

(D) "STUDENT ELIGIBLE FOR AID" MEANS A CHILD WHO MEETS THE CERTIFICATION OF INCOME ELIGIBILITY UNDER ANY OF THE FOLLOWING:

(1) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM;

(2) TEMPORARY ASSISTANCE FOR NEEDY FAMILIES;

(3) FOSTER CARE;

(4) HEAD START;

(5) EVEN START;

(6) MIGRANT STUDENTS;

(7) HOMELESS STUDENTS;

(8) MEDICAID AND THE MARYLAND CHILDREN'S HEALTH PROGRAM, UP TO 189% OF THE FEDERAL POVERTY LEVEL;

(9) FREE OR REDUCED PRICE MEALS FOR SCHOOLS NOT PARTICIPATING IN THE U.S. DEPARTMENT OF AGRICULTURE COMMUNITY ELIGIBILITY PROVISION; AND

(10) AN ALTERNATIVE FORM DEVELOPED BY THE DEPARTMENT FOR THE COMPENSATORY EDUCATION FORMULA UNDER § 5–222 OF THIS ARTICLE.

(E) "VIRTUAL EDUCATION" MEANS ACADEMIC INSTRUCTION:

(1) BY WHICH ONE OR MORE TECHNOLOGIES ARE USED TO DELIVER A SIGNIFICANT PORTION OF THE TEACHING TO STUDENTS ENTIRELY OR PRIMARILY ONLINE; AND

(2) IN WHICH STUDENTS AND INSTRUCTORS PARTICIPATE REMOTELY FROM SEPARATE LOCATIONS.

7–14A–02.

(A) IF THERE IS A PROLONGED STATE OF EMERGENCY, A COUNTY BOARD MAY TRANSITION THE PUBLIC SCHOOLS IN THE COUNTY TO VIRTUAL EDUCATION UNDER AN APPROVED VIRTUAL EDUCATION PLAN, SUBJECT TO THE LIMITATIONS OF THIS SECTION.

(B) (1) (I) ON OR BEFORE JUNE 1, 2023, A COUNTY BOARD SHALL, IN CONSULTATION WITH COUNTY ADMINISTRATORS AND SCHOOL STAFF, ADOPT A VIRTUAL EDUCATION PLAN FOR USE DURING A PROLONGED STATE OF EMERGENCY.

(II) A COUNTY BOARD SHALL USE THE COUNTY BOARD'S CONTINUITY OF LEARNING PLAN, IN EFFECT DURING THE 2020–2021 SCHOOL YEAR, TO FORM A VIRTUAL EDUCATION PLAN.

(2) A VIRTUAL EDUCATION PLAN SHALL INCLUDE THE FOLLOWING COMPONENTS:

(I) A STAFFING AND PERSONNEL ASSIGNMENT PLAN;

(II) A STUDENT INSTRUCTION PLAN;

(III) A STUDENT ASSESSMENT AND LEARNING SUPPORT PLAN;

(IV) A SOCIAL AND EMOTIONAL LEARNING PLAN;

(V) A COMMUNITY COMMUNICATIONS PLAN;

(VI) A TECHNOLOGY PLAN;

(VII) A NUTRITIONAL AND HEALTH SERVICES PLAN; AND

(VIII) A PLAN FOR RETURN TO IN–PERSON INSTRUCTION.

(C) A COUNTY BOARD SHALL UPDATE THE VIRTUAL EDUCATION PLAN EVERY 2 YEARS.

(D) (1) IF A PROLONGED STATE OF EMERGENCY REQUIRES THE CESSATION OF IN–SCHOOL ATTENDANCE AT A PUBLIC SCHOOL AND THE COUNTY BOARD DETERMINES VIRTUAL EDUCATION IS REQUIRED, A COUNTY BOARD IMMEDIATELY SHALL IMPLEMENT THE VIRTUAL EDUCATION PLAN AND TRANSITION THE PUBLIC SCHOOL TO VIRTUAL EDUCATION.

(2) (I) A COUNTY BOARD MAY ADJUST THE VIRTUAL EDUCATION PLAN TO FIT THE SPECIFIC NEEDS OF THE SCHOOLS AFFECTED AND THE PARTICULARITIES OF THE EMERGENCY.

(II) A COUNTY BOARD SHALL SUBMIT AN ADJUSTED PLAN TO THE STATE BOARD AS SOON AS PRACTICABLE.

(E) (1) WITHIN 10 CALENDAR DAYS OF RECEIPT OF A VIRTUAL EDUCATION PLAN, THE STATE BOARD SHALL:

(I) ACCEPT THE PLAN; OR

(II) RETURN THE PLAN TO THE COUNTY BOARD FOR SPECIFIC MODIFICATION.

(2) IF AN ADJUSTED VIRTUAL EDUCATION PLAN IS RETURNED, THE COUNTY BOARD SHALL MODIFY AND RESUBMIT THE PLAN WITHIN 5 CALENDAR DAYS AFTER THE DATE THE PLAN IS RETURNED.

(F) THE COUNTY BOARD SHALL PUBLISH THE MOST RECENT VIRTUAL EDUCATION PLAN AVAILABLE ON THE COUNTY BOARD'S WEBSITE.

7–14A–03.

(A) THE COMPONENTS OF A VIRTUAL EDUCATION PLAN ADOPTED UNDER § 7–14A–02 OF THIS SUBTITLE SHALL INCLUDE THE INFORMATION INDICATED IN THIS SECTION.

(B) THE STAFFING AND PERSONNEL ASSIGNMENT PLAN SHALL PROVIDE AN APPROPRIATE ASSIGNMENT FOR ALL SCHOOL PERSONNEL AND, TO THE EXTENT PRACTICABLE, REASONABLY BALANCED WORKLOADS.

(C) (1) THE STUDENT INSTRUCTION PLAN SHALL INCLUDE:

(I) PROVISION OF INSTRUCTION THROUGH THE APPROPRIATE BALANCE OF SYNCHRONOUS AND ASYNCHRONOUS LEARNING;

(II) ACCESS TO THE SAME CURRICULUM, SUBJECT TO THE EQUIVALENT STANDARDS, AS PROVIDED THROUGH IN–PERSON INSTRUCTION;

(III) STUDENT ENGAGEMENT PROCEDURES, INCLUDING METHODS TO ENCOURAGE ACTIVE PARTICIPATION, VERIFIED STUDENT PRESENCE DURING THE ENTIRE CLASS PERIOD, AND ACTIVATED CAMERAS, WHEN APPROPRIATE;

(IV) A METHOD FOR PROVIDING INSTRUCTIONAL MATERIALS TO STUDENTS; AND

(V) ATTENTION TO STUDENT EQUITY TO ENSURE ALL STUDENTS ARE RECEIVING A THOROUGH AND APPROPRIATE EDUCATION DURING THE PERIOD OF VIRTUAL EDUCATION.

(2) A COUNTY BOARD SHALL ENSURE THAT STUDENTS WITH A DISABILITY ARE RECEIVING THEIR REQUIRED SERVICES AND A FREE AND APPROPRIATE PUBLIC EDUCATION THROUGH VIRTUAL EDUCATION.

(D) THE STUDENT ASSESSMENT AND LEARNING SUPPORT PLAN SHALL INCLUDE:

(1) THE ADMINISTRATION OF REGULAR ASSESSMENTS, PROVIDED THAT THE ADMINISTRATION DOES NOT SIGNIFICANTLY DISRUPT REGULAR INSTRUCTION;

(2) A PROCESS FOR ESTABLISHING BENCHMARKS AT THE START AND END OF VIRTUAL EDUCATION, AND PERIODICALLY DURING THE COURSE OF VIRTUAL EDUCATION, IF REQUIRED; AND

(3) PROVISION OF ADDITIONAL LEARNING SUPPORTS FOR STUDENTS IDENTIFIED AS HAVING LEARNING LOSS.

(E) THE SOCIAL AND EMOTIONAL LEARNING PLAN SHALL INCLUDE:

(1) AN INTERACTIVE SOCIAL AND EMOTIONAL WELLNESS COMPONENT DESIGNED FOR THE VIRTUAL EDUCATION ENVIRONMENT;

(2) REGULAR STUDENT CHECK–INS IN ACCORDANCE WITH § 7–14A–04 OF THIS SUBTITLE; AND

(3) THE DEVELOPMENT OF A STUDENT BEHAVIORAL HEALTH PLAN IN ACCORDANCE WITH § 7–14A–04 OF THIS SUBTITLE.

(F) A COMMUNITY COMMUNICATIONS PLAN SHALL INCLUDE:

(1) A CULTURALLY APPROPRIATE FAMILY ENGAGEMENT PLAN THAT HAS METHODS OF ENGAGING WITH:

(I) PARENTS AND GUARDIANS AND STUDENTS FROM VARIOUS ETHNIC AND RACIAL BACKGROUNDS;

(II) STUDENTS ELIGIBLE FOR AID; AND

(III) PARENTS AND STUDENTS WHOSE PRIMARY LANGUAGE IS NOT ENGLISH;

(2) MULTIPLE METHODS FOR COMMUNICATING WITH STUDENTS, PARENTS AND GUARDIANS, AND OTHER COMMUNITY STAKEHOLDERS DURING THE PERIOD OF VIRTUAL EDUCATION; AND

(3) IMPORTANT INFORMATION THAT MUST BE PROVIDED.

(G) THE TECHNOLOGY PLAN SHALL INCLUDE:

(1) THE PROVISION OF TECHNOLOGY, INCLUDING HARDWARE AND SOFTWARE, TO STUDENTS AND SCHOOL PERSONNEL TO RECEIVE AND PROVIDE INSTRUCTION AND SUPPORT SERVICES; AND

(2) ACCESS TO BROADBAND AND INTERNET SERVICES TO ALL STUDENTS AND SCHOOL PERSONNEL.

(H) THE NUTRITIONAL AND HEALTH SERVICES PLAN SHALL INCLUDE:

(1) THE PLACES AND TIMES THAT STUDENTS AND OTHER ELIGIBLE INDIVIDUALS MAY RECEIVE FREE MEALS; AND

(2) THE AVAILABILITY OF HEALTH SERVICES TO ELIGIBLE INDIVIDUALS.

(I) THE PLAN FOR RETURN TO IN–PERSON INSTRUCTION SHALL INCLUDE:

(1) PLANS FOR THE RAPID RETURN TO IN–PERSON LEARNING AS SOON AS IT IS SAFE TO DO SO;

(2) A CLEAR PROCESS FOR STUDENT ENGAGEMENT ON RETURN TO IN–PERSON LEARNING; AND

(3) IDENTIFIED STRATEGIES FOR A RETURN TO IN–PERSON LEARNING FOLLOWING A PROLONGED STATE OF EMERGENCY.

7–14A–04.

(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE PRINCIPAL SHALL REQUIRE A STAFF MEMBER TO CONDUCT REGULAR CHECK–INS WITH STUDENTS AT LEAST ONCE PER WEEK.

(2) IF A REGULAR CHECK–IN REVEALS THAT A STUDENT IS STRUGGLING WITH THE EDUCATIONAL, EMOTIONAL, BEHAVIORAL, OR PSYCHOLOGICAL STRESSORS OF VIRTUAL EDUCATION, THE PRINCIPAL SHALL REQUIRE A STAFF MEMBER TO CHECK IN WITH STRUGGLING STUDENTS MULTIPLE TIMES PER WEEK.

(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, AND IN ACCORDANCE WITH THE BEHAVIORAL HEALTH PLAN ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION, THE PRINCIPAL MAY ASSIGN A COMMUNITY SCHOOL COORDINATOR, STAFF MEMBER, OR TEAM OF STAFF TO CONDUCT THE CHECK–INS REQUIRED UNDER THIS SUBSECTION.

(II) IF A STUDENT IS IDENTIFIED AS STRUGGLING WITH EMOTIONAL, BEHAVIORAL, OR PSYCHOLOGICAL STRESSORS IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, THE PRINCIPAL SHALL ARRANGE FOR A SCHOOL PSYCHOLOGIST, A PUPIL PERSONNEL WORKER, A SCHOOL SOCIAL WORKER, A SCHOOL COUNSELOR, OR A BEHAVIORAL HEALTH SPECIALIST TO PERFORM ADDITIONAL CHECK–INS WITH THE STUDENT.

(B) (1) THE SCHOOL PERSONNEL ASSIGNED UNDER SUBSECTION (A)(3)(II) OF THIS SECTION SHALL DEVELOP A BEHAVIORAL HEALTH PLAN FOR A STRUGGLING STUDENT UNDER SUBSECTION (A) OF THIS SECTION THAT INCLUDES:

(I) PROPER ASSIGNMENTS FOR ALL BEHAVIORAL AND MENTAL HEALTH STAFF;

(II) METHODS FOR ALL STUDENTS TO ACCESS BEHAVIORAL AND MENTAL HEALTH SUPPORTS, INCLUDING THROUGH TELEHEALTH IF NECESSARY;

(III) PROCEDURES FOR REFERRAL TO PROPER BEHAVIORAL AND MENTAL HEALTH SUPPORTS FOR STUDENTS WHO ARE STRUGGLING; AND

(IV) INCREASED ATTENTION AND CARE FOR STUDENTS STRUGGLING WITH THE EMOTIONAL, BEHAVIORAL, OR PSYCHOLOGICAL STRESSORS OF VIRTUAL EDUCATION.

(2) IN ESTABLISHING A BEHAVIORAL HEALTH PLAN UNDER THIS SUBSECTION, A PRINCIPAL MAY USE A MULTITIER SYSTEM OF SUPPORTS MODEL.

7–14A–05.

(A) (1) A PUBLIC SCHOOL SHALL ESTABLISH A SYSTEM OF LEARNING SUPPORTS DURING A PERIOD OF VIRTUAL EDUCATION BY:

(I) 1. ESTABLISHING A VIRTUAL TUTORING SYSTEM; OR

2. PROVIDING INSTRUCTIONAL TIME FOR VIRTUAL LEARNING THAT IS IN ADDITION TO THE DAILY AND HOURLY ATTENDANCE REQUIREMENTS UNDER § 7–103 OF THIS TITLE; AND

(II) DEVELOPING A PLAN TO FOCUS ON STUDENTS WITH THE GREATEST NEED AND THE MOST LEARNING LOSS, INCLUDING:

1. STUDENTS WITH DISABILITIES; AND

2. STUDENTS IN HISTORICALLY UNDERSERVED GROUPS, INCLUDING:

A. ENGLISH LANGUAGE LEARNERS; AND

B. STUDENTS ELIGIBLE FOR AID.

(2) IN SATISFYING ITS DUTIES UNDER THIS SUBSECTION, A PUBLIC SCHOOL MAY NOT REQUIRE STAFF MEMBERS WHOSE TERMS OF EMPLOYMENT ARE SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT TO WORK IN EXCESS OF NEGOTIATED TERMS ON WORK HOURS.

(B) (1) IN COMPLIANCE WITH PUBLIC HEALTH GUIDANCE, A COUNTY BOARD THAT HAS PUBLIC SCHOOLS OPERATING UNDER A VIRTUAL EDUCATION PLAN SHALL ESTABLISH LEARNING CENTERS IN SUITABLE UNOCCUPIED BUILDINGS, INCLUDING STATE BUILDINGS THAT ARE NOT IN USE.

(2) IF FUNDING IS AVAILABLE DURING THE PROLONGED SCHOOL CLOSURE, A COUNTY BOARD SHALL ESTABLISH ADDITIONAL LEARNING CENTERS PRIORITIZING:

(I) COMMUNITY SCHOOLS ELIGIBLE FOR CONCENTRATION OF POVERTY GRANTS UNDER § 5–223 OF THIS ARTICLE; AND

(II) 1. AREAS WITH HIGH LEVELS OF ABSENTEEISM DURING THE EXTENDED SCHOOL CLOSURE; OR

2. IF THE DATA UNDER ITEM 1 OF THIS ITEM IS UNAVAILABLE, AREAS WITH HIGH LEVELS OF ABSENTEEISM DURING THE PREVIOUS SCHOOL YEAR.

7–14A–06.

(A) ON OR BEFORE AUGUST 15, 2022, AND EACH AUGUST 15 THEREAFTER, ONLY WHEN APPLICABLE, EACH COUNTY BOARD SHALL COLLECT THE FOLLOWING DATA FROM EACH SCHOOL THAT ENGAGED IN VIRTUAL EDUCATION IN ACCORDANCE WITH THE COUNTY BOARD'S VIRTUAL EDUCATION PLAN DURING THE PREVIOUS SCHOOL YEAR:

(1) THE LEARNING MODELS EMPLOYED, INCLUDING:

(I) VIRTUAL EDUCATION;

(II) IN–PERSON INSTRUCTION; AND

(III) HYBRID INSTRUCTION;

(2) THE PROPORTION OF SCHOOL HOURS SPENT IN EACH LEARNING MODEL;

(3) STUDENT ATTENDANCE;

(4) STUDENT ENGAGEMENT; AND

(5) TEACHER ATTENDANCE.

(B) EACH APPLICABLE YEAR, EACH COUNTY BOARD SHALL PUBLISH ON ITS WEBSITE THE DATA REQUIRED UNDER SUBSECTION (A) OF THIS SECTION DISAGGREGATED BY RACE, ETHNICITY, GENDER, DISABILITY STATUS, ENGLISH PROFICIENCY STATUS, AND INCOME.

7–14A–07.

(A) THE DEPARTMENT SHALL ESTABLISH STANDARDS FOR TRAINING TEACHERS ON THE PREPARATION OF PLANS FOR THE PROVISION OF VIRTUAL EDUCATION WHEN A PUBLIC SCHOOL IS OPERATING UNDER A VIRTUAL EDUCATION PLAN.

(B) A COUNTY BOARD SHALL PROVIDE PERIODIC PROFESSIONAL DEVELOPMENT AND SUPPORTS FOR TEACHERS.

(C) THE DEPARTMENT SHALL PROVIDE FUNDING FOR THE PROFESSIONAL DEVELOPMENT AND SUPPORTS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.

(D) DURING PROLONGED PERIODS OF SCHOOL CLOSURE DURING WHICH A SCHOOL HAS ELECTED TO TRANSITION TO VIRTUAL EDUCATION, THE DEPARTMENT SHALL PROVIDE MENTAL HEALTH SUPPORTS FOR SCHOOL PERSONNEL.

7–14A–08.

(A) THE DEPARTMENT SHALL EXPAND COMPUTER AND INTERNET SECURITY INFRASTRUCTURE FOR VIRTUAL EDUCATION, INCLUDING STAFF TO MAINTAIN SECURITY.

(B) EACH LOCAL SCHOOL SYSTEM SHALL DEDICATE AT LEAST ONE STAFF MEMBER TO OVERSEE COMPUTER AND INTERNET SECURITY INFRASTRUCTURE FOR VIRTUAL EDUCATION.

7–14A–09.

THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE, INCLUDING ESTABLISHING MINIMUM CRITERIA FOR THE ADOPTION AND IMPLEMENTATION OF VIRTUAL EDUCATION PLANS BY A COUNTY BOARD DURING A PROLONGED STATE OF EMERGENCY.

9.9–103.

(a) There are community schools in the State.

(b) A community school shall:

(1) Promote active family and community engagement, including educational opportunities for adults and family members of students at the school who live in the neighborhood of the school;

(2) Have a community school coordinator, as described under § 9.9–104 of this title;

(3) Promote expanded and enriched learning time and opportunities provided after school, during weekends, and in the summer that emphasize mastering 21st–century skills through practical learning opportunities and community problem–solving;

(4) Promote collaborative leadership and practices that empower parents, students, teachers, principals, and community partners to build a culture of professional learning, collective trust, and shared responsibility using strategies such as site–based leadership teams and teacher learning communities;

*(5) Have a parent teacher organization or a school family council; **[**and**]***

*(6) **ADDRESS AND MITIGATE THE EFFECTS OF LEARNING LOSS CAUSED BY THE EFFECTS OF THE COVID–19 PANDEMIC AND CHRONIC ABSENTEEISM CAUSED BY SCHOOL CLOSURE AND A LACK OF IN–PERSON INSTRUCTION; AND***

(7) *Have a community school leadership team.*

(c) (1) There shall be a Director of Community Schools in the Department.

(2) The Director of Community Schools in the Department shall coordinate professional development for community school coordinators at each community school.

(3) In addition to the funding provided for the Director of Community Schools position in the Department, the Governor may include in the annual budget bill an appropriation of at least $100,000 to the Department for the Director of Community Schools to provide training and technical assistance to community schools and for additional staff.

~~7–1401.~~

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

~~(b) "Quality online education standards" means the National Standards for Quality Online Programs: Second Edition (2019).~~

~~(c) "Sponsor" means the Department or a county [school] board, having a fiduciary responsibility for the operation of the virtual school.~~

~~(d) "Virtual school" means a public school established:~~

~~**(1)** **ESTABLISHED** by the Department or by a county board under § 4–109 of this article in which the school;~~

~~**(2)** **THAT** uses technology **ONE OR MORE TECHNOLOGIES** to deliver **[**a significant portion**]** **THE MAJORITY** of instruction to its students via the Internet in a virtual or remote setting **ENTIRELY OR PRIMARILY ONLINE; AND**~~

~~**(3)** **IN WHICH THE STUDENTS AND INSTRUCTORS PARTICIPATE REMOTELY FROM SEPARATE LOCATIONS.**~~

~~7–1401.1.~~

~~**THIS SUBTITLE DOES NOT APPLY TO:**~~

~~**(1)** **A VIRTUAL LEARNING OPPORTUNITY OFFERED BY THE DEPARTMENT OR A COUNTY BOARD UNDER § 7–1002 OF THIS TITLE; OR**~~

~~(2) AN UPPER–LEVEL HIGH SCHOOL PROGRAM THAT:~~

~~(I) HAS ONLINE COMPONENTS; AND~~

~~(II) DESIGNS A STUDENT'S ACADEMIC PROGRAM TO MAXIMIZE THE FLEXIBILITY OF THE STUDENT'S SCHEDULE TO ACCOMMODATE THE STUDENT'S WORK SCHEDULE.~~

~~7–1402.~~

~~(a) (1) [Subject] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND SUBJECT to the approval of the Department, a county board may establish [a] ONE virtual school PER GRADE BAND.~~

~~(2) THE DEPARTMENT MAY AUTHORIZE A COUNTY BOARD TO ESTABLISH ONE ADDITIONAL VIRTUAL SCHOOL ON A SHOWING OF JUST CAUSE, AS DETERMINED BY THE DEPARTMENT.~~

~~(3) THE DEPARTMENT MAY REVOKE APPROVAL OF A VIRTUAL SCHOOL IF DURING THE PREVIOUS SCHOOL YEAR THE VIRTUAL SCHOOL FAILS TO MEET THE STANDARDS ESTABLISHED BY THE DEPARTMENT IN REGULATION.~~

~~(B) A VIRTUAL SCHOOL MAY NOT INCLUDE CLASSES FOR PREKINDERGARTEN OR KINDERGARTEN STUDENTS.~~

~~[(b)] (C) A virtual school is subject to all applicable federal and State laws and regulations governing the operation of a public school.~~

~~(D) EACH APPROVED VIRTUAL SCHOOL SHALL HAVE A SCHOOL ACCOUNTABILITY CODE ASSIGNED BY THE DEPARTMENT.~~

~~(D) (E) (1) THE DEPARTMENT OR A COUNTY BOARD MAY NOT CONTRACT ONLY WITH A NONPROFIT ORGANIZATION FOR–PROFIT ENTITY TO PROVIDE SERVICES FOR OPERATE OR ADMINISTER A VIRTUAL SCHOOL FOR THE DEPARTMENT OR THE COUNTY BOARD.~~

~~(2) THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT THE DEPARTMENT OR A COUNTY BOARD FROM CONTRACTING WITH A FOR–PROFIT ENTITY FOR GOODS AND SERVICES FOR A VIRTUAL SCHOOL.~~

~~7–1403.~~

~~[(c)] (A) A student who is eligible for enrollment in a public school in the State [may] IS ELIGIBLE TO enroll in a virtual school.~~

~~(B) AN IN ADDITION TO THE CRITERIA ESTABLISHED BY THE DEPARTMENT OR A COUNTY BOARD, AN APPLICATION FOR ENROLLMENT IN A VIRTUAL SCHOOL SHALL REQUIRE AN APPLICANT TO DESCRIBE WHY INSTRUCTION IN A VIRTUAL LEARNING ENVIRONMENT WILL LEAD TO SUCCESSFUL ACADEMIC OUTCOMES FOR THE APPLICANT.~~

~~(C) (1) NOT MORE THAN 10% OF THE STUDENTS FROM A SINGLE PUBLIC SCHOOL IN THE COUNTY MAY ENROLL IN A VIRTUAL SCHOOL ESTABLISHED BY A COUNTY BOARD.~~

~~(2) THE DEPARTMENT MAY AUTHORIZE A COUNTY BOARD TO EXCEED THE CAP UNDER PARAGRAPH (1) OF THIS SUBSECTION ON A SHOWING OF JUST CAUSE.~~

~~(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF THE DEPARTMENT OR A COUNTY BOARD RECEIVES MORE APPLICATIONS THAN THERE ARE AVAILABLE SPACES IN A VIRTUAL SCHOOL, THE DEPARTMENT OR THE COUNTY BOARD SHALL ADMIT ALL STUDENTS ON A LOTTERY BASIS.~~

~~(2) THE DEPARTMENT OR A COUNTY BOARD MAY GIVE GREATER WEIGHT TO A STUDENT'S LOTTERY STATUS AS A PART OF A LOTTERY HELD UNDER PARAGRAPH (1) OF THIS SUBSECTION BASED ON CRITERIA ESTABLISHED BY THE DEPARTMENT OR THE COUNTY BOARD.~~

~~(E) TO THE EXTENT PRACTICABLE, THE STUDENT BODY OF A VIRTUAL SCHOOL SHALL REFLECT THE RACIAL, ETHNIC, CULTURAL, AND GENDER DIVERSITY OF THE STUDENTS ENROLLED IN THE PUBLIC SCHOOL SYSTEM IN THE COUNTY.~~

~~(F) THE DEPARTMENT OR THE COUNTY BOARD SHALL DEVELOP AN OUTREACH AND MARKETING CAMPAIGN TO PROVIDE INFORMATION TO THE PUBLIC ON THE AVAILABILITY OF THE VIRTUAL SCHOOL OPTION AND TO ENCOURAGE APPLICATIONS FROM STUDENTS.~~

~~[7–1403.] 7–1404.~~

~~(a) A virtual school shall provide each enrolled student:~~

~~(1) Access to a sequential curriculum approved by the State Board that meets or exceeds the standards adopted by the county board in the county of the virtual school's principal place of business;~~

~~(2) The same length of time for learning opportunities per academic year that is required for public school students, unless the virtual school can show that a student has demonstrated mastery or completion of the subject area; [and]~~

~~(3) Regular assessment in the core areas of instruction as required by regulations adopted by the State Board under [§ 7–1408] § 7–1409 of this subtitle; AND~~

~~(4) ACCESS TO THE FOLLOWING SERVICES:~~

~~(I) EXTRACURRICULAR TO THE EXTENT PRACTICABLE, EXTRACURRICULAR ACTIVITIES AT THE PUBLIC SCHOOL THE STUDENT WOULD OTHERWISE BE REQUIRED TO ATTEND;~~

~~(II) NOTWITHSTANDING ANY OTHER LAW OR REGULATION AND SUBJECT TO A PARTICIPATION AGREEMENT BETWEEN THE PUBLIC SCHOOL AND THE PARENT OR GUARDIAN OF THE STUDENT, PARTICIPATION IN ORGANIZED ATHLETICS AND ON ATHLETIC TEAMS AT THE PUBLIC SCHOOL THE STUDENT WOULD OTHERWISE BE REQUIRED TO ATTEND;~~

~~(II) (III) WRAPAROUND SERVICES;~~

~~(III) (IV) FOOD AND NUTRITION SERVICES; AND~~

~~(IV) (V) HEALTH CARE SERVICES EQUIVALENT TO SERVICES AVAILABLE TO STUDENTS WHO RECEIVE IN–PERSON INSTRUCTION IN THE PUBLIC SCHOOLS IN THE COUNTY.~~

~~(b) A curriculum adopted under subsection (a) of this section shall have [an]:~~

~~(1) AN interactive program with [significant online] AT LEAST 60% OF THE components ONLINE; AND~~

~~(2) A AN INTERACTIVE SOCIAL AND EMOTIONAL WELLNESS COMPONENT DESIGNED FOR A VIRTUAL SCHOOL ENVIRONMENT.~~

~~(c) Beginning in the 2022–2023 school year, a virtual school shall follow the quality online education standards.~~

~~(D) THE DEPARTMENT SHALL ESTABLISH IN REGULATION THE FOLLOWING STANDARDS FOR ALL VIRTUAL SCHOOLS:~~

~~(1) STUDENT AFTER COLLABORATION WITH LOCAL SCHOOL SYSTEMS, STUDENT ATTENDANCE REQUIREMENTS AND REPORTING;~~

~~(2) STUDENT ENGAGEMENT AND CONDUCT;~~

~~**(3) PROGRAM QUALITY METRICS;**~~

~~**(4) TRACKING AND USE OF STUDENT DATA; AND**~~

~~**(5) DATA REPORTING REQUIREMENTS.**~~

~~**(5)**~~ **(E)** ~~**THE DEPARTMENT AND A COUNTY BOARD SHALL ADOPT POLICIES FOR THE MANDATORY RETURN TO IN–PERSON INSTRUCTION FOR STUDENTS ENROLLED IN A VIRTUAL SCHOOL, INCLUDING STUDENTS WHO ARE FAILING ACADEMICALLY AFTER RECEIVING THE APPROPRIATE SUPPORTS.**~~

~~**[**7–1404.**] 7–1405.**~~

~~(a) A virtual school shall provide to the parent or guardian of each enrolled student:~~

~~(1) Instructional materials, including software;~~ ~~**[**and**]**~~

~~(2) Information on the closest public facility that offers access to a computer**[**, printer,**]** and Internet connection~~ ~~**; AND**~~

~~**(3) INFORMATIONAL MATERIALS ON:**~~

~~**(I) SCHOOL POLICIES;**~~

~~**(II) STUDENT ATTENDANCE, CONDUCT, AND ENGAGEMENT REQUIREMENTS;**~~

~~**(III) ACCESS TO EXTRACURRICULAR ACTIVITIES AND WRAPAROUND SERVICES;**~~

~~**(IV) ACCESS TO FOOD AND NUTRITION SERVICES AND HEALTH CARE SERVICES;**~~

~~**(V) TECHNOLOGY REQUIREMENTS AND SUPPORT SERVICES;**~~

~~**(VI) CYBERSECURITY POLICY AND BEST PRACTICES;**~~

~~**(VII) TEACHER CONTACT INFORMATION AND OFFICE HOURS; AND**~~

~~**(VIII) ANY OTHER RELEVANT INFORMATION AS DETERMINED BY THE VIRTUAL SCHOOL.**~~

~~(b) A virtual school [may]:~~

~~(1) MAY not provide funds for the purchase of instructional programs or materials to a student or to a student's parent or guardian; AND~~

~~(2) SHALL PROVIDE THE APPROPRIATE DIGITAL DEVICE TO A STUDENT TO PARTICIPATE IN THE VIRTUAL SCHOOL, IF REQUIRED.~~

~~[7–1405.]~~ **7–1406.**

~~(A) (1) A teacher employed by~~ ASSIGNED TO ~~a virtual school shall [have]:~~

~~(1) HAVE a teacher's certificate issued by the State Superintendent under Title 6 of this article; OR ANY OTHER RELEVANT PROFESSIONAL CERTIFICATION AUTHORIZED UNDER COMAR 13A.12.01.~~

~~(2) TEACHERS OR EDUCATION SUPPORT PERSONNEL ASSIGNED TO WORK IN A VIRTUAL SCHOOL SHALL:~~

~~(2) (I) BE AN EMPLOYEE OF THE COUNTY, OR A COLLABORATING COUNTY, THAT ESTABLISHED THE VIRTUAL SCHOOL;~~

~~(3) (II) SUBJECT TO SUBSECTION (B) OF THIS SECTION, BE SUBJECT TO THE COLLECTIVE BARGAINING AGREEMENT OF THAT JURISDICTION; AND~~

~~(4) (III) HAVE ACCESS TO PROFESSIONAL DEVELOPMENT.~~

~~(B) A COLLECTIVE BARGAINING AGREEMENT MAY INCLUDE PROVISIONS SPECIFIC TO TEACHERS EMPLOYEES WHO TEACH WORK IN A VIRTUAL SCHOOL IN CONSIDERATION OF THE CONDITIONS AND REQUIREMENTS RELEVANT TO THAT WORK ENVIRONMENT.~~

~~(C) A TEACHER EMPLOYED TO TEACH IN~~ AN EMPLOYEE ASSIGNED TO ~~A VIRTUAL SCHOOL MAY NOT BE REQUIRED TO PROVIDE VIRTUAL AND IN–PERSON INSTRUCTION~~ OR SUPPORT ~~TO STUDENTS SIMULTANEOUSLY.~~

~~(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE DEPARTMENT OR THE COUNTY BOARD SHALL DETERMINE THE APPROPRIATE STUDENT–TEACHER RATIO FOR THE SIZE OF A CLASS IN A VIRTUAL SCHOOL BASED ON MULTIPLE FACTORS, INCLUDING GRADE LEVEL, SUBJECT MATTER, AND TEACHER WORKLOAD.~~

~~**(2) THE SIZE OF A CLASS IN A VIRTUAL SCHOOL MAY NOT EXCEED THE STATEWIDE OR SHALL BE CONSISTENT WITH THE COUNTYWIDE AVERAGE CLASS SIZE FOR IN–PERSON CLASSES.**~~

~~**(E) A VIRTUAL SCHOOL SHALL PROVIDE TO A TEACHER AND ANY OTHER EMPLOYEE EMPLOYED TO TEACH OR PROVIDE DIRECT INSTRUCTION IN A VIRTUAL SCHOOL:**~~

~~**(1) THE TECHNOLOGY AND EQUIPMENT REQUIRED TO PERFORM THE FUNCTIONS OF THE JOB; AND**~~

~~**(2) IF NECESSARY, A PHYSICAL SPACE TO CONDUCT TEACHING OR PROVIDE DIRECT INSTRUCTION IN THE VIRTUAL SCHOOL.**~~

~~**[**7–1406.**] 7–1407.**~~

~~A virtual school shall maintain an administrative office in the State that shall be considered its principal place of business.~~

~~**[**7–1407.**] 7–1408.**~~

~~A virtual school shall be evaluated each year by its sponsor based on the following criteria:~~

~~(1) The extent to which the school demonstrates increases in student achievement according to county and State academic standards; and~~

~~(2) The accountability and viability of the virtual school, as demonstrated by its academic, fiscal, and operational performance.~~

~~**[**7–1408.**] 7–1409.**~~

~~**(A) (1) (I) THE STATE SUPERINTENDENT MAY ASSIGN THE DUTIES RELATED TO THE OVERSIGHT OF VIRTUAL SCHOOLS TO THE APPROPRIATE OFFICE OR DIVISION WITHIN THE DEPARTMENT.**~~

~~**(II) THESE DUTIES SHALL INCLUDE:**~~

~~**1. THE DEVELOPMENT, COMPILATION, AND UPDATING OF BEST PRACTICES FOR TEACHING AND LEARNING IN A VIRTUAL ENVIRONMENT, PROVISION OF SERVICES, AND THE OPERATION AND ADMINISTRATION OF A VIRTUAL SCHOOL; AND**~~

~~**2. LIAISING WITH COUNTY BOARDS THAT OPERATE VIRTUAL SCHOOLS OR OTHER STAKEHOLDERS.**~~

~~**(2)** THE OFFICE OR DIVISION ASSIGNED THE DUTIES UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY CREATE AN ADVISORY COMMITTEE TO PROVIDE ADVICE ON TOPICS REGARDING VIRTUAL SCHOOLS AND VIRTUAL LEARNING.~~

~~**(B)** The State Board shall adopt regulations to carry out the provisions of this subtitle, including establishing minimum criteria for the establishment and approval of a virtual school.~~

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2022, the State Superintendent of Schools shall submit a report to the State Board of Education and, in accordance with § 2–1257 of the State Government Article, the General Assembly on findings and recommendations regarding the appropriate balance of the number of hours of synchronous learning and asynchronous learning for instructional effectiveness of students in virtual schools based on research that has systematically examined this issue and collaboration with local school systems.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) (1) Subject to paragraph (2) of this subsection, a virtual school established and operated by a county board of education under § 4–109 of the Education Article and approved by the State Department of Education under § 7–1402 of the Education Article before the effective date of this Act, including a virtual education program established through the Eastern Shore of Maryland Educational Consortium for students enrolled in public schools in counties that are members of the Consortium, may continue to operate as a virtual school through the 2023–2024 school year.

(2) The State Department of Education may revoke approval of a virtual school authorized to continue operations under paragraph (1) of this subsection if during the previous school year the virtual school performs in the bottom 10% of schools as determined by metrics of the State accountability system.

(b) A virtual school that is authorized to continue operations under subsection (a) of this section is encouraged to seek all available opportunities to bring the virtual school into compliance with the requirements for virtual schools enacted under Section 1 of this Act as soon as practicable if not otherwise inconsistent with the law.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) On or before July 1, 2024, the State Department of Education, in consultation with current public school teachers, current public school administrators, academic experts, and state and national experts in online education, shall:

(1) study best practices for the provision of virtual education, including:

(i) the successes and failures of virtual education during the COVID–19 pandemic and how lessons learned can be incorporated into virtual education going forward;

(ii) how to ensure equitable education to all students in a virtual education setting;

(iii) whether particular students excel or are harmed under virtual education, the causes of those outcomes, and whether student enrollment in a virtual school should be limited or expanded based on those outcomes;

(iv) accommodations that may need to be made in order to provide some students with a fair and appropriate public education;

(v) the best methods to select students for enrollment in a virtual school;

(vi) criteria for selecting staff to work in and administrators to lead virtual schools;

(vii) methods to accurately assess student progress during virtual education;

(viii) the types of tools and resources that are necessary for a student to fully learn when engaged in virtual education and how a county board can provide the tools and resources;

(ix) the behavioral health costs to virtual education and how those costs might be mitigated;

(x) how best to actively involve parents and families in the virtual education process; and

(xi) how needed services, including nutritional services, may be best provided to a student enrolled in a virtual school; and

(2) develop criteria for the establishment of virtual schools that:

(i) incorporate the data gathered under item (1) of this subsection; and

(ii) are at least as rigorous as the criteria listed under Title 7, Subtitle 14 of the Education Article as enacted by Section 1 of this Act.

(b) On or before September 1, 2024, the Department shall report to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly on the results of the study and the criteria developed under subsection (a) of this section.

(c) Notwithstanding any other provision of law, a county board of education may not establish and the State Department of Education and the State Board of Education may not approve a new elementary grade band virtual school on or before December 1, 2024.

SECTION ~~3.~~ ~~4.~~ *5.* AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

May 27, 2022

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

Dear President Ferguson:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed Senate Bill 384 – *Landlord and Tenant – Stay of Eviction Proceeding for Rental Assistance Determination* and Senate Bill 563 – *Real Property – Actions to Repossess – Judgment for Tenants and Proof of Rental Licensure.*

Our Administration remains committed to ensuring that tenants adversely affected by the COVID–19 pandemic will continue to stay safely in their homes. Maryland issued one of the earliest and strongest eviction moratoriums in the nation to keep renters safe and secure in their homes despite economic hardships related to COVID–19. Additionally, more than $700 million in state and federal funds have been committed to the Emergency Rental Assistance Program to help tenants in need. As a result, the average number of monthly filings for failure to pay rent in 2022 are significantly less than the number of average monthly failure to pay rent filings in 2019, prior to the pandemic.

Maryland already has some of the strongest tenant protection laws in the nation and these bills impose additional burdens on small property owners who are already struggling to stay in business. We will continue to work at the state and local levels to help tenants and landlords ensure that rent payments and rental licenses are current and in good standing. However, SB 384 and SB 563 will do little to help tenants and will make it harder for small and family–owned property owners to stay in business.

For these reasons, I have vetoed Senate Bill 384 and Senate Bill 563.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 384

AN ACT concerning

Landlord and Tenant – Stay of Eviction Proceeding for Rental Assistance Determination

FOR the purpose of providing for the stay of certain eviction proceedings when a tenant is waiting for a determination on an application for rental assistance; ~~prohibiting a landlord from obtaining certain relief under certain circumstances;~~ and generally relating to eviction proceedings.

~~BY repealing and reenacting, with amendments,~~
~~Article – Real Property~~
~~Section 8–401~~
~~Annotated Code of Maryland~~
~~(2015 Replacement Volume and 2021 Supplement)~~

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

~~**Article – Real Property**~~

~~8–401.~~

~~(a) Whenever the tenant or tenants fail to pay the rent when due and payable, it shall be lawful for the landlord to have again and repossess the premises in accordance with this section.~~

~~(b) (1) Whenever any landlord shall desire to repossess any premises to which the landlord is entitled under the provisions of subsection (a) of this section, the landlord or the landlord's duly qualified agent or attorney shall ensure that the landlord has completed the procedures required under subsection (c) of this section.~~

~~(2) After completing the procedures required under subsection (c) of this section, a landlord or the landlord's duly qualified agent or attorney may file the landlord's written complaint under oath or affirmation, in the District Court of the county wherein the property is situated:~~

~~(i) Describing in general terms the property sought to be repossessed;~~

~~(ii) Setting forth the name of each tenant to whom the property is rented or any assignee or subtenant;~~

~~(iii) Stating the amount of rent and any late fees due and unpaid, less the amount of any utility bills, fees, or security deposits paid by a tenant under § 7–309 of the Public Utilities Article;~~

~~(iv) Requesting to repossess the premises and, if requested by the landlord, a judgment for the amount of rent due, costs, and any late fees, less the amount of any utility bills, fees, or security deposits paid by a tenant under § 7–309 of the Public Utilities Article;~~

~~(v) If applicable, stating that, to the best of the landlord's knowledge, the tenant is deceased, intestate, and without next of kin; and~~

~~(vi) If the property to be repossessed is an affected property as defined in § 6–801 of the Environment Article, stating that the landlord has registered the affected property as required under § 6–811 of the Environment Article and renewed the registration as required under § 6–812 of the Environment Article and:~~

~~1. A. If the current tenant moved into the property on or after February 24, 1996, stating the inspection certificate number for the inspection conducted for the current tenancy as required under § 6–815(c) of the Environment Article; or~~

~~B. On or after February 24, 2006, stating the inspection certificate number for the inspection conducted for the current tenancy as required under § 6–815(c), § 6–817(b), or § 6–819(f) of the Environment Article; or~~

~~2. Stating that the owner is unable to provide an inspection certificate number because:~~

~~A. The owner has requested that the tenant allow the owner access to the property to perform the work required under Title 6, Subtitle 8 of the Environment Article;~~

~~B. The owner has offered to relocate the tenant in order to allow the owner to perform work if the work will disturb the paint on the interior surfaces of the property and to pay the reasonable expenses the tenant would incur directly related to the relocation; and~~

~~C. The tenant has refused to allow access to the owner or refused to vacate the property in order for the owner to perform the required work.~~

~~(3) For the purpose of the court's determination under subsection~~ **[**(c)**]** ~~(F) of this section the landlord shall also specify the amount of rent due for each rental period under the lease, the day that the rent is due for each rental period, and any late fees for overdue rent payments.~~

~~(4) The District Court shall issue its summons, directed to any constable or sheriff of the county entitled to serve process, and ordering the constable or sheriff to notify the tenant, assignee, or subtenant by first–class mail:~~

~~(i) To appear before the District Court at the trial to be held on the fifth day after the filing of the complaint; and~~

~~(ii) To answer the landlord's complaint to show cause why the demand of the landlord should not be granted.~~

~~(5) (i) The constable or sheriff shall proceed to serve the summons upon the tenant, assignee, or subtenant or their known or authorized agent as follows:~~

~~1. If personal service is requested and any of the persons whom the sheriff shall serve is found on the property, the sheriff shall serve any such persons; or~~

~~2. If personal service is requested and none of the persons whom the sheriff is directed to serve shall be found on the property and, in all cases where personal service is not requested, the constable or sheriff shall affix an attested copy of the summons conspicuously upon the property.~~

~~(ii) The affixing of the summons upon the property after due notification to the tenant, assignee, or subtenant by first–class mail shall conclusively be presumed to be a sufficient service to all persons to support the entry of a default judgment for possession of the premises, together with court costs, in favor of the landlord, but it shall not be sufficient service to support a default judgment in favor of the landlord for the amount of rent due.~~

~~(6) Notwithstanding the provisions of paragraphs (1) through (4) of this subsection:~~

~~(i) In an action to repossess nonresidential property under this section, service of process on a tenant:~~

~~1. Shall be directed to the sheriff of the appropriate county or municipality; and~~

~~2. On plaintiff's request, may be directed to any person authorized under the Maryland Rules to serve process; and~~

~~(ii) In Wicomico County, in an action to repossess any premises under this section, service of process on a tenant may be directed to any person authorized under the Maryland Rules to serve process.~~

~~(7) (i) Notwithstanding the provisions of paragraphs (3) through (5) of this subsection, if the landlord certifies to the court in the written complaint required under~~

~~paragraph (1) of this subsection that, to the best of the landlord's knowledge, the tenant is deceased, intestate, and without next of kin, the District Court shall issue its summons, directed to any constable or sheriff of the county entitled to serve process, and ordering the constable or sheriff to notify the occupant of the premises or the next of kin of the deceased tenant, if known, by personal service:~~

~~1. To appear before the District Court at the trial to be held on the fifth day after the filing of the complaint; and~~

~~2. To answer the landlord's complaint to show cause why the demand of the landlord should not be granted.~~

~~(ii) 1. The constable or sheriff shall proceed to serve the summons upon the occupant of the premises or the next of kin of the deceased tenant, if known, as follows:~~

~~A. If any of the persons whom the sheriff is directed to serve are found on the property or at another known address, the sheriff shall serve any such persons; or~~

~~B. If none of the persons whom the sheriff is directed to serve are found on the property or at another known address, the constable or sheriff shall affix an attested copy of the summons conspicuously upon the property.~~

~~2. The affixing of the summons upon the property shall conclusively be presumed to be a sufficient service to all persons to support the entry of a default judgment for possession of the premises, together with court costs, in favor of the landlord, but it shall not be sufficient service to support a default judgment in favor of the landlord for the amount of rent due.~~

~~(c) (1) Before a landlord may file a complaint under this section, the landlord shall provide to the tenant a written notice of the landlord's intent to file a claim in the District Court against the tenant to recover possession of the residential premises if the tenant does not cure within 10 days after the written notice is provided to the tenant.~~

~~(2) The written notice required under paragraph (1) of this subsection shall be in a form created by the Maryland Judiciary and notice shall occur when the notice is:~~

~~(i) Sent by first–class mail, certificate of mailing;~~

~~(ii) Affixed to the door of the premises; or~~

~~(iii) If elected by the tenant, sent by electronic delivery in at least one of the following forms:~~

~~1. An e–mail message;~~

~~2. A text message; or~~

~~3. Through an electronic tenant portal.~~

~~(3) (i) A complaint for repossession filed in accordance with this section shall include a statement that states and affirms the date on which the landlord provided the notice required under paragraph (1) of this subsection.~~

~~(ii) A tenant may challenge assertions made by a landlord under this paragraph, and the court may dismiss the landlord's complaint on a showing of sufficient cause.~~

~~(d) (1) NOTWITHSTANDING ANY OTHER LAW, IF A TENANT PRESENTS EVIDENCE SATISFACTORY TO THE COURT THAT THE TENANT IS CURRENTLY WAITING FOR A DETERMINATION REGARDING THE TENANT'S GOOD FAITH APPLICATION FOR RENTAL ASSISTANCE FROM AN AGENCY THAT DISTRIBUTES FUNDS FOR RENTAL ASSISTANCE, THE COURT SHALL:~~

~~(I) IF JUDGMENT HAS NOT BEEN ENTERED, STAY THE PROCEEDING UNTIL RESOLUTION OF THE TENANT'S APPLICATION AND DISBURSEMENT OF ANY FUNDS AWARDED; OR~~

~~(II) IF JUDGMENT HAS BEEN ENTERED IN FAVOR OF THE LANDLORD, STAY THE EXECUTION OF ANY WARRANT OF RESTITUTION OR ORDER REQUIRING THE TENANT TO SURRENDER THE PREMISES UNTIL RESOLUTION OF THE TENANT'S APPLICATION AND DISBURSEMENT OF ANY FUNDS AWARDED.~~

~~(2) IF THE LANDLORD REFUSES TO ACCEPT RENTAL ASSISTANCE FROM AN AGENCY THAT DISTRIBUTES FUNDS FOR RENTAL ASSISTANCE, THE LANDLORD MAY NOT:~~

~~(I) OBTAIN RELIEF UNDER THIS SECTION; OR~~

~~(II) INITIATE ANY OTHER JUDICIAL ACTION AGAINST THE TENANT TO COLLECT THE RENT SOUGHT IN THE COMPLAINT.~~

~~(E) (1) This subsection applies only to an action for the repossession of residential property for failure to pay rent due during a government shutdown.~~

~~(2) Notwithstanding any other law, the court shall stay the proceeding if the tenant or an occupant of the property that is the subject of the proceeding presents evidence satisfactory to the court that the occupant:~~

~~(i) Uses the property as the individual's primary residence;~~

~~(ii) Is an employee of the federal or State government or an employee of a local government in the State; and~~

~~(iii) Is involuntarily furloughed from work without pay because of a government shutdown, regardless of whether the employee is required to report to work during the furlough.~~

~~(3) (i) Subject to subparagraph (ii) of this paragraph, a stay under this subsection shall be granted for a time that the court considers reasonable.~~

~~(ii) A stay under this subsection may not be granted for a period that ends more than 30 days after the end of the government shutdown without a showing of sufficient cause by a party to the action.~~

~~[(c)] (F) (1) If, at the trial on the fifth day indicated in subsection (b) of this section, the court is satisfied that the interests of justice will be better served by an adjournment to enable either party to procure their necessary witnesses, the court may adjourn the trial for a period not exceeding 1 day, except with the consent of all parties, the trial may be adjourned for a longer period of time.~~

~~(2) (i) The information required under subsection (b)(1)(vi) of this section may not be an issue of fact in a trial under this section.~~

~~(ii) If, when the trial occurs, it appears to the satisfaction of the court, that the rent, or any part of the rent and late fees are actually due and unpaid, the court shall determine the amount of rent and late fees due as of the date the complaint was filed less the amount of any utility bills, fees, or security deposits paid by a tenant under § 7–309 of the Public Utilities Article, if the trial occurs within the time specified by subsection (b)(3) of this section.~~

~~(iii) 1. If the trial does not occur within the time specified in subsection (b)(3)(i) of this section and the tenant has not become current since the filing of the complaint, the court, if the complaint so requests, shall enter a judgment in favor of the landlord for possession of the premises and determine the rent and late fees due as of the trial date.~~

~~2. The determination of rent and late fees shall include the following:~~

~~A. Rent claimed in the complaint;~~

~~B. Rent accruing after the date of the filing of the complaint;~~

~~C. Late fees accruing in or prior to the month in which the complaint was filed; and~~

~~D. Credit for payments of rent and late fees and other fees, utility bills, or security deposits paid by a tenant under § 7–309 of the Public Utilities Article after the complaint was filed.~~

~~(iv) In the case of a residential tenancy, the court may also give judgment in favor of the landlord for the amount of rent and late fees determined to be due together with costs of the suit if the court finds that the residential tenant was personally served with a summons.~~

~~(v) In the case of a nonresidential tenancy, if the court finds that there was such service of process or submission to the jurisdiction of the court as would support a judgment in contract or tort, the court may also give judgment in favor of the landlord for:~~

~~1. The amount of rent and late fees determined to be due;~~

~~2. Costs of the suit; and~~

~~3. Reasonable attorney's fees, if the lease agreement authorizes the landlord to recover attorney's fees.~~

~~(vi) A nonresidential tenant who was not personally served with a summons shall not be subject to personal jurisdiction of the court if that tenant asserts that the appearance is for the purpose of defending an in rem action prior to the time that evidence is taken by the court.~~

~~(3) The court, when entering the judgment, shall also order that possession of the premises be given to the landlord, or the landlord's agent or attorney, within 4 days after the trial.~~

~~(4) The court may, upon presentation of a certificate signed by a physician certifying that surrender of the premises within this 4–day period would endanger the health or life of the tenant or any other occupant of the premises, extend the time for surrender of the premises as justice may require but not more than 15 days after the trial.~~

~~(5) However, if the tenant, or someone for the tenant, at the trial, or adjournment of the trial, tenders to the landlord the rent and late fees determined by the court to be due and unpaid, together with the costs of the suit, the complaint against the tenant shall be entered as being satisfied.~~

[~~(f)~~**] (G)** ~~(1) (i) Subject to the provisions of (2) of this subsection, if judgment is given in favor of the landlord, and the tenant fails to comply with the requirements of the order within 4 days, the court shall, at any time after the expiration of the 4 days, issue its warrant, directed to any official of the county entitled to serve process, ordering the official to cause the landlord to have again and repossess the property by putting the landlord (or the landlord's duly qualified agent or attorney for the landlord's benefit) in possession thereof, and for that purpose to remove from the property, by force if~~

~~necessary, all the furniture, implements, tools, goods, effects or other chattels of every description whatsoever belonging to the tenant, or to any person claiming or holding by or under said tenant.~~

~~(ii) If the landlord does not order a warrant of restitution within sixty days from the date of judgment or from the expiration date of any stay of execution, whichever shall be the later:~~

~~1. The judgment for possession shall be stricken; and~~

~~2. The judgment shall be applied to the number of judgments necessary to foreclose a tenant's right to redemption of the leased premises as established in subsection **[**(g)(2)**] (H)(2)** of this section unless the court in its discretion determines that the judgment may not apply for purposes of subsection **[**(g)(2)**] (H)(2)** of this section.~~

~~(iii) If the landlord orders a warrant of restitution but takes no action on the warrant within 60 days from the later of the date the court issues the order for the warrant or the date as otherwise extended by the court:~~

~~1. The warrant of restitution shall expire and the judgment for possession shall be stricken; and~~

~~2. The judgment shall be applied to the number of judgments necessary to foreclose a tenant's right to redemption of the leased premises as established in subsection **[**(g)(2)**] (H)(2)** of this section unless the court in its discretion determines that the judgment may not apply for purposes of subsection **[**(g)(2)**] (H)(2)** of this section.~~

~~(2) (i) The administrative judge of any district may stay the execution of a warrant of restitution of a residential property, from day to day, in the event of extreme weather conditions.~~

~~(ii) When a stay has been granted under this paragraph, the execution of the warrant of restitution for which the stay has been granted shall be given priority and completed within 3 days after the extreme weather conditions cease.~~

~~**[**(g)**] (H)** (1) Subject to paragraph (2) of this subsection, in any action of summary ejectment for failure to pay rent where the landlord is awarded a judgment giving the landlord restitution of the leased premises, the tenant shall have the right to redemption of the leased premises by tendering in cash, certified check or money order to the landlord or the landlord's agent all past due amounts, as determined by the court under subsection **[**(c)**] (F)** of this section, plus all court awarded costs and fees, at any time before actual execution of the eviction order.~~

~~(2) This subsection does not apply to any tenant against whom 3 judgments of possession have been entered for rent due and unpaid in the 12 months prior to the initiation of the action to which this subsection otherwise would apply.~~

~~**[**(h)**] (I)** (1) The tenant or the landlord may appeal from the judgment of the District Court to the circuit court for any county at any time within 4 days from the rendition of the judgment.~~

~~(2) The tenant, in order to stay any execution of the judgment, shall give a bond to the landlord with one or more sureties, who are owners of sufficient property in the State of Maryland, with condition to prosecute the appeal with effect, and answer to the landlord in all costs and damages mentioned in the judgment, and other damages as shall be incurred and sustained by reason of the appeal.~~

~~(3) The bond shall not affect in any manner the right of the landlord to proceed against the tenant, assignee or subtenant for any and all rents that may become due and payable to the landlord after the rendition of the judgment.~~

(a) This section applies only to a tenant who has an application for rental assistance pending with an agency that distributes funds for rental assistance that was submitted before or within 30 days after the tenant's landlord filed a written complaint under § 8–401(b) of the Real Property Article.

(b) Notwithstanding any other law and subject to subsections (c) and (d) of this section, if a tenant presents evidence satisfactory to the court that the tenant is currently waiting for a determination regarding a good–faith application for rental assistance from an agency that distributes funds for rental assistance, the court shall:

(1) if judgment has not been entered, stay any proceeding until resolution of the tenant's application and disbursement of any funds awarded; or

(2) if judgment has been entered in favor of the landlord and the tenant has the right of redemption, stay the execution of any warrant of restitution or order requiring the tenant to surrender the premises until resolution of the tenant's application and disbursement of any funds awarded.

(c) A stay ordered under subsection (b) of this section may not exceed 35 days.

(d) The court may not stay a proceeding under subsection (b)(2) of this section if the court stayed the proceeding under subsection (b)(1) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. It shall remain effective through September 30, 2025, and, at the end of September 30, 2025, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

May 27, 2022

The Honorable Bill Ferguson
President of the Senate
H–107 State House
Annapolis, Maryland 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed Senate Bill 420 – *Employment of Minors – Opportunities for Work*.

This bill compels the Commissioner of Labor and Industry within the Maryland Department of Labor (Labor) to release the name, home address, and telephone number of a minor who is at least 16 years old and has a work permit to the following organizations upon request: (1) employers and apprenticeship sponsors; (2) educational programs and institutions; and (3) local workforce development boards that meet specified requirements. Labor must adopt regulations to implement the bill, including allowing minors or their parents or guardians to opt in to sharing their information.

The concern with Senate Bill 420 does not lie with the expansion of workforce opportunities to minors, but with the serious privacy and safety concerns that are an unintended consequence of this legislation. Allowing a minor the option to consent to share their personal information creates serious privacy and safety concerns, as a minor is unlikely to understand the potential consequences of doing so, or the possibility that a bad actor could obtain this information. I would be more inclined to support Senate Bill 420 if the approval could only be given by a parent or guardian but once again, parental rights are being stripped.

For these reasons, I have vetoed Senate Bill 420.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 420

AN ACT concerning

Employment of Minors – ~~Work Permits – Information Sharing~~ Opportunities for Work

FOR the purpose of requiring the Commissioner of Labor and Industry, ~~unless the parent or guardian of the minor has opted out~~ subject to a certain limitation, to release certain personal information of a minor who has a work permit ~~and certain information of the employer of the minor~~ to certain entities that have requested and have registered with the Department for the purposes of receiving the information; and generally relating to the employment of minors and work permits.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 3–206
Annotated Code of Maryland
(2016 Replacement Volume and 2021 Supplement)

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

Article – Labor and Employment

3–206.

(a) A parent or guardian of a minor may apply for a work permit by completing an online application that includes:

(1) verification of the minor's age;

(2) a description of the work to be performed by the minor;

(3) approval by the parent or guardian of the minor's employment; and

(4) any other information the Commissioner may require.

(b) After reviewing an online application for a work permit, the Commissioner may issue the permit if the employment is allowed under this subtitle for the minor for whom the permit is sought.

(c) (1) The Commissioner may issue a work permit that authorizes a minor to be employed in an occupation that otherwise would be restricted under § 3–213 of this subtitle, if the minor:

(i) is exempted, under § 7–301(d)(2)(i) of the Education Article, from attendance in public school because the emotional, mental, or physical condition of the minor makes instruction detrimental to the progress of the minor;

(ii) is to be employed only in office work;

(iii) is to be employed in work that is performed outside of all rooms where goods are manufactured or processed; or

(iv) is to be employed in work that a county school system obtains and supervises as part of a work–study, student–learner, or similar program for which the employment is an integral part of the course of study.

(2) The Commissioner shall issue a work permit that authorizes a minor to be employed:

(i) in an occupation that otherwise would be restricted under § 3–213 of this subtitle if the minor is granted an exception by the Commissioner because, after investigation, the Commissioner determines that neither the work nor the work site where the work is to be performed is hazardous to the minor; or

(ii) in an occupation that otherwise would be restricted under § 3–213(c)(1) or (2) of this subtitle, if the minor:

1. has completed a course of study in that occupation at an accredited school and has been graduated from the school; or

2. is granted an exception by the Commissioner because employment in that occupation is part of a work–study, student–learner, or apprentice program under a federal, State, or local governmental agency.

(D) (1) ~~UNLESS THE PARENT OR GUARDIAN OF THE MINOR HAS OPTED OUT~~ SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COMMISSIONER SHALL RELEASE THE NAME, HOME ADDRESS, AND TELEPHONE NUMBER~~, AND DATE OF BIRTH~~ OF A MINOR WHO IS AT LEAST 16 YEARS OLD AND HAS A WORK PERMIT ~~AND THE NAME, BUSINESS NAME, ADDRESS, AND TELEPHONE NUMBER OF THE EMPLOYER OF THE MINOR~~ TO THE FOLLOWING ORGANIZATIONS THAT REQUEST AND HAVE REGISTERED WITH THE DEPARTMENT FOR THE PURPOSE OF RECEIVING THE INFORMATION:

(I) EMPLOYERS AND APPRENTICESHIP SPONSORS ~~REGISTERED WITH THE DEPARTMENT~~;

(II) EDUCATIONAL PROGRAMS AND INSTITUTIONS ~~REGISTERED WITH THE DEPARTMENT~~; AND

(III) LOCAL WORKFORCE DEVELOPMENT BOARDS THAT HAVE SYSTEMS TO SHARE THE INFORMATION WITH EMPLOYERS, APPRENTICESHIP SPONSORS, AND EDUCATIONAL PROGRAMS AND INSTITUTIONS THAT REGISTER WITH THE LOCAL WORKFORCE DEVELOPMENT BOARD FOR THE PURPOSE OF RECEIVING THE INFORMATION.

(2) THE DEPARTMENT MAY RELEASE INFORMATION RELATING TO A MINOR ONLY IF A PARENT OR GUARDIAN OF THE MINOR OR THE MINOR ELECTS TO ALLOW THE SHARING OF THE INFORMATION.

~~(2)~~ (3) THE DEPARTMENT SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT THIS SUBSECTION, INCLUDING THE PROCESS BY WHICH A PARENT OR GUARDIAN OF THE MINOR OR THE MINOR MAY OPT ~~OUT OF~~ IN TO THE SHARING OF INFORMATION UNDER PARAGRAPH ~~(1)~~ (2) OF THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

May 27, 2022

The Honorable Bill Ferguson
H–107 State House
100 State Circle
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed Senate Bill 442 – *Calvert County – Public Facilities Bonds*.

This bill authorizes the Calvert County Commissioners to issue up to $28.2 million in general obligation bonds for the acquisition, construction, improvement, or renovation of public buildings, facilities, and public works projects. The date of maturity of the bonds cannot exceed 30 years.

House Bill 893, which was passed by the General Assembly and enacted without my signature, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 442.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 442

AN ACT concerning

Calvert County ~~Bond Request~~ – Public Facilities Bonds

FOR the purpose of authorizing and empowering the County Commissioners of Calvert County, from time to time, to borrow not more than ~~$13,183,000~~ $28,183,000 to finance the construction, improvement, or development of certain public buildings, roads, and facilities in Calvert County, as herein defined, and to effect such borrowing by the issuance and sale at public or private sale of its general obligation bonds in like par amount; empowering the County to fix and determine, by resolution, the form, tenor, interest rate or rates or method of determining the same, terms, conditions, maturities, and all other details incident to the issuance and sale of the bonds; empowering the County to issue refunding bonds for the purchase or redemption of bonds in advance of maturity; empowering and directing the County to levy, impose, and collect, annually, ad valorem taxes in rate and amount sufficient to provide funds for the payment of the maturing principal of and interest on the bonds; exempting the bonds and refunding bonds and the interest thereon and any income derived therefrom from all State, county, municipal, and other taxation in the State of Maryland; providing that nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes; and generally relating to the issuance and sale of such bonds.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That, as used herein, the term "County" means the body politic and corporate of the State of Maryland known as the County Commissioners of Calvert County, and the term "construction, improvement, or development of public facilities" means the acquisition, alteration, construction, reconstruction, enlargement, equipping, expansion, extension, improvement, rehabilitation, renovation, upgrading, and repair of public buildings, roads, and facilities, including but not limited to Calvert Pines Senior Center Renovations, Breezy Shoreline Restoration, Lower Marlboro Culvert, Solomons Volunteer Rescue Squad Fire Department, existing storm drainage systems around the county, and the West Prince Frederick Water Storage Tank, and issuance costs together with the costs of acquiring land or interests in land as well as any related architectural, financial, legal, planning, or engineering services.

SECTION 2. AND BE IT FURTHER ENACTED, That the County is hereby authorized to finance any part or all of the costs of the public facilities described in Section 1 of this Act, and to borrow money and incur indebtedness for that purpose, at one time or from time to time, in an amount not exceeding, in the aggregate, ~~$13,183,000~~ $28,183,000 and to evidence such borrowing by the issuance and sale upon its full faith and credit of general obligation bonds in like par amount, which may be issued at one time or from time to time, in one or more groups or series, as the County may determine.

SECTION 3. AND BE IT FURTHER ENACTED, That the bonds shall be issued in accordance with a resolution of the County, which shall describe generally the construction, improvement, or development of public facilities for which the proceeds of the bond sale are intended and the amount needed for those purposes. The County shall have and is hereby granted full and complete authority and discretion in the resolution to fix and determine with respect to the bonds of any issue: the designation, date of issue, denomination or denominations, form or forms, and tenor of the bonds which, without limitation, may be issued in registered form within the meaning of § 19–204 of the Local Government Article of the Annotated Code of Maryland, as amended; the rate or rates of interest payable thereon, or the method of determining the same, which may include a variable rate; the date or dates and amount or amounts of maturity, which need not be in equal par amounts or in consecutive annual installments, provided only that no bond of any issue shall mature later than 30 years from the date of its issue; the manner of selling the bonds, which may be at either public or private sale, for such price or prices as may be determined to be for the best interests of Calvert County; the manner of executing and sealing the bonds, which may be by facsimile; the terms and conditions, if any, under which bonds may be tendered for payment or purchase prior to their stated maturity; the terms or conditions, if any, under which bonds may or shall be redeemed prior to their stated maturity; the place or places of payment of the principal of and the interest on the bonds, which may be at any bank or trust company within or without the State of Maryland; covenants relating to compliance with applicable requirements of federal income tax law, including (without limitation) covenants regarding the payment of rebate or penalties in lieu of rebate; covenants relating to compliance with applicable requirements of federal or state securities laws; and generally all matters incident to the terms, conditions, issuance, sale, and delivery thereof.

The bonds may be made redeemable before maturity, at the option of the County, at such price or prices and under such terms and conditions as may be fixed by the County prior to the issuance of the bonds, either in the resolution or in a bond order pursuant to the bond resolution. The bonds may be issued in registered form and provision may be made for the registration of the principal only. In case any officer whose signature appears on any bond ceases to be such officer before the delivery thereof, such signature shall nevertheless be valid and sufficient for all purposes as if he had remained in office until such delivery. The bonds and the issuance and sale thereof shall be exempt from the provisions of §§ 19–205 and 19–206 of the Local Government Article of the Annotated Code of Maryland, as amended.

The County may enter into agreements with agents, banks, fiduciaries, insurers, or others for the purpose of enhancing the marketability of any security for the bonds and for the purpose of securing any tender option that may be granted to holders of the bonds, all as may be determined and presented in the aforesaid resolution, which may (but need not) state as security for the performance by the County of any monetary obligations under such agreements the same security given by the County to bondholders for the performance by the County of its monetary obligations under the bonds.

If the County determines in the resolution to offer any of the bonds by solicitation of competitive bids at public sale, the resolution shall fix the terms and conditions of the public

sale and shall adopt a form of notice of sale, which shall outline the terms and conditions, and a form of advertisement, which shall be published in one or more daily or weekly newspapers having a general circulation in the County and which may also be published in one or more journals having a circulation primarily among banks and investment bankers. At least one publication of the advertisement shall be made not less than 10 days before the sale of the bonds.

Upon delivery of any bonds to the purchaser or purchasers, payment therefor shall be made to the Treasurer of Calvert County or such other official of Calvert County as may be designated to receive such payment in a resolution passed by the County before such delivery.

SECTION 4. AND BE IT FURTHER ENACTED, That the net proceeds of the sale of bonds shall be used and applied exclusively and solely for the acquisition, construction, improvement, or development of public facilities for which the bonds are sold. If the amounts borrowed shall prove inadequate to finance the projects described in the resolution, the County may issue additional bonds with the limitations hereof for the purpose of evidencing the borrowing of additional funds for such financing, provided the resolution authorizing the sale of additional bonds shall so recite, but if the net proceeds of the sale of any issue of bonds exceed the amount needed to finance the projects described in the resolution, the excess funds so borrowed and not expended shall be applied to the payment of the next principal maturity of the bonds or to the redemption of any part of the bonds which have been made redeemable or to the purchase and cancellation of bonds, unless the County shall adopt a resolution allocating the excess funds to the acquisition, construction, improvement, or development of other public facilities, as defined and within the limits set forth in this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That the bonds hereby authorized shall constitute, and they shall so recite, an irrevocable pledge of the full faith and credit and unlimited taxing power of the County to the payment of the maturing principal of and interest on the bonds as and when they become payable. In each and every fiscal year that any of the bonds are outstanding, the County shall levy or cause to be levied ad valorem taxes upon all the assessable property within the corporate limits of the County in rate and amount sufficient to provide for or assure the payment, when due, of the principal of and interest on all the bonds maturing in each such fiscal year and, in the event the proceeds from the taxes so levied in any such fiscal year shall prove inadequate for such payment, additional taxes shall be levied in the succeeding fiscal year to make up any such deficiency. The County may apply to the payment of the principal of and interest on any bonds issued hereunder any funds received by it from the State of Maryland, the United States of America, any agency or instrumentality thereof, or from any other source, if such funds are granted for the purpose of assisting the County in financing the acquisition, construction, improvement, or development of the public facilities defined in this Act and, to the extent of any such funds received or receivable in any fiscal year, the taxes that are required to be levied may be reduced accordingly.

SECTION 6. AND BE IT FURTHER ENACTED, That the County is further authorized and empowered, at any time and from time to time, to issue its bonds in the

manner hereinabove described for the purpose of refunding, by payment at maturity or upon purchase or redemption, any bonds issued hereunder. The validity of any such refunding bonds shall in no way be dependent upon or related to the validity or invalidity of the obligations so refunded. The powers herein granted with respect to the issuance of bonds shall be applicable to the issuance of refunding bonds. Such refunding bonds may be issued by the County in such an amount as shall be necessary for the purpose of providing it with funds to pay any of its outstanding bonds issued hereunder at maturity, for the purpose of providing it with funds to purchase in the open market any of its outstanding bonds issued hereunder, prior to the maturity thereof, or for the purpose of providing it with funds for the redemption prior to maturity of any outstanding bonds issued hereunder which are, by their terms, redeemable, for the purpose of providing it with funds to pay interest on any outstanding bonds issued hereunder prior to their payment at maturity of purchase or redemption in advance of maturity, or for the purpose of providing it with funds to pay any redemption or purchase premium in connection with the refunding of any of its outstanding bonds issued hereunder. The proceeds of the sale of any such refunding bonds shall be segregated and set apart by the County as a separate trust fund to be used solely for the purpose of paying the purchase or redemption prices of the bonds to be refunded.

SECTION 7. AND BE IT FURTHER ENACTED, That the County may, prior to the preparation of definitive bonds, issue interim certificates or temporary bonds, exchangeable for definitive bonds when such bonds have been executed and are available for such delivery, provided, however, that any such interim certificates or temporary bonds shall be issued in all respects subject to the restrictions and requirements set forth in this Act. The County may, by appropriate resolution, provide for the replacement of any bonds issued hereunder which shall have become mutilated or lost or destroyed upon such conditions and after receiving such indemnity as the County may require.

SECTION 8. AND BE IT FURTHER ENACTED, That any and all obligations issued pursuant to the authority of this Act, their transfer, the interest payable thereon, and any income derived therefrom in the hands of the holders thereof from time to time (including any profit made in the sale thereof) shall be and are hereby declared to be at all times exempt from State, county, municipal, or other taxation of every kind and nature whatsoever within the State of Maryland. Nothing in this Act shall prevent the County from authorizing the issuance and sale of bonds the interest on which is not excludable from gross income for federal income tax purposes.

SECTION 9. AND BE IT FURTHER ENACTED, That the authority to borrow money and issue bonds conferred on the County by this Act shall be deemed to provide an additional and alternative authority for borrowing money and shall be regarded as supplemental and additional to powers conferred upon the County by other laws and shall not be regarded as in derogation of any power now existing; and all Acts of the General Assembly of Maryland heretofore passed authorizing the County to borrow money are hereby continued to the extent that the powers contained in such Acts have not been exercised, and nothing contained in this Act may be construed to impair, in any way, the validity of any bonds that may have been issued by the County under the authority of any said Acts, and the validity of the bonds is hereby ratified, confirmed, and approved. This Act, being necessary for the welfare of the inhabitants of Calvert County, shall be liberally

construed to effect the purposes hereof. All Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed to the extent of such inconsistency.

SECTION 10. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2022.

May 27, 2022

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Mr. President and Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed Senate Bill 452 and House Bill 349 – *Small Claims – Examination in Aid of Enforcement and Interrogatories in Aid of Execution – Prohibition*.

Senate Bill 452 and House Bill 349 are troubling bills that will effectively eliminate the ability for a creditor or plaintiff to collect the money a court has determined they are entitled to by prohibiting the court from ordering the defendant to appear before court to answer questions about available assets that may be available to pay the judgment, as well as answering written interrogatories in aid of execution of the money judgment.

Currently, the onus to collect a money judgment is on the plaintiff or creditor. After granting a money judgment, the court does not collect the money. If a defendant does not voluntarily pay the judgment or provide information regarding their assets, the written interrogatories and oral examination in aid of execution are the remaining remedies to gather the information regarding the defendant's assets that, by law, the plaintiff is entitled to. Without these tools, the plaintiff or creditors may file inaccurate garnishment petitions based on their own limited knowledge, which may result in garnishments or levies on property that cannot be completed, delayed collections of judgments, and additional petitions, all at the plaintiff's time and expense. Under this bill, the defendant has no incentive to pay the judgment or be cooperative because there are no repercussions, leaving the plaintiff with a piece of paper that is largely unenforceable. While this bill only applies to small claims where the maximum amount involved is $5,000, for some plaintiffs being unable to collect on a judgment would be a real hardship.

We share the goal of ensuring that failure to pay a debt does not result in egregious, punitive action; however, this legislation goes too far by leaving no tangible avenue for a plaintiff to collect money that the court has ordered the debtor to pay.

For these reasons, I have vetoed Senate Bill 452 and House Bill 349.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 452

AN ACT concerning

Small Claims – Examination in Aid of Enforcement *and Interrogatories in Aid of Execution* – Prohibition ~~on Arrest or Incarceration for Failure to Appear~~

FOR the purpose of prohibiting ~~an individual from being arrested or incarcerated for failure to respond to certain orders to appear in court relating to an examination in aid of enforcement of a money judgment entered in a small claim action in the District Court~~ the court from ordering the appearance of an individual for an examination in aid of enforcement *or ordering an individual to answer interrogatories in aid of execution* ~~of a money judgment in District Court~~; and generally relating to enforcement of certain money judgments.

BY adding to
Article – Courts and Judicial Proceedings
Section 11–704
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

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

Article – Courts and Judicial Proceedings

11–704.

~~**AN INDIVIDUAL MAY NOT BE ARRESTED OR INCARCERATED FOR FAILURE TO RESPOND TO AN ORDER TO APPEAR IN COURT:**~~

~~**(1) FOR AN EXAMINATION IN AID OF ENFORCEMENT OF A MONEY JUDGMENT ENTERED IN A SMALL CLAIM ACTION IN THE DISTRICT COURT; OR**~~

~~(2) TO SHOW CAUSE WHY THE INDIVIDUAL SHOULD NOT BE FOUND IN CONTEMPT FOR FAILURE TO APPEAR IN COURT FOR AN EXAMINATION IN AID OF ENFORCEMENT OF A MONEY JUDGMENT ENTERED IN A SMALL CLAIM ACTION IN THE DISTRICT COURT.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to:~~

~~(1) any order to appear for an examination in aid of enforcement of a money judgment entered in a small claim action in the District Court on or after the effective date of this Act; and~~

~~(2) any show cause order for contempt for failure to appear in court for an examination in aid of enforcement of a money judgment entered in a small claim action in the District Court on or after the effective date of this Act.~~

IN A SMALL CLAIMS ACTION WITHIN THE JURISDICTION OF THE DISTRICT COURT UNDER § 4–405 OF THIS ARTICLE, THE DISTRICT COURT MAY NOT ~~ORDER~~*:*

(1) ORDER* THE APPEARANCE OF AN INDIVIDUAL FOR AN EXAMINATION IN AID OF ENFORCEMENT OF A MONEY JUDGMENT*; OR

***(2) ORDER AN INDIVIDUAL TO ANSWER INTERROGATORIES IN AID OF EXECUTION OF A MONEY JUDGMENT*.**

SECTION ~~2.~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

May 27, 2022

The Honorable Bill Ferguson
H–107 State House
100 State Circle
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed Senate Bill 454 – *Marine Contractor License – Authorization, Requirements, and Fees*.

This bill authorizes an individual who is employed by a county or municipality in the State to perform specified marine contractor services within the scope of their employment without having to obtain a license. A local government employee who performs marine

contractor services within the scope of their employment and must be licensed is exempt from paying license or testing fees. The bill also explicitly authorizes a unit of local government to qualify for a marine contractor license.

House Bill 195, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 454.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 454

AN ACT concerning

Marine Contractor License – ~~Performance of Services – Licensing~~ Authorization, Requirements, and Fees

FOR the purpose of authorizing a unit of local government to qualify for a marine contractor license; exempting an individual employed by a county or municipality in the State who performs marine contractor services while in the performance of the duties of their employment from paying a fee for the issuance or renewal of a marine contractor license or a test administered by the Marine Contractors Licensing Board; authorizing an individual employed by a county or municipality in the State to perform marine contractor services while in the performance of the duties of their employment without having to obtain a marine contractor license under certain circumstances; and generally relating to marine contractor licenses and fees.

BY repealing and reenacting, with amendments,
Article – Environment
Section 17–301
Annotated Code of Maryland
(2014 Replacement Volume and 2021 Supplement)

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

Article – Environment

17–301.

(a) Except as otherwise provided in this title, a person shall be licensed by the Board as a marine contractor or be employed by an individual or entity that is licensed as a marine contractor before the person may:

(1) Perform marine contractor services in the State; or

(2) Solicit to perform marine contractor services in the State.

(b) An individual ~~or,~~ an entity**, OR A UNIT OF LOCAL GOVERNMENT** may qualify for a license.

(c) An individual who is employed by an agency of the federal government or the State may perform marine contractor services while in the performance of the duties of their employment without having to obtain a license from the Board under this title.

(d) A residential or commercial property owner may perform marine contractor services on the property owner's own property without having to obtain a license from the Board under this title.

(E) (1) THIS SUBSECTION APPLIES TO AN INDIVIDUAL WHO IS EMPLOYED BY A COUNTY OR MUNICIPALITY IN THE STATE.

(2) AN INDIVIDUAL WHO PERFORMS MARINE CONTRACTOR SERVICES WHILE IN THE PERFORMANCE OF THE DUTIES OF THEIR EMPLOYMENT IS NOT REQUIRED TO PAY A FEE FOR:

(I) THE ISSUANCE OR RENEWAL OF A LICENSE; OR

(II) A TEST ADMINISTERED BY THE BOARD.

(3) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN INDIVIDUAL MAY PERFORM MARINE CONTRACTOR SERVICES WHILE IN THE PERFORMANCE OF THE DUTIES OF THEIR EMPLOYMENT WITHOUT HAVING TO OBTAIN A LICENSE FROM THE BOARD UNDER THIS TITLE IF THE INDIVIDUAL IS PERFORMING MARINE CONTRACTOR SERVICES ~~FOR:~~

~~1. THE ROUTINE MAINTENANCE OR REPAIR OF A TIDAL IMPOUNDMENT DIKE, AN AGRICULTURAL DRAINAGE DITCH, A HIGHWAY DRAINAGE DITCH, A ROADSIDE DRAINAGE DITCH, OR AN OUTLET FOR A ROADSIDE DRAINAGE DITCH; OR~~

~~2. ANY OTHER MARINE CONTRACTOR SERVICE THAT THE BOARD DETERMINES WOULD~~ THAT:

1. WOULD PRESENT A DE MINIMIS RISK TO HUMAN HEALTH OR THE ENVIRONMENT;

2. DO NOT REQUIRE A FEDERAL OR STATE PERMIT; AND

3. IF THE MARINE CONTRACTOR SERVICES INVOLVE AN EXISTING STRUCTURE, DO NOT INCREASE THE FOOTPRINT OF THE STRUCTURE.

(II) IF AN INDIVIDUAL IS PERFORMING MARINE CONTRACTOR SERVICES FOR THE ROUTINE MAINTENANCE OR REPAIR OF AN EXISTING SHORE EROSION CONTROL STRUCTURE, THE INDIVIDUAL SHALL OBTAIN A LICENSE FROM THE BOARD UNDER THIS TITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

May 27, 2022

The Honorable Bill Ferguson
President of the Senate
H–107 State House
Annapolis, Maryland 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed Senate Bill 478 – *Career and Technical Education Committee – Alterations.*

Senate Bill 478 removes the Career and Technical Education (CTE) Committee from the oversight of the Governor's Workforce Development Board (GWDB) and stands it up as an independent entity within the Maryland Department of Labor (Labor).

The CTE Committee was a product of the Blueprint for Maryland's Future. The vision and intent behind having the GWDB oversee the CTE Committee was the transformation of how CTE was to be run in the State. Allowing business and Maryland employers to drive the curriculum and strategy to further bridge the gap between education and employment and ensure more successful outcomes. Removing the CTE Committee from the GWDB alters what was originally envisioned with the Blueprint. As we know, the Blueprint was a product of many years of study, work, and debate that included input and feedback from stakeholders across the state. The amendment that changed this was inserted on the second to last day of the Legislative Session with virtually no input from stakeholders. Furthermore, the intent behind the amendment is still unclear nor is it known why this amendment was added as it was never discussed in either chamber. This is a hasty and haphazard process for such a significant change to a critical process in the future of our children's educational outcomes and the significant investments made by the state and Maryland taxpayers.

By removing the CTE Committee from the GWDB, much of the implementation efforts previously undertaken will need to be duplicated by a new unit. Over the last year, the GWDB staff have facilitated many connections and set up critical infrastructure to begin the process of standing up the CTE Committee. As passed, Senate Bill 478 would necessitate Labor to hire new staff to manage the CTE Committee and its many duties and functions. This would cause significant delays to the process given this sudden and unforeseen alteration.

Furthermore, because Labor is unable to use the existing resources provided by the GWDB, Labor would need additional significant funding and resources to hire new staff for the administration of the CTE Committee—funding that has not been allocated or budgeted.

For these reasons, I have vetoed Senate Bill 478.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 478

AN ACT concerning

Career and Technical Education Committee – Alterations

FOR the purpose of adding two members to the Career and Technical Education Committee; altering the ~~committee's~~ *Committee's* duties and authorized actions to include the perspective of career colleges and skilled trade organizations; requiring the ~~committee~~ *Committee* to develop and provide to guidance counselors and public schools in the State a certain list; *transferring the Committee from a unit within the Governor's Workforce Development Board to an independent unit within the Maryland Department of Labor;* repealing the requirement that a member of the ~~Career and Technical Education~~ Committee also be a member of the Governor's Workforce Development Board; and generally relating to the Career and Technical Education Committee.

BY repealing and reenacting, with amendments,
Article – Education
Section ~~21–209(d)~~ *21–209(b), (d)*, (h), and (i)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

Preamble

WHEREAS, 45 million federal student loan borrowers hold $1.6 trillion of federal student loan debt, and 62% of the 2019 graduating class incurred student loan debt; and

WHEREAS, The national average annual tuition for a public four–year in–state institution of higher education is $26,820, a public four–year out–of–state institution is $43,280, and a four–year private institution is $54,880, and the cost of higher education in the United States continues to outpace the annual rate of inflation; and

WHEREAS, The average bachelor's degree graduate incurs $28,950 of debt during the course of completing their degree, and Maryland graduates carry an average debt of $42,700, the second highest average student loan burden behind only the District of Columbia; and

WHEREAS, Student loan debt disproportionately impacts African American borrowers, with an average debt of $32,047, compared to White borrowers' average debt of $18,685; and

WHEREAS, The National Association of Colleges and Employers reported in its 2021 Winter Salary Survey that the projected starting salary for a business major graduate is $58,869 and a communications major graduate is $58,174; and

WHEREAS, Student loan debt has a direct impact on marriage rates, home ownership rates, parenthood, retirement savings, and the pursuit of further education; and

WHEREAS, There is a skilled labor shortage in the United States and high demand for workers in these industries; and

WHEREAS, The average total cost for a vocational or trade school program is $33,000 and typically can be completed in 3 to 18 months; and

WHEREAS, The average starting salary for a trade school graduate is $42,000; now, therefore,

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

Article – Education

21–209.

(b) (1) The CTE Committee is ***[****a unit within the Governor's Workforce Development Board****]*** ***AN INDEPENDENT UNIT WITHIN THE MARYLAND DEPARTMENT OF LABOR****.*

(2) The CTE Committee shall operate under the oversight of the Accountability and Implementation Board, established under Title 5, Subtitle 4 of this article.

(d) The CTE Committee is composed of the following members ~~of the Governor's Workforce Development Board~~:

(1) The State Superintendent;

(2) The Secretary of Higher Education;

(3) The Secretary of Labor;

(4) The Secretary of Commerce;

(5) The chair of the Skills Standards Advisory Committee, established under § 21–208 of this subtitle; and

(6) The following **[**six**]** members, jointly selected by the Governor, the President of the Senate, and the Speaker of the House of Delegates, who collectively represent:

(i) Employers;

(ii) Industry or trade associations;

(iii) Labor organizations;

(iv) Community colleges;

(v) The agricultural community; **[**and**]**

(vi) Experts in CTE programming**;**

(VII) SKILLED TRADE ORGANIZATIONS; AND

(VIII) CAREER COLLEGES.

(h) The CTE Committee shall perform the following duties:

(1) Develop a statewide framework for CTE that prepares students for employment in a diverse, modern economy;

(2) Allocate roles and responsibilities to State agencies for the credentialing of students engaged in CTE programs;

(3) Adopt and, where appropriate, develop and regularly update a comprehensive and cohesive system of occupational skills standards to drive the State's CTE system;

(4) Work with the business community, including nonprofit entities and apprenticeship sponsors, to develop CTE learning opportunities;

(5) Bring together representatives from public schools, institutions of postsecondary education, **CAREER COLLEGES, SKILLED TRADE ORGANIZATIONS,** and the business community, including nonprofit entities and apprenticeship sponsors, to ensure that CTE programs are aligned with the State's economic development and workforce goals and operate with best global practices;

(6) Set content qualification and recruitment standards for CTE instructors;

(7) Determine which programs should be approved for credit towards high school graduation requirements;

(8) Approve, reject, or modify the proposals made by the CTE Skills Standards Advisory Committee established under § 21–208 of this subtitle to establish CTE programs for public school students;

(9) Address operational issues associated with delivering CTE programs to students, including transportation to and from job sites;

(10) Review agency budget proposals involving CTE and make recommendations to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly on or before December 15 each year;

(11) Monitor the progress of CTE in the State, including progress on implementing the CTE goals in the Blueprint for Maryland's Future;

(12) Develop yearly goals for each county board to reach the statewide goal under § 21–204 of this subtitle that 45% of public school students achieve an industry–recognized occupational credential before they graduate;

(13) Track progress toward and perform any tasks necessary to achieve the statewide goal under § 21–204 of this subtitle that 45% of public high school students achieve a youth apprenticeship or any other industry–recognized occupational credential before they graduate;

(14) Establish, administer, and supervise the CTE Expert Review Teams established under § 5–412 of this article;

(15) Using State accountability data, identify schools to be investigated by CTE Expert Review Teams in which sufficient numbers of students or groups of demographically distinct students are not making adequate progress towards the completion of the CTE pathway;

(16) Submit to the Accountability and Implementation Board plans for deploying CTE Expert Review Teams, and deploy the teams in accordance with approved plans;

(17) DEVELOP A LIST OF ALL SKILLED TRADE ORGANIZATION PROGRAMS AND CAREER SCHOOL PROGRAMS IN THE STATE AND PROVIDE THE LIST TO GUIDANCE COUNSELORS AND PUBLIC SCHOOLS IN THE STATE FOR DISTRIBUTION TO STUDENTS;

[(17)**] (18)** Share information on CTE education with the Accountability and Implementation Board; and

[(18)**] (19)** Perform any other duties assigned by the Governor's Workforce Development Board.

(i) The CTE Committee may:

(1) Make grants to innovative programs developed by public schools, institutions of postsecondary education, apprenticeship sponsors, nonprofits, and other persons that help further the CTE Committee's purpose;

(2) Contract with a public or private entity to research and analyze the provision of CTE to students;

(3) Create advisory structures necessary to ensure essential input from educators, parents, unions, employers, apprenticeship sponsors, community organizers, local workforce boards, **SKILLED TRADE ORGANIZATIONS, CAREER COLLEGES,** and other key stakeholders; and

(4) Adopt any regulations necessary to carry out the committee's duties and administer CTE in the State.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

April 8, 2022

The Honorable Bill Ferguson
President of the Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones

Speaker of the House
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 778 and Senate Bill 514 – *Transportation – Investment Program – MARC Rail Service (Maryland Regional Rail Transformation Act.*

My administration continues to prioritize statewide transit access, recognizing the state of good repair needs of the MDOT Maryland Transit Administration (MTA). MDOT is continuing to develop a robust transit system, as evidenced by the Capital Needs Inventory and recently released Central Maryland Regional Transit Plan. MDOT MTA is in the process of developing a first time Statewide Transit Plan while also updating the State Rail Plan. The MDOT MTA has also worked continuously over the last few years to develop the Brunswick Line Master Plan and the MARC Cornerstone Plan and engage with host railroads on advancing priority projects and services, which are aligned with the goals of House Bill 778 and Senate Bill 514.

The 2022–2027 Consolidated Transportation Program (CTP) has outlined $4.6 billion in funding for the MDOT MTA, and, despite the residual COVID–19 impacts, more dollars have been put towards transit in future years than in any previous CTP. The CTP process, which was established by the Legislature, includes extensive consultation with Maryland's citizens, local jurisdictions, and the local and State delegations. As the MDOT budgets on a six–year timeframe, all available funds are currently dedicated through FY 2027. In order to meet the demands of House Bill 778 and Senate Bill 514, especially in Fiscal Year 2023, MDOT would be required to shift funds from priority projects. Approximately $14 million in funding to meet the demands of this legislation would need to be shifted from the MDOT MTA's system preservation efforts or suspend planned projects.

MARC services are critical and provide a majority of riders the ability to commute to work in both Baltimore and Washington, D.C. However, it is important that we view transit from a perspective that each of MDOT MTA's modes provide services and that none is more valuable than the other. The MDOT MTA is currently investing funds to improve core Baltimore services, so as to address system preservation needs and begin the work to expand both East/West and North/South services. By depleting funds for these efforts, Senate Bill 514 and House Bill 778 will prevent equitable efforts currently in place to enhance service, improve facilities, and facilitate on–time arrivals.

Furthermore, House Bill 778 and Senate Bill 514 sets a dangerous precedent by requiring the MDOT MTA to produce investment plans and complete design on several MARC projects on an expedited schedule without completing the proper steps to secure the approval of the host railroads or other stakeholders. Requiring the MDOT MTA to complete design on any of the aforementioned projects would be premature as the MDOT MTA is still engaging the host railroads and other stakeholders and has no guarantee they will agree to the terms mandated by the legislation. Without buy–in from stakeholders and the

railroads, any design or service and operation plan would be completely unusable. The estimated cost to the TTF is $13.9 million which would be spent on studies and designs that, in all likelihood, will never be usable.

While I am supportive of the intent of this legislation to improve transit, as demonstrated by my record–level investment in transit to date, it must be done in a fiscally responsible manner and in one that does not limit the MDOT's ability to adapt to evolving conditions. It has never been clearer that funding mandates lead to bureaucratic paralysis and jeopardizes the ability of an agency to effectively protect and serve the public. The MDOT needs to focus on maintaining the integrity of the State's transit system, roads, bridges, port, airports, and motor vehicles services. Due to these reasons, implementation of House Bill 778 and Senate Bill 514 are not feasible at this time.

For these reasons, I have vetoed House Bill 778 and Senate Bill 514.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 514

AN ACT concerning

Transportation – Investment Program – MARC Rail Service
(Maryland Regional Rail Transformation Act)

FOR the purpose of requiring the Maryland Transit Administration to establish certain investment programs for enhancing certain rail lines and services operated by the Maryland Area Regional Commuter rail service; requiring the Administration to advance certain rail projects in a certain fiscal year; requiring the Administration to conduct a certain study; establishing the Transportation Trust Fund Workgroup; and generally relating to the Maryland Area Regional Commuter rail service and the enhancement of rail services.

BY adding to
Article – Transportation
Section 7–311
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

Preamble

WHEREAS, The Maryland Area Regional Commuter (MARC) rail service connects Baltimore and Washington, D.C. to many of Maryland's suburban communities; and

WHEREAS, The State must advance the Maryland Transit Administration's MARC Cornerstone Plan and other MARC improvements to unlock a truly regional rail system that reliably services more Maryland communities and connects to Virginia and Delaware; now, therefore,

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

Article – Transportation

7–311.

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

(2) "MARC" MEANS THE MARYLAND AREA REGIONAL COMMUTER RAIL SERVICE.

(3) "MARC CORNERSTONE PLAN" MEANS THE PLAN ESTABLISHED BY THE ADMINISTRATION TO TRANSLATE THE ADMINISTRATION'S TRANSIT VISION STATEMENT INTO STRATEGIC PRIORITIES, POLICIES, PROGRAMS, AND INITIATIVES FOR MARC RAIL SERVICE.

(4) "TRANSIT VISION STATEMENT" MEANS THE ADMINISTRATION'S OBJECTIVE TO PROVIDE SAFE, EFFICIENT, AND RELIABLE TRANSIT ACCESS ACROSS MARYLAND WITH WORLD–CLASS CUSTOMER SERVICE.

(B) (1) THE ADMINISTRATION SHALL ESTABLISH INDIVIDUAL INVESTMENT PROGRAMS TO ADVANCE THE MARC CORNERSTONE PLAN AND OTHER MARC IMPROVEMENTS BY PROVIDING INCREMENTAL ENHANCEMENTS FOR:

(I) THE BRUNSWICK LINE, INCLUDING A THIRD TRACK BETWEEN ROCKVILLE AND GERMANTOWN TO BETTER SERVE WESTERN MARYLAND AND EXISTING COMMUNITIES SERVED BY THE LINE;

(II) THE CAMDEN LINE;

(III) THE PENN LINE;

(IV) NEW REGIONAL SERVICE BETWEEN PERRYVILLE, MARYLAND AND NEWARK, DELAWARE;

(V) NEW REGIONAL RUN–THROUGH RAIL SERVICE TO ALEXANDRIA, VIRGINIA; AND

(VI) EXTENDING THE BRUNSWICK LINE TO BETTER SERVE WESTERN MARYLAND.

(2) EACH INVESTMENT PROGRAM ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) COMMENCE IN FISCAL YEAR 2023;

(II) INCLUDE A REVIEW OF EXISTING RAIL OPERATIONS, INFRASTRUCTURE, AND RIGHT–OF–WAY INFORMATION TO CONFIRM EXISTING CONDITIONS;

(III) INCLUDE RAIL SIMULATION MODELS FOR EACH OF THE CURRENT CORRIDORS SERVED BY MARC AND AREAS IDENTIFIED FOR NEW SERVICE;

(IV) IDENTIFY FUTURE OPERATING SCENARIOS THAT CAN IMPROVE SERVICE, INCLUDING NEW MIDDAY, WEEKEND, EVENING, THROUGH–RUNNING, AND BIDIRECTIONAL SERVICE;

(V) DEVELOP CONCEPTUAL LEVEL IMPROVEMENT PLANS TO ENHANCE MARC'S SERVICE OVER TIME, INCLUDING:

1. CONCEPT PLANS FOR HIGHEST–VALUE INFRASTRUCTURE IMPROVEMENTS IDENTIFIED BY THE SIMULATION MODELS;

2. NEW STATIONS OR STATION ENHANCEMENTS; AND

3. IMPROVEMENTS TO ENHANCE ACCESS TO JOBS AND HOUSING IN NEIGHBORING JURISDICTIONS; AND

(VI) IDENTIFY A 5–YEAR PRIORITY SET OF CAPITAL PROJECTS AND ACTIVITIES TO IMPLEMENT PLANNED IMPROVEMENTS TO BE FUNDED IN THE CONSOLIDATED TRANSPORTATION PROGRAM.

(3) IN FISCAL YEAR 2028 AND EVERY FIFTH FISCAL YEAR THEREAFTER, THE ADMINISTRATION SHALL UPDATE EACH INVESTMENT PROGRAM ESTABLISHED UNDER THIS SUBSECTION.

(C) IN FISCAL YEAR 2023, THE ADMINISTRATION SHALL ADVANCE THE FOLLOWING RAIL PRIORITY PROJECTS AS PART OF THE INVESTMENT PROGRAMS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION:

(1) IN COORDINATION WITH THE DISTRICT OF COLUMBIA, VIRGINIA, THE VIRGINIA RAILWAY EXPRESS, AMTRAK, AND CSX, DEVELOP A SERVICE AND OPERATIONS PLAN FOR MARC THROUGH–RUNNING TO ALEXANDRIA, VIRGINIA;

(2) IN COORDINATION WITH DELAWARE, PENNSYLVANIA, THE SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY (SEPTA), AND AMTRAK, DEVELOP A SERVICE AND OPERATIONS PLAN FOR MARC, SEPTA, OR AMTRAK TO RUN COMPETITIVE TRANSIT SCHEDULES BETWEEN PERRYVILLE, MARYLAND AND NEWARK, DELAWARE;

(3) COMPLETE 30% OF THE DESIGN FOR A NEW ELKTON INFILL MARC STATION ON THE PENN LINE;

(4) COMPLETE 30% OF THE DESIGN FOR A NEW BAYVIEW INFILL MARC STATION ON THE PENN LINE;

(5) COMPLETE 30% OF THE DESIGN FOR:

~~**(I) A THIRD TRACK BETWEEN ROCKVILLE AND GERMANTOWN ON MARC'S BRUNSWICK LINE TO BETTER SERVE WESTERN MARYLAND AND EXISTING COMMUNITIES SERVED BY THE LINE; AND**~~

~~**(II)**~~ **GERMANTOWN STATION IMPROVEMENTS;**

(6) COMPLETE 15% OF THE DESIGN FOR A FOURTH TRACK ON THE PENN LINE; AND

(7) HIRE THREE FULL–TIME EQUIVALENT (FTE) STAFF AT A COST OF APPROXIMATELY $450,000 ANNUALLY BEGINNING IN FISCAL YEAR 2023 FOR THE ADMINISTRATION'S PLANNING AND CAPITAL PROGRAMMING TO ENSURE THE ADMINISTRATION HAS ADEQUATE STAFF RESOURCES TO LEVERAGE FEDERAL RAIL FUNDING.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Transit Administration shall conduct a MARC Cornerstone Plan Implementation Study.

(b) The study shall assess and present for public review:

(1) the total expected cost to implement:

(i) the entire MARC Cornerstone Plan;

(ii) Maryland–Virginia through–running rail service;

(iii) Maryland–Delaware through–running rail service; and

(iv) Western Maryland MARC extension programs;

(2) the total expected cost of the first 5–year capital program for Brunswick Line, Camden Line, Penn Line, Maryland–Virginia through–running, Maryland–Delaware through–running, and Western Maryland extension rail services;

(3) the Administration's workforce needs to efficiently implement the MARC Cornerstone Plan, Maryland–Delaware through–running, and Western Maryland extension rail services, including a staffing and compensation comparison between MARC and peer regional railroads throughout the United States; and

(4) efficient and achievable methods by which the rail capital investments and services identified and analyzed under this subsection should be funded.

(c) In developing the study, the Administration shall consult with regional private entities, including leading employers, labor representatives, transit rider advisory committees, and regional planning boards.

(d) (1) On or before December 1, 2022, the Administration shall submit to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly an executive summary and report of its findings and recommendations from the study.

(2) The Administration shall post the executive summary and report required under paragraph (1) of this subsection on the website of the Administration.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) In this section, "Workgroup" means the Transportation Trust Fund Workgroup.

(b) There is a Transportation Trust Fund Workgroup.

(c) The Workgroup 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 Transportation or the Secretary's designee;

(4) one individual representing the business community, jointly designated by the President of the Senate and the Speaker of the House; and

(5) one individual representing the unions, jointly designated by the President of the Senate and the Speaker of the House.

(d) The Department of Legislative Services shall provide staff for the Workgroup.

(e) The Workgroup shall examine:

(1) the current State funding sources and structure of the Maryland Transportation Trust Fund;

(2) threats and challenges to the existing funding sources;

(3) short– and long–term multimodal infrastructure construction and maintenance funding needs for all regions of the State;

(4) how to ensure that the Transportation Trust Fund and not other fund sources supports the State's infrastructure needs and options for sustainable, long–term revenue sources for transportation;

(5) how to position the State to benefit from the multiyear federal infrastructure bill;

(6) how to ensure that the State's public–private partnership law provides adequate oversight; and

(7) potential changes to policies and procedures, including legislation that may be needed to implement any recommendations.

(f) On or before December 16, 2022, the Commission shall submit a report of its findings and recommendations to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

SECTION ~~3.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

May 27, 2022

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House

Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Mr. President and Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 108 and Senate Bill 524 – *Public Utilities – Energy Efficiency and Conservation Programs – Energy Performance Targets and Low–Income Housing*.

This legislation will increase costs to ratepayers by hundreds of millions of dollars per year, and likely exacerbate an existing program debt that is already approaching $1 billion. Turbulent energy prices and unbridled inflation should inspire lawmakers to offer relief to their constituents. Instead, they have done just the opposite in this bill. Maryland currently offers programs that provide residents with energy efficiency resources, regardless of income level. Furthermore, limited income households can receive materials, equipment, and installation services at no charge, and we provide energy efficiency programs specifically for affordable, multifamily rental properties.

The Low–Income Energy Efficiency Program (LIEEP) helps low–income households undertake energy conservation projects in their homes at no charge, and the Multifamily Energy Efficiency and Housing Affordability (MEEHA) Program promotes energy efficiency and affordability in the State's multifamily rental housing developments for low– and moderate–income households. For years, these programs have been an important measure in combating the disproportionate effects of high energy costs on low–to–moderate income Marylanders.

Rewriting these programs without regard to the effect on ratepayers will have devastating consequences. It will further burden struggling communities with higher utility bills and saddle all Marylanders with an unjustifiable level of indebtedness. Maryland's energy efficiency programs are strong and should remain intact.

For these reasons, I have vetoed House Bill 108 and Senate Bill 524.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 524

AN ACT concerning

Public Utilities – Energy Efficiency and Conservation Programs – Energy Performance Targets and Low–Income Housing

FOR the purpose of requiring the Public Service Commission to include certain information on the low–income EmPOWER programs in a certain annual report to the General Assembly; requiring the Department of Housing and Community Development to procure or provide for electricity customers energy efficiency and conservation programs and services designed to achieve a certain target annual incremental gross energy savings starting in a certain year; requiring certain contractors used for the programs under this Act to meet certain job requirements; requiring the ~~Commission~~ Department to update the weather–normalized gross retail sales against which savings are measured for certain plans; requiring the target annual incremental gross energy savings to be achieved based on an average of certain Department plans; requiring the Department, on or before ~~a~~ certain ~~date~~ dates and with a certain frequency, to submit a plan to the Commission for achieving the electricity savings and demand reduction target; requiring the Department to develop a plan to coordinate and leverage funding sources to support certain energy efficiency and other home upgrades and a plan to provide energy efficiency retrofits to all low–income households by a certain date; establishing the Green and Healthy Task Force to analyze and advance the coordination of resources to address the housing needs of low–income communities; and generally relating to energy performance targets and low–income housing.

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–211(k)
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY adding to
Article – Public Utilities
Section 7–211.1 and 7–211.2
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

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

Article – Public Utilities

7–211.

(k) On or before May 1 of each year, the Commission, in consultation with the Maryland Energy Administration, shall report, subject to § 2–1257 of the State Government Article, to the General Assembly on:

(1) the status of programs and services to encourage and promote the efficient use and conservation of energy, including an evaluation of the impact of the programs and services that are directed to low–income communities, low– to moderate–income communities to the extent possible, and other particular classes of ratepayers;

(2) a recommendation for the appropriate funding level to adequately fund these programs and services; **[**and**]**

(3) FOR THE LOW–INCOME PROGRAMS UNDER § 7–211.1 OF THIS SUBTITLE, INFORMATION THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT PROVIDES TO THE COMMISSION UNDER § 7–211.1(H) OF THIS SUBTITLE; AND

[(3)**] (4)** in accordance with subsection (c) of this section, the per capita electricity consumption and the peak demand for the previous calendar year.

7–211.1.

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

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

(3) "LOW–INCOME PROGRAM" MEANS A PROGRAM THAT DELIVERS ENERGY EFFICIENCY AND CONSERVATION MEASURES TO REDUCE UTILITY EXPENSES FOR BUILDING OWNERS, MANAGERS, AND TENANTS IN HOUSING WITH RESIDENTS WHO QUALIFY FOR THE DEPARTMENT'S LOW–INCOME ASSISTANCE PROGRAMS, INCLUDING:

(I) THE EMPOWER MARYLAND PROGRAM;

(II) THE MULTIFAMILY ENERGY EFFICIENCY AND HOUSING AFFORDABILITY PROGRAM; AND

(III) THE WEATHERIZATION ASSISTANCE PROGRAM.

(4) "LOW–INCOME RESIDENTIAL" MEANS A COMMUNITY, BUILDING, OR HOUSEHOLD WITH RESIDENTS WHO QUALIFY FOR THE DEPARTMENT'S LOW–INCOME PROGRAMS.

(5) "TASK FORCE" MEANS THE GREEN AND HEALTHY TASK FORCE ESTABLISHED UNDER § 7–211.2 OF THIS SUBTITLE.

(B) (1) FOR THE ~~2022–2024~~ 2021–2023 AND 2024–2026 PROGRAM ~~CYCLE~~ CYCLES, THE DEPARTMENT SHALL PROCURE OR PROVIDE FOR ELECTRICITY CUSTOMERS ENERGY EFFICIENCY AND CONSERVATION PROGRAMS AND SERVICES.

(2) (I) THE PROGRAMS AND SERVICES REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE DESIGNED TO ACHIEVE TARGET ANNUAL INCREMENTAL GROSS ENERGY SAVINGS OF AT LEAST 0.4% PER YEAR STARTING IN 2023.

(II) THE DEPARTMENT MAY USE THE SAVINGS ACHIEVED THROUGH ALL FUNDING SOURCES TOWARD CALCULATING THE TARGET ANNUAL INCREMENTAL GROSS ENERGY SAVINGS, IF THE FUNDING SOURCES MEET THE STANDARDS OF PROGRAMS FUNDED THROUGH:

1. THE EMPOWER SURCHARGE; OR

2. THE U.S. DEPARTMENT OF ENERGY.

(3) (I) THE ENERGY SAVINGS DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION SHALL BE CALCULATED AS A PERCENTAGE OF THE ~~2019~~ 2016 WEATHER–NORMALIZED GROSS LOW–INCOME RESIDENTIAL RETAIL SALES FOR ALL ELECTRIC COMPANIES.

(II) THE ~~2019~~ 2016 WEATHER–NORMALIZED GROSS LOW–INCOME RESIDENTIAL RETAIL SALES FOR ALL ELECTRIC COMPANIES SHALL BE DETERMINED BY MULTIPLYING THE AVERAGE ~~2019~~ 2016 RESIDENTIAL HOUSEHOLD ELECTRICITY USAGE FOR ALL ELECTRIC COMPANIES BY THE NUMBER OF HOUSEHOLDS:

1. WITH INCOMES BELOW 250% OF THE FEDERAL POVERTY LEVEL AS DETERMINED BY THE FEDERAL CENSUS; OR

2. THAT MEET THE ELIGIBILITY CRITERIA APPROVED BY THE COMMISSION FOR LOW–INCOME PROGRAMS.

(4) FOR WEATHERIZATION OF LEASED OR RENTED RESIDENCES, THE DEPARTMENT SHALL ADOPT REGULATIONS TO ENSURE THAT:

(I) THE BENEFITS OF WEATHERIZATION ASSISTANCE, INCLUDING UTILITY BILL REDUCTION AND PRESERVATION OF AFFORDABLE HOUSING STOCK, ACCRUE PRIMARILY TO LOW–INCOME TENANTS OCCUPYING A LEASED OR RENTED RESIDENCE; AND

(II) THE RENT ON THE RESIDENCE IS NOT INCREASED AND THE TENANT IS NOT EVICTED AS A RESULT OF WEATHERIZATION PROVIDED UNDER THIS SECTION.

(5) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE PROGRAMS AND SERVICES PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT USE THERMAL INSULATING MATERIALS FOR BUILDING ELEMENTS, INCLUDING WALLS, FLOORS, CEILINGS, ATTICS, AND ROOF INSULATION, THAT CONTAIN:

~~1.~~ FORMALDEHYDE~~; OR~~

~~2. ANY SUBSTANCE THAT IS A CATEGORY 1 RESPIRATORY SENSITIZER AS DEFINED IN 29 C.F.R. PART 1910 (APPENDIX A)~~.

(II) THERMAL INSULATING MATERIALS FOR BUILDING ELEMENTS MAY NOT CONTAIN A SUBSTANCE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IF THE SUBSTANCE:

1. WAS INTENTIONALLY ADDED; OR

2. IS PRESENT IN THE PRODUCT AT GREATER THAN 0.1% BY WEIGHT.

(6) (I) THE DEPARTMENT SHALL GIVE PREFERENCE TO CONTRACTORS THAT ARE MINORITY–OWNED, WOMEN–OWNED, OR VETERAN–OWNED BUSINESSES IN THE STATE FOR PROCUREMENT PROCESSES RELATED TO EMPOWER PROGRAMS.

(II) THE DEPARTMENT'S APPROVED CONTRACTORS USED FOR THE PROGRAMS UNDER THIS SECTION SHALL MEET THE FOLLOWING JOB REQUIREMENTS:

1. PAY AT LEAST 150% OF THE STATE MINIMUM WAGE;

2. PROVIDE CAREER ADVANCEMENT TRAINING;

3. AFFORD EMPLOYEES THE RIGHT TO BARGAIN COLLECTIVELY FOR WAGES AND BENEFITS;

4. PROVIDE PAID LEAVE;

5. BE CONSIDERED COVERED EMPLOYMENT FOR PURPOSES OF UNEMPLOYMENT INSURANCE BENEFITS IN ACCORDANCE WITH TITLE 8 OF THE LABOR AND EMPLOYMENT ARTICLE;

6. ENTITLE THE EMPLOYEE TO WORKERS' COMPENSATION BENEFITS IN ACCORDANCE WITH TITLE 9 OF THE LABOR AND EMPLOYMENT ARTICLE;

7. BE COMPLIANT WITH FEDERAL AND STATE WAGE AND HOUR LAWS FOR THE PREVIOUS 3 YEARS;

8. OFFER EMPLOYER–PROVIDED HEALTH INSURANCE BENEFITS WITH MONTHLY PREMIUMS THAT DO NOT EXCEED 8.5% OF THE EMPLOYEE'S NET MONTHLY EARNINGS; AND

9. OFFER RETIREMENT BENEFITS.

(C) THE WEATHER–NORMALIZED GROSS RETAIL SALES AGAINST WHICH THE SAVINGS ARE MEASURED SHALL:

(1) REFLECT SALES ASSOCIATED WITH THE LOW–INCOME RESIDENTIAL CUSTOMER CLASS SERVED BY PROGRAMS ADMINISTERED BY THE DEPARTMENT; AND

(2) BE UPDATED BY THE ~~COMMISSION~~ DEPARTMENT FOR EACH PLAN SUBMITTED UNDER SUBSECTION (E) OF THIS SECTION.

(D) THE TARGET ANNUAL INCREMENTAL GROSS ENERGY SAVINGS SHALL BE ACHIEVED BASED ON THE 3–YEAR AVERAGE OF DEPARTMENT PLANS SUBMITTED IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION.

(E) (1) ON OR BEFORE SEPTEMBER 1, 2022, THE DEPARTMENT SHALL SUBMIT A PLAN TO THE COMMISSION THAT DETAILS PROPOSALS FOR ACHIEVING THE ELECTRICITY SAVINGS AND DEMAND REDUCTION TARGET UNDER SUBSECTION (B) OF THIS SECTION FOR ~~THE 2 SUBSEQUENT CALENDAR YEARS~~ 2023.

(2) ON OR BEFORE SEPTEMBER 1, 2023, AND EVERY 3 YEARS THEREAFTER, THE DEPARTMENT SHALL SUBMIT A PLAN TO THE COMMISSION THAT DETAILS PROPOSALS FOR ACHIEVING THE ELECTRICITY SAVINGS AND DEMAND REDUCTION TARGET UNDER SUBSECTION (B) OF THIS SECTION FOR THE 3 SUBSEQUENT CALENDAR YEARS.

~~(2)~~ (3) THE PLAN SHALL INCLUDE:

(I) A DESCRIPTION OF THE PROPOSED ENERGY EFFICIENCY AND CONSERVATION PROGRAMS AND SERVICES;

(II) A DESCRIPTION OF THE STEPS PROPOSED TO ENSURE INSULATION MATERIALS MEET THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION;

(III) ANTICIPATED COSTS;

(IV) PROJECTED ELECTRICITY SAVINGS;

(V) A PROPOSED AVERAGE LIFETIME MEASURE THRESHOLD THAT ENCOURAGES THE DELIVERY OF INSULATION AND WEATHERIZATION MEASURES, DEVELOPED THROUGH A STAKEHOLDER ENGAGEMENT PROCESS; AND

(VI) ANY OTHER INFORMATION THAT THE COMMISSION REQUESTS.

~~(3)~~ (4) THE DEPARTMENT SHALL PROVIDE THE COMMISSION WITH AN UPDATE EVERY 6 MONTHS ON PLAN IMPLEMENTATION AND PROGRESS TOWARD ACHIEVING THE ELECTRICITY SAVINGS AND DEMAND REDUCTION TARGET UNDER SUBSECTION (B) OF THIS SECTION.

~~(4)~~ (5) THE COMMISSION SHALL REVIEW A PLAN TO DETERMINE WHETHER THE PLAN IS ADEQUATE FOR ACHIEVING THE TARGET.

(F) THE COMMISSION SHALL WORK WITH THE DEPARTMENT TO ESTABLISH ANY PROCEDURES NECESSARY TO DEVELOP AND IMPLEMENT A PLAN FOR ACHIEVING THE ELECTRICITY SAVINGS AND DEMAND REDUCTION TARGET UNDER SUBSECTION (B) OF THIS SECTION, INCLUDING SECURING COOPERATION FROM ELECTRIC COMPANIES RELATED TO:

(1) FUNDING;

(2) COMMUNICATIONS;

(3) REFERRALS;

(4) DATA SHARING; AND

(5) ANY OTHER COOPERATION THAT THE COMMISSION DETERMINES IS NECESSARY TO ACHIEVE THE ELECTRICITY SAVINGS UNDER SUBSECTION (B) OF THIS SECTION.

(G) (1) THE DEPARTMENT SHALL DEVELOP A PLAN TO COORDINATE FUNDING SOURCES AND LEVERAGE THE GREATEST FUNDING POSSIBLE TO SUPPORT:

(I) HEALTH AND SAFETY UPGRADES;

(II) WEATHERIZATION;

(III) ENERGY EFFICIENCY; AND

(IV) OTHER GENERAL MAINTENANCE FOR LOW–INCOME HOUSING.

(2) THE PLAN SHALL COORDINATE FUNDING AMONG:

(I) THE STRATEGIC ENERGY INVESTMENT FUND;

(II) FEDERAL WEATHERIZATION ASSISTANCE PROGRAMS;

(III) RATEPAYER CONTRIBUTIONS TO:

1. THE EMPOWER MARYLAND LIMITED INCOME ENERGY EFFICIENCY PROGRAM; AND

2. THE MULTIFAMILY ENERGY EFFICIENCY AND HOUSING AFFORDABILITY PROGRAM;

(IV) THE MARYLAND AFFORDABLE HOUSING TRUST FUND;

(V) U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PROGRAMS, INCLUDING:

1. COMMUNITY DEVELOPMENT BLOCK GRANTS;

2. THE HOME INVESTMENT PARTNERSHIP GRANTS PROGRAM; AND

3. LEAD HAZARD CONTROL AND HEALTHY HOMES GRANTS;

(VI) U.S. DEPARTMENT OF AGRICULTURE PROGRAMS, INCLUDING THE HOME REPAIR PROGRAM;

(VII) THE HEALTHY HOMES FOR HEALTHY KIDS PROGRAM;

(VIII) THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM;

(IX) STATE APPROPRIATIONS; AND

(X) ANY OTHER SOURCE OF FUNDING THAT THE DEPARTMENT OR THE TASK FORCE IDENTIFIES.

(3) THE DEPARTMENT SHALL COLLABORATE WITH THE MEMBERS OF THE TASK FORCE AND IDENTIFY OTHER INTERESTED STAKEHOLDERS TO DEVELOP THE PLAN.

(4) ON OR BEFORE DECEMBER 31, 2022, THE DEPARTMENT SHALL SUBMIT THE PLAN TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(H) (1) THE DEPARTMENT SHALL REPORT TO THE COMMISSION EACH YEAR ON:

(I) FOR THE PROGRAMS THAT CONTRIBUTE TO ENERGY EFFICIENCY AND WEATHERIZATION, DISAGGREGATED BY FUEL SOURCE AND FUNDING SOURCE OR DEVELOPMENT FINANCE EFFORTS:

1. THE NUMBER OF PARTICIPANTS SERVED; AND

2. THE AMOUNT OF ENERGY SAVINGS; AND

(II) THE AMOUNT OF FUNDING THAT THE DEPARTMENT RECEIVES, AND IS PROJECTED TO RECEIVE, FOR ENERGY EFFICIENCY AND WEATHERIZATION FROM THE FUNDING SOURCES UNDER THIS SECTION.

(2) THE DEPARTMENT MAY SATISFY THE REPORTING REQUIREMENT UNDER THIS SUBSECTION BY INCLUDING THE REQUIRED INFORMATION IN THE 6–MONTH STATUS REPORTS TO THE COMMISSION.

(I) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT IF THE EMPOWER MARYLAND PROGRAM IS EXTENDED BEYOND 2023, THE TARGET ANNUAL INCREMENTAL GROSS ENERGY SAVINGS UNDER SUBSECTION (B) OF THIS SECTION SHALL INCREASE TO:

(1) 0.53% IN 2024;

(2) 0.72% IN 2025; AND

(3) 1% IN 2026.

(J) THE DEPARTMENT, THE MARYLAND ENERGY ADMINISTRATION, AND OTHER STATE AGENCIES SHALL APPLY FOR ALL FEDERAL FUNDING THAT MAY BECOME AVAILABLE TO CARRY OUT THIS SECTION.

(K) (1) THE DEPARTMENT SHALL COLLABORATE WITH THE MEMBERS OF THE TASK FORCE TO DEVELOP A PLAN, INCLUDING A BUDGET, A TIMELINE, AND POTENTIAL FUNDING SOURCES, TO PROVIDE ENERGY EFFICIENCY RETROFITS TO ALL LOW–INCOME HOUSEHOLDS BY 2030.

(2) THE DEPARTMENT, IN COLLABORATION WITH THE TASK FORCE, SHALL SUBMIT THE PLAN TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, ON OR BEFORE DECEMBER 1, 2022.

7–211.2.

(A) THERE IS A GREEN AND HEALTHY TASK FORCE.

(B) THE TASK FORCE 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 HOUSING AND COMMUNITY DEVELOPMENT, OR THE SECRETARY'S DESIGNEE;

(4) THE SECRETARY OF HUMAN SERVICES, OR THE SECRETARY'S DESIGNEE;

(5) THE DIRECTOR OF THE MARYLAND ENERGY ADMINISTRATION, OR THE DIRECTOR'S DESIGNEE;

(6) ONE REPRESENTATIVE OF THE OFFICE OF PEOPLE'S COUNSEL; AND

(7) AS APPOINTED BY THE CHAIR OF THE TASK FORCE:

(I) ONE REPRESENTATIVE OF THE MARYLAND AFFORDABLE HOUSING TRUST;

(II) ONE REPRESENTATIVE OF THE GREEN AND HEALTHY HOMES INITIATIVE;

(III) ONE REPRESENTATIVE OF MARYLAND ENERGY EFFICIENCY ADVOCATES;

(IV) ONE MEMBER WHO IS AN EXPERT IN PUBLIC HEALTH;

(V) ONE MEMBER FROM A COMMUNITY CONCERNED WITH ENVIRONMENTAL JUSTICE;

(VI) ONE MEMBER WHO OWNS OR DEVELOPS AFFORDABLE HOUSING;

(VII) ONE MEMBER WHO HAS RECEIVED ASSISTANCE FROM A LOW–INCOME PROGRAM THAT DELIVERS ENERGY EFFICIENCY MEASURES; AND

(VIII) OTHER MEMBERS AS DETERMINED BY THE CHAIR OF THE TASK FORCE.

(C) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT, OR THE SECRETARY'S DESIGNEE, SHALL SERVE AS CHAIR OF THE TASK FORCE.

(D) THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SHALL PROVIDE STAFF FOR THE TASK FORCE.

(E) A MEMBER OF THE TASK FORCE:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE TASK FORCE; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(F) THE TASK FORCE SHALL:

(1) BEGINNING JULY 1, 2022, MEET QUARTERLY FOR A PERIOD OF 3 YEARS;

(2) ADVANCE THE ALIGNMENT, BRANDING, AND COORDINATION OF RESOURCES TO MORE EFFECTIVELY DELIVER GREEN AND HEALTHY HOUSING FOR LOW–INCOME HOUSEHOLDS IN THE STATE;

(3) EXAMINE THE PUBLIC AND PRIVATE RESOURCES NEEDED TO ADDRESS THE HOUSING NEEDS OF LOW–INCOME COMMUNITIES;

(4) DEVELOP POLICY AND STATUTORY RECOMMENDATIONS TO ELIMINATE BARRIERS TO LOW–INCOME HOUSEHOLDS ACHIEVING HEALTHY, ENERGY–EFFICIENT, AND AFFORDABLE HOUSING; AND

(5) ENGAGE WITH INTERESTED PARTIES AND COLLABORATE WITH OTHER ENTITIES THAT CAN HELP ADVANCE THE GOALS OF THE TASK FORCE, INCLUDING EXPERTS IN THE FIELD OF HEALTHY AND ENERGY–EFFICIENT HOUSING.

(G) ON OR BEFORE JULY 1, 2023, AND EACH JULY 1 THEREAFTER, THE TASK FORCE SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE SECRETARY OF HEALTH, THE SECRETARY OF THE ENVIRONMENT, THE COMMISSION, THE GOVERNOR, AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

May 27, 2022

The Honorable Bill Ferguson
President of the Senate
H–107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed Senate Bill 548 – *Local Health Officers – Removal – Process.*

This bill repeals the provision that specifies that the health officer for a county serves at the pleasure of the governing body of that county and the Secretary of Health; and establishes requirements for the removal process.

House Bill 609, which was passed by the General Assembly and vetoed by me, accomplishes the same purpose.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 548

AN ACT concerning

Local Health Officers – Removal – ~~Grounds and~~ Process

FOR the purpose of repealing a provision of law providing that a health officer serves at the pleasure of the Secretary of Health and the governing body of the county; establishing ~~the reasons for which a health officer may be removed from office and~~ notice and hearing requirements related to a removal of a health officer from office; prohibiting a health officer who appeals a certain decision of the Secretary from carrying out the duties of health officer while the appeal is pending; and generally relating to the removal of health officers.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 3–302
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 11–305
Annotated Code of Maryland
(2015 Replacement Volume and 2021 Supplement)

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

Article – Health – General

3–302.

(a) The health officer for a county shall be nominated by the county and appointed by the Secretary.

(b) (1) The governing body of each county shall establish, by ordinance or resolution, the process by which the county nominates an individual for health officer.

(2) If a vacancy occurs in the position of health officer for a county, the governing body shall establish a process, in consultation with the Department, for making a recommendation to the Secretary for the appointment of a health officer.

(3) The process established under paragraph (2) of this subsection shall include the requirements for recruiting, interviewing, and recommending applicants for the position of health officer.

(c) (1) If the Secretary finds that a nominee meets the qualifications of this section, the Secretary shall appoint the nominee as health officer.

(2) If the Secretary finds that the nominee does not meet the qualifications of this section, the Secretary shall reject the nomination, and the county shall provide the Secretary with another nomination.

(d) Each health officer:

(1) Shall have:

(i) A master's degree in public health and at least 2 years' work in the field of public health; or

(ii) At least 5 years' work in the field of public health;

(2) Shall have any other qualifications and training in the field of public health that the Secretary requires by rule or regulation; and

(3) Need not be a physician, if the health officer has a deputy who:

(i) Is a physician; and

(ii) Meets the qualifications of this subsection.

(e) Before taking office, each appointee to the office of health officer shall take the oath required by Article I, § 9 of the Maryland Constitution.

[(f) The health officer for a county serves at the pleasure of the governing body of that county and the Secretary.**]**

[(g)**] (F)** (1) The health officer for a county may be removed from office with the concurrence of the governing body of that county and the Secretary ~~**FOR THE FOLLOWING REASONS:**~~

~~**(I) IMMORALITY;**~~

~~**(II) MISCONDUCT IN OFFICE;**~~

~~**(III) INSUBORDINATION;**~~

~~(IV) INCOMPETENCY; OR~~

~~(V) WILLFUL NEGLECT OF DUTY~~.

(2) (i) Any information concerning the removal of a health officer from office is confidential in accordance with Title 4 of the General Provisions Article.

(ii) Any meeting of the governing body of a county or any meeting that includes the Secretary related to the removal of a health officer from office shall be closed.

(3) (I) IF THE SECRETARY AND THE GOVERNING BODY CONCUR ON THE REMOVAL OF A HEALTH OFFICER, THE SECRETARY SHALL PROVIDE WRITTEN NOTIFICATION TO THE HEALTH OFFICER THAT INCLUDES:

1. THE BASIS FOR THE REMOVAL~~, SUBJECT TO THE REASONS LISTED IN PARAGRAPH (1) OF THIS SUBSECTION~~;

2. DOCUMENTATION SUPPORTING THE REMOVAL; AND

3. NOTICE OF THE OPPORTUNITY TO REQUEST A HEARING WITH THE SECRETARY WITHIN 10 DAYS AFTER RECEIPT OF THE WRITTEN NOTIFICATION AND INFORMATION ON HOW TO REQUEST THE HEARING.

(II) IF THE HEALTH OFFICER REQUESTS A HEARING WITH THE SECRETARY:

1. THE SECRETARY PROMPTLY SHALL HOLD A HEARING, PROVIDED THAT THE HEARING MAY NOT BE HELD ~~WITHIN~~ SOONER THAN 10 DAYS OR LATER THAN 30 DAYS AFTER THE SECRETARY SENDS THE HEALTH OFFICER A NOTICE OF THE ~~HEARING DATE~~ REMOVAL; ~~AND~~

2. THE HEALTH OFFICER SHALL HAVE AN OPPORTUNITY TO BE HEARD ~~PUBLICLY~~ BEFORE THE SECRETARY IN THE HEALTH OFFICER'S DEFENSE~~, WHETHER IN PERSON OR BY COUNSEL~~; AND

3. THE SECRETARY SHALL MAKE A FINAL DECISION NOT LATER THAN 10 DAYS AFTER THE DATE OF THE HEARING.

(4) ~~(II)~~ ~~A~~ NOT LATER THAN 30 DAYS AFTER THE SECRETARY MAKES A DECISION UNDER PARAGRAPH (3) OF THIS SUBSECTION, A HEALTH OFFICER MAY ~~APPEAL THE DECISION OF THE SECRETARY AT A HEARING REQUESTED~~ MADE ~~UNDER PARAGRAPH (3)(II) OF THIS SUBSECTION TO THE OFFICE OF ADMINISTRATIVE HEARINGS~~ REQUEST A HEARING BEFORE THE APPROPRIATE CIRCUIT COURT TO ENSURE THAT THE PROCEEDINGS FOR THE REMOVAL OF THE HEALTH OFFICER

WERE CONDUCTED IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION ~~NOT LATER THAN 30 DAYS AFTER THE SECRETARY MADE THE DECISION~~.

~~(II) A HEALTH OFFICER WHO APPEALS THE DECISION OF THE SECRETARY UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT CARRY OUT THE DUTIES OF HEALTH OFFICER WHILE THE APPEAL IS PENDING.~~

Article – State Personnel and Pensions

11–305.

(a) **(1)** This section **[**only**]** applies **ONLY** to an employee who is in a position:

[(1)**]** **(I)** under a special appointment;

[(2)**]** **(II)** in the management service; or

[(3)**]** **(III)** in the executive service.

(2) THIS SECTION DOES NOT APPLY TO A HEALTH OFFICER APPOINTED UNDER § 3–302 OF THE HEALTH – GENERAL ARTICLE.

(b) Each employee subject to this section:

(1) serves at the pleasure of the employee's appointing authority; and

(2) may be terminated from employment for any reason that is not illegal or unconstitutional, solely in the discretion of the appointing authority.

(c) A management service employee or a special appointment employee designated by the Secretary under § 4–201(c)(2)(i) of this article may not be terminated for the purpose of creating a new position for another individual's appointment because of that individual's political affiliation, belief, or opinion.

(d) An employee or an employee's representative may file a written appeal of an employment termination under this section as described under § 11–113 of this title.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

May 27, 2022

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

Dear President Ferguson:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed Senate Bill 384 – *Landlord and Tenant – Stay of Eviction Proceeding for Rental Assistance Determination* and Senate Bill 563 – *Real Property – Actions to Repossess – Judgment for Tenants and Proof of Rental Licensure.*

Our Administration remains committed to ensuring that tenants adversely affected by the COVID–19 pandemic will continue to stay safely in their homes. Maryland issued one of the earliest and strongest eviction moratoriums in the nation to keep renters safe and secure in their homes despite economic hardships related to COVID–19. Additionally, more than $700 million in state and federal funds have been committed to the Emergency Rental Assistance Program to help tenants in need. As a result, the average number of monthly filings for failure to pay rent in 2022 are significantly less than the number of average monthly failure to pay rent filings in 2019, prior to the pandemic.

Maryland already has some of the strongest tenant protection laws in the nation and these bills impose additional burdens on small property owners who are already struggling to stay in business. We will continue to work at the state and local levels to help tenants and landlords ensure that rent payments and rental licenses are current and in good standing. However, SB 384 and SB 563 will do little to help tenants and will make it harder for small and family–owned property owners to stay in business.

For these reasons, I have vetoed Senate Bill 384 and Senate Bill 563.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 563

AN ACT concerning

Real Property – Actions to Repossess – Judgment for Tenants and Proof of Rental Licensure

FOR the purpose of ~~authorizing the District Court to find in favor of the tenant and award costs and expenses in an action to repossess residential rental property for a certain breach of lease assertion made in bad faith or without substantial justification;~~ requiring a landlord to submit to the clerk of the court evidence of compliance with

certain local rental property licensure requirements and ~~prove in court by a certain evidentiary standard~~ demonstrate that the landlord is compliant with the licensure requirements; and generally relating to actions to repossess property.

BY repealing and reenacting, without amendments,
Article – Real Property
Section 8–401(a) and (b)(1)
Annotated Code of Maryland
(2015 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 8–401(b)(2), 8–402(b)(1)(i), and 8–402.1
Annotated Code of Maryland
(2015 Replacement Volume and 2021 Supplement)

BY adding to
Article – Real Property
Section 8–406
Annotated Code of Maryland
(2015 Replacement Volume and 2021 Supplement)

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

Article – Real Property

8–401.

(a) Whenever the tenant or tenants fail to pay the rent when due and payable, it shall be lawful for the landlord to have again and repossess the premises in accordance with this section.

(b) (1) Whenever any landlord shall desire to repossess any premises to which the landlord is entitled under the provisions of subsection (a) of this section, the landlord or the landlord's duly qualified agent or attorney shall ensure that the landlord has completed the procedures required under subsection (c) of this section.

(2) **[**After**]** **SUBJECT TO § 8–406 OF THIS SUBTITLE AND AFTER** completing the procedures required under subsection (c) of this section, a landlord or the landlord's duly qualified agent or attorney may file the landlord's written complaint under oath or affirmation, in the District Court of the county wherein the property is situated:

(i) Describing in general terms the property sought to be repossessed;

(ii) Setting forth the name of each tenant to whom the property is rented or any assignee or subtenant;

(iii) Stating the amount of rent and any late fees due and unpaid, less the amount of any utility bills, fees, or security deposits paid by a tenant under § 7–309 of the Public Utilities Article;

(iv) Requesting to repossess the premises and, if requested by the landlord, a judgment for the amount of rent due, costs, and any late fees, less the amount of any utility bills, fees, or security deposits paid by a tenant under § 7–309 of the Public Utilities Article;

(v) If applicable, stating that, to the best of the landlord's knowledge, the tenant is deceased, intestate, and without next of kin; and

(vi) If the property to be repossessed is an affected property as defined in § 6–801 of the Environment Article, stating that the landlord has registered the affected property as required under § 6–811 of the Environment Article and renewed the registration as required under § 6–812 of the Environment Article and:

1. A. If the current tenant moved into the property on or after February 24, 1996, stating the inspection certificate number for the inspection conducted for the current tenancy as required under § 6–815(c) of the Environment Article; or

B. On or after February 24, 2006, stating the inspection certificate number for the inspection conducted for the current tenancy as required under § 6–815(c), § 6–817(b), or § 6–819(f) of the Environment Article; or

2. Stating that the owner is unable to provide an inspection certificate number because:

A. The owner has requested that the tenant allow the owner access to the property to perform the work required under Title 6, Subtitle 8 of the Environment Article;

B. The owner has offered to relocate the tenant in order to allow the owner to perform work if the work will disturb the paint on the interior surfaces of the property and to pay the reasonable expenses the tenant would incur directly related to the relocation; and

C. The tenant has refused to allow access to the owner or refused to vacate the property in order for the owner to perform the required work.

8–402.

(b) (1) (i) **[**Where**]** **SUBJECT TO § 8–406 OF THIS SUBTITLE AND WHERE** any tenancy is for any definite term or at will, and the landlord shall desire to repossess the property after the expiration of the term for which it was leased and shall give notice as required under subsection (c) of this section to the tenant or to the person actually in possession of the property to remove from the property at the end of the term, and if the tenant or person in actual possession shall refuse to comply, the landlord may make complaint in writing to the District Court of the county where the property is located.

8–402.1.

(a) (1) (i) **[**Where**]** **SUBJECT TO § 8–406 OF THIS SUBTITLE AND WHERE** an unexpired lease for a stated term provides that the landlord may repossess the premises prior to the expiration of the stated term if the tenant breaches the lease, the landlord may make complaint in writing to the District Court of the county where the premises is located if:

1. The tenant breaches the lease;

2. A. The landlord has given the tenant 30 days' written notice that the tenant is in violation of the lease and the landlord desires to repossess the leased premises; or

B. The breach of the lease involves behavior by a tenant or a person who is on the property with the tenant's consent, which demonstrates a clear and imminent danger of the tenant or person doing serious harm to themselves, other tenants, the landlord, the landlord's property or representatives, or any other person on the property and the landlord has given the tenant or person in possession 14 days' written notice that the tenant or person in possession is in violation of the lease and the landlord desires to repossess the leased premises; and

3. The tenant or person in actual possession of the premises refuses to comply.

(ii) The court shall summons immediately the tenant or person in possession to appear before the court on a day stated in the summons to show cause, if any, why restitution of the possession of the leased premises should not be made to the landlord.

(2) (i) If, for any reason, the tenant or person in actual possession cannot be found, the constable or sheriff shall affix an attested copy of the summons conspicuously on the property.

(ii) After notice is sent to the tenant or person in possession by first–class mail, the affixing of the summons on the property shall be conclusively presumed to be a sufficient service to support restitution.

(3) If either of the parties fails to appear before the court on the day stated in the summons, the court may continue the case for not less than six nor more than 10 days and notify the parties of the continuance.

(b) (1) If the court determines that the tenant breached the terms of the lease and that the breach was substantial and warrants an eviction, the court shall give judgment for the restitution of the possession of the premises and issue its warrant to the sheriff or a constable commanding the tenant to deliver possession to the landlord in as full and ample manner as the landlord was possessed of the same at the time when the lease was entered into. The court shall give judgment for costs against the tenant or person in possession.

~~(2) IF THE COURT DETERMINES THAT A LANDLORD ASSERTED A BREACH OF LEASE UNDER SUBSECTION (A)(1)(I)2B OF THIS SECTION IN BAD FAITH OR WITHOUT SUBSTANTIAL JUSTIFICATION, THE COURT MAY ENTER JUDGMENT FOR THE TENANT AND AWARD COSTS AND EXPENSES, INCLUDING ATTORNEY'S FEES.~~

~~[~~(2)~~]~~ ~~(3)~~ Either party may appeal to the circuit court for the county, within ten days from entry of the judgment. If the tenant (i) files with the District Court an affidavit that the appeal is not taken for delay; (ii) files sufficient bond with one or more securities conditioned upon diligent prosecution of the appeal; (iii) pays all rent in arrears, all court costs in the case; and (iv) pays all losses or damages which the landlord may suffer by reason of the tenant's holding over, the tenant or person in possession of the premises may retain possession until the determination of the appeal. Upon application of either party, the court shall set a day for the hearing of the appeal not less than five nor more than 15 days after the application, and notice of the order for a hearing shall be served on the other party or that party's counsel at least five days before the hearing. If the judgment of the District Court is in favor of the landlord, a warrant shall be issued by the court which hears the appeal to the sheriff, who shall execute the warrant.

(c) (1) Acceptance of any payment after notice but before eviction shall not operate as a waiver of any notice of breach of lease or any judgment for possession unless the parties specifically otherwise agree in writing.

(2) Any payment accepted shall be first applied to the rent or the equivalent of rent apportioned to the date that the landlord actually recovers possession of the premises, then to court costs, including court awarded damages and legal fees and then to any loss of rent caused by the breach of lease.

(3) Any payment which is accepted in excess of the rent referred to in paragraph (2) of this subsection shall not bear interest but will be returned to the tenant in the same manner as security deposits as defined under § 8–203 of this title but shall not be subject to the penalties of that section.

8–406.

(A) (1) THIS SECTION APPLIES ONLY IN A COUNTY, MUNICIPALITY, OR OTHER JURISDICTION THAT REQUIRES A LICENSE FOR THE LAWFUL OPERATION OF RESIDENTIAL RENTAL PROPERTY.

(2) THIS SECTION DOES NOT APPLY TO AN ACTION UNDER § 8–402 OR § 8–402.1 OF THIS SUBTITLE WHERE THE LANDLORD SHOWS THAT THE ACTIONS OF THE TENANT CAUSED THE LICENSING AUTHORITY TO SUSPEND, REVOKE, OR REFUSE TO GRANT OR ~~REVIEW~~ *RENEW* THE RENTAL LICENSE.

(B) IF A LANDLORD ASSERTS THAT RENTAL PROPERTY IS NOT LICENSED IN COMPLIANCE WITH APPLICABLE LOCAL RENTAL LICENSING REQUIREMENTS DUE TO THE ACTIONS OF A TENANT, THE LANDLORD MAY FILE AN ACTION UNDER § 8–402 OR § 8–402.1 OF THIS SUBTITLE ONLY AFTER THE LANDLORD PROVIDES THE TENANT WITH WRITTEN NOTICE OF THE ASSERTION THAT THE TENANT CAUSED THE LICENSING AUTHORITY TO SUSPEND, REVOKE, OR REFUSE TO GRANT OR ~~REVIEW~~ *RENEW* THE RENTAL LICENSE AT LEAST 30 DAYS BEFORE FILING THE ACTION.

~~(B)~~ (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ON THE FILING OF A WRITTEN COMPLAINT TO REPOSSESS RESIDENTIAL PROPERTY UNDER § 8–401, § 8–402, OR § 8–402.1 OF THIS SUBTITLE OR UNDER SUBTITLE 9 OF THE CODE OF PUBLIC LOCAL LAWS OF BALTIMORE CITY, THE LANDLORD SHALL ~~SUBMIT TO THE CLERK OF THE DISTRICT COURT IN THE COUNTY WHERE THE PROPERTY IS LOCATED RECORDS DEMONSTRATING~~ PLEAD AND DEMONSTRATE THAT THE PROPERTY IS:

(I) LICENSED IN COMPLIANCE WITH APPLICABLE LOCAL RENTAL LICENSING REQUIREMENTS; OR

(II) EXEMPT FROM APPLICABLE LOCAL RENTAL LICENSING REQUIREMENTS.

(2) THIS SUBSECTION DOES NOT APPLY TO AN ACTION TO REPOSSESS FOR BREACH OF LEASE UNDER § 8–402.1(A)(1)(I)2B OF THIS SUBTITLE.

~~(C)~~ (D) (1) AT TRIAL, THE LANDLORD MUST ~~PROVE BY A PREPONDERANCE OF THE EVIDENCE~~ DEMONSTRATE TO THE SATISFACTION OF THE COURT THAT THE PROPERTY LISTED IN THE WRITTEN COMPLAINT IS LICENSED WITH THE JURISDICTION OR IS EXEMPT FROM APPLICABLE LICENSING REQUIREMENTS.

(2) ~~(I)~~ TO SATISFY THE REQUIREMENTS OF THIS SUBSECTION, A LANDLORD MAY PROVIDE ELECTRONIC PROOF OF LICENSURE.

~~(II) A TEMPORARY OR PROVISIONAL LICENSE IN ANY FORM IS INSUFFICIENT PROOF OF LICENSURE.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

May 27, 2022

The Honorable Bill Ferguson
H–107 State House
100 State Circle
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed Senate Bill 579 – *Vehicle Equipment – Highway Maintenance and Service – Green Flashing Lights*.

This bill authorizes highway maintenance and service equipment, or vehicles owned by the State or a local jurisdiction to be equipped with and display green flashing lights simultaneously with yellow or amber flashing lights during the course of snow removal or the protection of highway maintenance workers. The number of any such lights may not exceed the number of yellow or amber flashing lights equipped and displayed.

House Bill 1150, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 579.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 579

AN ACT concerning

Vehicle Equipment – Highway Maintenance and Service – Green Flashing Lights

FOR the purpose of authorizing certain highway maintenance and service equipment and vehicles, while in use for snow removal or the protection of highway maintenance

workers, to be equipped with and display green flashing lights simultaneously with yellow or amber flashing lights; and generally relating to the use of green flashing lights on highway maintenance and service equipment and vehicles.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 22–218(c)(1)
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 22–218(c)(6) and (11) and 22–218.2(a)
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

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

Article – Transportation

22–218.

(c) (1) A person may not drive or move on any highway any vehicle or equipment that is equipped with or displays any light or signal device designed to emit an oscillating, rotating, blinking, or other type of emission of light, unless designated and authorized by the Administrator as indicated in paragraphs (2) through (13) of this subsection. The provisions of this section do not prohibit the display and use of any lighting device that may be permitted or required elsewhere in the Maryland Vehicle Law.

(6) **(I)** Service vehicles, waste or recycling collection vehicles, rural letter carrier vehicles, slow moving farm vehicles, and tow trucks may be equipped with or display yellow or amber lights or signal devices.

(II) HIGHWAY MAINTENANCE AND SERVICE EQUIPMENT OR VEHICLES OWNED BY THE STATE OR A LOCAL JURISDICTION, OR OPERATING UNDER A CONTRACT WITH THE STATE OR A LOCAL JURISDICTION, THAT ARE EQUIPPED WITH AND DISPLAYING YELLOW OR AMBER FLASHING LIGHTS WHILE IN USE FOR SNOW REMOVAL OR THE PROTECTION OF HIGHWAY MAINTENANCE WORKERS MAY SIMULTANEOUSLY BE EQUIPPED WITH AND DISPLAY GREEN FLASHING LIGHTS IN A NUMBER UP TO THE NUMBER OF YELLOW OR AMBER FLASHING LIGHTS EQUIPPED AND DISPLAYED.

(11) The yellow or amber lights or signal devices **[**permitted**], OR YELLOW OR AMBER AND GREEN LIGHTS OR SIGNAL DEVICES, AUTHORIZED** on vehicles under paragraph (6) of this subsection may be flashed or oscillated or otherwise used only in the

course of official duties, to indicate to the public that the vehicle is a slow moving vehicle or otherwise is impeding traffic.

22–218.2.

(a) **(1)** One or more amber flashing lights may be displayed:

[(1)**]** **(I)** By a tow truck while at the scene of an accident or a disabled vehicle or while towing a vehicle; and

[(2)**]** **(II)** By snow removal and other highway maintenance and service equipment and escort vehicles.

(2) HIGHWAY MAINTENANCE AND SERVICE EQUIPMENT OR VEHICLES OWNED BY THE STATE OR A LOCAL JURISDICTION, OR OPERATING UNDER A CONTRACT WITH THE STATE OR A LOCAL JURISDICTION, MAY DISPLAY GREEN FLASHING LIGHTS ONLY IN ACCORDANCE WITH § 22–218(C)(6) OF THIS SUBTITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

May 27, 2022

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed Senate Bill 612 – *Street Racing, Exhibition Driving, and Noise Abatement – Prohibited Acts, Enforcement, and Penalties.*

Maryland citizens have been dealing with an increase in reckless driving incidents that endanger drivers as well as pedestrians. The emerging popularity of exhibition driving is a seriously concerning trend. I am aware of incidents in Baltimore where one vehicle was spinning in wide circles in the middle of the highway blocking traffic and endangering pedestrians. In another incident, a vehicle blocked traffic on the Bay Bridge while performing vehicle stunts. Each incident mainly involves a single vehicle performing stunts one at a time.

In 2020, the Maryland General Assembly passed into law SB 878 in response to serious complaints from Ocean City, MD about "pop up" car rallies. The law defined and banned Exhibition Driving to include the actions of a single motor vehicle within a Special Events Zone, established penalties including fines and incarceration, and authorized Worcester County to designate an area on a highway under its jurisdiction as a Special Event Zone.

SB 612 in its initial form took the existing law and made it a statewide enforcement tool. Unfortunately, I believe amendments to SB 612 inadvertently changed the definition of Exhibition Driving to require the operation of two or more motor vehicles in a reckless manner at the same time. Changing the definition from a single motor vehicle to two or more motor vehicles inadvertently nullifies the original bill, thereby removing law enforcement's ability to deter Exhibition Driving.

Unfortunately, the unintended consequences of amendments to SB 612 did not come to light until after the legislative session adjourned. Once the new language in the bill was examined by the local State's Attorney and public safety officials, it was determined that SB 612 essentially negates the intent of the original bill.

For these reasons, I have vetoed Senate Bill 612.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 612

AN ACT concerning

Street Racing ~~and,~~ *and* Exhibition Driving~~, and Noise Abatement~~ – Prohibited Acts ~~and,~~ Enforcement, and Penalties

FOR the purpose of altering certain penalties and the points assessments for certain motor vehicle violations related to participation in a race or speed contest; prohibiting a person from engaging in exhibition driving on any highway or private property that is used for driving by the public; ~~prohibiting a person from attending as a spectator certain race or speed contests or any engagement of exhibition driving;~~ authorizing the towing and impounding of a vehicle involved in certain motor vehicle violations related to participation in a race or speed contest or engaging in exhibition driving; ~~altering the penalty for certain violations relating to modifying a noise abatement device of a motor vehicle;~~ and generally relating to prohibited acts and penalties related to participation in a race or speed contest ~~or,~~ *or* engaging in exhibition driving~~, or motor vehicle noise abatement~~.

BY repealing
Article – Transportation
Section 16–402(a)(22)

Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY renumbering
Article – Transportation
Section 16–402(a)(23) through (33) and (34) through (43) and 21–101(k) through (z), respectively
to be Section 16–402(a)(22) through (32) and (35) through (44) and 21–101(l) through (aa), respectively
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY adding to
Article – Transportation
Section 16–402(a)(33), (34), (45), and (46), 21–101(k), and 21–1116.1
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–101(a)
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–1116 ~~and,~~ *and* 21–1132(a)~~, and 22–609~~
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 16–402(a)(22) of Article – Transportation of the Annotated Code of Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That Section(s) 16–402(a)(23) through (33) and (34) through (43) and 21–101(k) through (z), respectively, of Article – Transportation of the Annotated Code of Maryland be renumbered to be Section(s) 16–402(a)(22) through (32) and (35) through (44) and 21–101(l) through (aa), respectively.

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

Article – Transportation

16–402.

(a) After the conviction of an individual for a violation of Title 2, Subtitle 5, § 2–209, § 3–211, or § 10–110 of the Criminal Law Article, or of the vehicle laws or regulations of this State or of any local authority, points shall be assessed against the individual as of the date of violation and as follows:

(33) EXCEPT AS PROVIDED IN ITEM (45) OF THIS SUBSECTION, PARTICIPATING IN A RACE OR SPEED CONTEST ON A HIGHWAY.....8 POINTS

(34) EXCEPT AS PROVIDED IN ITEM (46) OF THIS SUBSECTION, ENGAGING IN EXHIBITION DRIVING ON A HIGHWAY.....8 POINTS

(45) PARTICIPATING IN A RACE OR SPEED CONTEST ON A HIGHWAY RESULTING IN SERIOUS BODILY INJURY, AS DEFINED IN § 20–102(C) OF THIS ARTICLE, OR DEATH TO ANOTHER PERSON.....12 POINTS

(46) ENGAGING IN EXHIBITION DRIVING ON A HIGHWAY RESULTING IN SERIOUS BODILY INJURY, AS DEFINED IN § 20–102(C) OF THIS ARTICLE, OR DEATH TO ANOTHER PERSON.....12 POINTS

21–101.

(a) In this title and Title 25 of this article the following words have the meanings indicated.

(K) "EXHIBITION DRIVING" MEANS:

~~**(1) THE OPERATION OF A MOTOR VEHICLE IN A MANNER THAT RESULTS IN:**~~

(1) THE OPERATION OF TWO OR MORE MOTOR VEHICLES IN A RECKLESS MANNER THAT RESULTS IN TWO OR MORE OF THE FOLLOWING:

(I) THE EXCESSIVE, ABRUPT ACCELERATION OR DECELERATION OF THE MOTOR VEHICLE;

(II) THE SKIDDING, SQUEALING, BURNING, OR SMOKING OF THE TIRES OF THE MOTOR VEHICLE;

(III) THE SWERVING OR SWAYING OF THE MOTOR VEHICLE FROM SIDE TO SIDE WHILE SKIDDING;

(IV) THE ENGINE OF THE MOTOR VEHICLE PRODUCING AN UNREASONABLY LOUD, RAUCOUS, OR DISTURBING NOISE;

(V) THE GRINDING OF THE GEARS OF THE MOTOR VEHICLE OR THE BACKFIRING OF THE ENGINE OF THE MOTOR VEHICLE; OR

(VI) ANY OF THE WHEELS OF THE MOTOR VEHICLE LOSING CONTACT WITH THE GROUND; OR

(2) THE TRANSPORTATION OF A PASSENGER ON OR IN AN AREA OF A MOTOR VEHICLE THAT IS NOT DESIGNED OR INTENDED FOR PASSENGER TRANSPORT, SUCH AS THE HOOD OR ROOF.

21–1116.

(a) **(1)** Except as provided in § 21–1211 of this title, on any highway or on any private property that is used by the public in general, a person may not drive a vehicle in a race or speed contest, whether or not on a wager or for a prize or reward.

[(b)**]** **(2)** Except as provided in § 21–1211 of this title, a person may not participate as a timekeeper or flagman in any race or speed contest specified in **[**subsection (a) of this section**]** **PARAGRAPH (1) OF THIS SUBSECTION**.

~~**(3) EXCEPT AS PROVIDED IN § 21–1211 OF THIS TITLE, A PERSON MAY NOT ATTEND ANY RACE OR SPEED CONTEST SPECIFIED IN PARAGRAPH (1) OF THIS SUBSECTION AS A SPECTATOR.**~~

(B) A POLICE OFFICER MAY ORDER THE TOWING AND IMPOUNDING OF A VEHICLE THAT IS THE SUBJECT OF A VIOLATION OF SUBSECTION (A)(1) OF THIS SECTION.

(C) (1) ***(I)*** **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO ~~IMPRISONMENT NOT EXCEEDING 60 DAYS OR~~ A FINE NOT EXCEEDING $1,000 ~~OR BOTH~~.**

(II) A PERSON CHARGED UNDER THIS PARAGRAPH WITH A VIOLATION OF THIS SECTION:

1. MUST APPEAR IN COURT; AND

2. MAY NOT PREPAY THE FINE.

[(c)**]** **(2)** A person convicted of a violation of subsection **[**(a)**]** **(A)(1)** of this section that results in serious bodily injury **[**to another person**]**, as defined in § 20–102(c) of this article, **TO, OR THE DEATH OF, ANOTHER PERSON** is subject to imprisonment not exceeding 1 year or a fine not exceeding $1,000 or both.

21–1116.1.

(A) ~~(1)~~ ON ANY HIGHWAY OR ON ANY PRIVATE PROPERTY THAT IS USED FOR DRIVING BY THE PUBLIC IN GENERAL, A PERSON MAY NOT ENGAGE IN EXHIBITION DRIVING.

~~(2) A PERSON MAY NOT ATTEND ANY ENGAGEMENT OF EXHIBITION DRIVING AS A SPECTATOR.~~

(B) A POLICE OFFICER MAY ORDER THE TOWING AND IMPOUNDING OF A VEHICLE THAT IS THE SUBJECT OF A VIOLATION ~~OF SUBSECTION (A)(1)~~ OF THIS SECTION.

(C) (1) *(I)* EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A PERSON CONVICTED OF A VIOLATION OF THIS SECTION IS SUBJECT TO ~~IMPRISONMENT NOT EXCEEDING 60 DAYS OR~~ A FINE NOT EXCEEDING $1,000 ~~OR BOTH~~.

(II) A PERSON CHARGED UNDER THIS PARAGRAPH WITH A VIOLATION OF THIS SECTION:

1. MUST APPEAR IN COURT; AND

2. MAY NOT PREPAY THE FINE.

(2) A PERSON CONVICTED OF A VIOLATION ~~OF SUBSECTION (A)(1)~~ OF THIS SECTION THAT RESULTS IN SERIOUS BODILY INJURY, AS DEFINED IN § 20–102(C) OF THIS ARTICLE, TO, OR THE DEATH OF, ANOTHER PERSON IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 1 YEAR OR A FINE NOT EXCEEDING $1,000 OR BOTH.

21–1132.

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

(2) **[**"Exhibition driving" means:

(i) The operation of a motor vehicle in a manner that results in:

1. The excessive, abrupt acceleration or deceleration of the motor vehicle;

2. The skidding, squealing, burning, or smoking of the tires of the motor vehicle;

3. The swerving or swaying of the motor vehicle from side to side while skidding;

4. The engine of the motor vehicle producing an unreasonably loud, raucous, or disturbing noise;

5. The grinding of the gears of the motor vehicle or the backfiring of the engine of the motor vehicle; or

6. Any of the wheels of the motor vehicle losing contact with the ground; or

(ii) The transportation of a passenger on or in an area of a motor vehicle that is not designed or intended for passenger transport such as the hood or roof.

(3)**]** "Special event" means any automotive or motor vehicle event occurring on or in close proximity to a highway that:

(i) Has been permitted or approved by a unit of local government; or

(ii) Is expected to have 1,000 or more individuals in attendance, regardless of whether the event has been permitted or approved by a unit of local government.

[(4)**] (3)** (i) "Special event zone" means an area on or along a highway that is marked by appropriate warning signs or other traffic control devices designating the area as a special event zone, indicating that a special event is in progress, and stating that a person who violates this section is subject to arrest.

(ii) "Special event zone" includes a parking structure, a parking lot, a street, or any other property, private or public, immediately adjacent to the marked area on or along the marked area.

~~22–609.~~

~~(a) A person may not modify the exhaust system or any other noise abatement device of a motor vehicle driven or to be driven on any highway in this State in such a way that the noise emitted by the vehicle exceeds that emitted by the vehicle as originally manufactured.~~

~~(B) A PERSON MAY NOT VIOLATE SUBSECTION (A) OF THIS SECTION BY MODIFYING THE EXHAUST SYSTEM OR ANY OTHER NOISE ABATEMENT DEVICE OF A MOTOR VEHICLE IN SUCH A WAY THAT THE NOISE EMITTED BY THE VEHICLE EXCEEDS ANY LOCAL LAW LIMITING NOISE LEVELS IN THE LOCAL JURISDICTION IN WHICH THE MODIFICATION OCCURRED SOUND LEVEL LIMITS ESTABLISHED BY THE ADMINISTRATOR UNDER § 22–601 OF THIS SUBTITLE.~~

~~**[**(b)**] (C)** A person may not drive on any highway in this State a motor vehicle with an exhaust system or noise abatement device modified in a way prohibited by subsection (a) **OR (B)** of this section.~~

~~**(D) A PERSON CONVICTED OF A VIOLATION OF SUBSECTION (B) OF THIS SECTION IS SUBJECT TO A FINE OF $200.**~~

SECTION 4. AND BE IT FURTHER ENACTED, That the publisher of the Annotated Code of Maryland, in consultation with and subject to the approval of the Department of Legislative Services, shall correct, with no further action required by the General Assembly, cross–references and terminology rendered incorrect by this Act. The publisher shall adequately describe any correction that is made in an editor's note following the section affected.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2022.

May 27, 2022

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Mr. President and Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed Senate Bill 819 – *Governor's Office of Crime Prevention, Youth, and Victim Services – Executive Director – Appointment* and House Bill 287 – *Secretary of Health – Professional Qualification Requirement*.

Senate Bill 819 and House Bill 287 create a dangerous precedent and significantly undermine the voters and the Maryland Constitution, which entrusts the executive branch with making appointments to critical government roles. These bills impede the Governor's constitutional duty to select and appoint the Secretary of Health and Executive Director of the Governor's Office of Crime Prevention, Youth, and Victims. Every four years, Marylanders directly elect the Governor who is responsible for making critical decisions,

including appointing key executive branch personnel responsible for public health and safety.

Senate Bill 819 requires the executive director of the Governor's Office of Crime Prevention, Youth, and Victims Services to be appointed with the advice and consent of the Senate. The executive director would be the only agency head within the Governor's Coordinating Offices that would be subject to Senate advice and consent. House Bill 287 undermines the Governor's constitutional authority to select the Secretary of Health by requiring that potential appointees meet arbitrary criteria in order to be eligible.

These bills are nothing more than unnecessary powers grabs, and yet another instance of the legislative branch seeking to diminish the authority of the governor. My responsibility as Governor is to appoint the most capable and qualified people to positions who will execute the vision that I have articulated to the people of the State. These pieces of legislation undermine that effort.

For these reasons, I have vetoed Senate Bill 819 and House Bill 287.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 819

AN ACT concerning

Governor's Office of Crime Prevention, Youth, and Victim Services – Executive Director – Appointment

FOR the purpose of requiring the Governor to appoint the Executive Director of the Governor's Office of Crime Prevention, Youth, and Victim Services with the advice and consent of the Senate; and generally relating to the Governor's Office of Crime Prevention, Youth, and Victim Services.

BY adding to
Article – State Government
Section 9–3501 and 9–3502 to be under the new subtitle "Subtitle 35. Governor's Office of Crime Prevention, Youth, and Victim Services"
Annotated Code of Maryland
(2021 Replacement Volume)

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

Article – State Government

SUBTITLE 35. GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES.

9–3501.

IN THIS SUBTITLE, "OFFICE" MEANS THE GOVERNOR'S OFFICE OF CRIME PREVENTION, YOUTH, AND VICTIM SERVICES.

9–3502.

(A) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE GOVERNOR SHALL APPOINT THE EXECUTIVE DIRECTOR OF THE OFFICE WITH THE ADVICE AND CONSENT OF THE SENATE.

(B) THE EXECUTIVE DIRECTOR OF THE OFFICE SHALL SERVE AT THE PLEASURE OF THE GOVERNOR.

SECTION 2. AND BE IT FURTHER ENACTED, That the Executive Director of the Governor's Office of Crime Prevention, Youth, and Victim Services who is serving on the effective date of this Act may continue to serve until 2 years after the effective date of this Act and may be reappointed after the expiration of the Executive Director's term.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

May 27, 2022

The Honorable Bill Ferguson
H–107 State House
100 State Circle
Annapolis, MD 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed Senate Bill 820 – *Child Abuse and Neglect – Investigations – Timeliness*.

This bill requires the Department of Human Services to implement policies to ensure that certain actions are taken if a local department of social services or the appropriate law enforcement agency fails to see a child who is the suspected victim of child abuse or neglect within the timeframes required in statute. The bill also adds reporting requirements for the Department of Human Services.

House Bill 1248, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign Senate Bill 820.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 820

AN ACT concerning

Child Abuse and Neglect – Investigations – Timeliness

FOR the purpose of requiring the State Department of Human Services to implement policies requiring a local department of social services or the appropriate law enforcement agency that fails to conduct a child abuse or neglect investigation or complete a certain report within certain statutory time frames to report the delay and the reason for the delay in a certain manner; requiring the Department to assess certain studies and methodologies, develop a certain assessment, and complete the assessment by certain dates; and generally relating to the timeliness of conducting and completing investigations of child abuse and neglect.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–706
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

BY adding to
Article – Family Law
Section 5–706(t) and (u)
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

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

Article – Family Law

5–706.

(a) (1) In this section, "alternative response" means a component of the child protective services program that provides for a comprehensive assessment of:

(i) risk of harm to the child;

(ii) risk of subsequent child abuse or neglect;

(iii) family strengths and needs; and

(iv) the provision of or referral for necessary services.

(2) "Alternative response" does not include:

(i) an investigation; or

(ii) a formal determination as to whether child abuse or neglect has occurred.

(b) Promptly after receiving a report of suspected abuse or neglect of a child who lives in this State that is alleged to have occurred in this State, the local department or the appropriate law enforcement agency, or both, if jointly agreed on, shall make a thorough investigation of a report of suspected abuse or neglect to protect the health, safety, and welfare of the child or children.

(c) Within 24 hours after receiving a report of suspected physical or sexual abuse of a child who lives in this State that is alleged to have occurred in this State, and within 5 days after receiving a report of suspected neglect or suspected mental injury of a child who lives in this State that is alleged to have occurred in this State, the local department or the appropriate law enforcement agency shall:

(1) see the child;

(2) attempt to have an on–site interview with the child's caretaker;

(3) decide on the safety of the child, wherever the child is, and of other children in the household; and

(4) decide on the safety of other children in the care or custody of the alleged abuser.

(d) The investigation under subsection (c) of this section shall include:

(1) a determination of the nature, extent, and cause of the abuse or neglect, if any;

(2) if mental injury is suspected, an assessment by two of the following:

(i) a licensed physician, as defined in § 14–101 of the Health Occupations Article;

(ii) a licensed psychologist, as defined in § 18–101 of the Health Occupations Article; ~~or~~

(iii) a licensed social worker, as defined in § 19–101 of the Health Occupations Article**; OR**

(IV) A CLINICAL PROFESSIONAL COUNSELOR LICENSED UNDER TITLE 17 OF THE HEALTH OCCUPATIONS ARTICLE; and

(3) if the suspected abuse or neglect is verified:

(i) a determination of the identity of the person or persons responsible for the abuse or neglect;

(ii) a determination of the name, age, and condition of any other child in the household;

(iii) an evaluation of the parents and the home environment;

(iv) a determination of any other pertinent facts or matters; and

(v) a determination of any needed services.

(e) On request by the local department, the local State's Attorney shall assist in an investigation under subsections (c) and (d) of this section.

(f) The local department, the appropriate law enforcement agencies, the State's Attorney within each county and Baltimore City, the local department's office responsible for child care regulation, the local health officer, and the local child advocacy center shall enter into a written agreement that specifies standard operating procedures for the investigation under subsections (c) and (d) of this section and prosecution of reported cases of suspected abuse or neglect.

(g) (1) The agencies responsible for investigating reported cases of suspected sexual abuse, including the local department, the appropriate law enforcement agencies, and the local State's Attorney, shall implement a joint investigation procedure for conducting joint investigations of sexual abuse under subsections (c) and (d) of this section.

(2) The joint investigation procedure shall:

(i) include appropriate techniques for expediting validation of sexual abuse complaints;

(ii) include investigation techniques designed to:

1. decrease the potential for physical harm to the child; and

2. decrease any trauma experienced by the child in the investigation and prosecution of the case;

(iii) establish an ongoing training program for personnel involved in the investigation or prosecution of sexual abuse cases; and

(iv) include screening to determine whether a child is a victim of sex trafficking.

(h) (1) To the extent possible, an investigation under subsections (c) and (d) of this section shall be completed within 10 days after receipt of the first notice of the suspected abuse or neglect by the local department or law enforcement agencies.

(2) An investigation under subsections (c) and (d) of this section that is not completed within 30 days shall be completed within 60 days of receipt of the first notice of the suspected abuse or neglect.

(i) Within 5 business days after completion of the investigation of suspected abuse of a child who lives in this State that is alleged to have occurred in this State, the local department and the appropriate law enforcement agency, if that agency participated in the investigation, shall make a complete written report of its findings to the local State's Attorney.

(j) Promptly after receiving a report of suspected abuse or neglect of a child who lives in this State that is alleged to have occurred outside of this State, the local department shall:

(1) forward the report to the appropriate agency outside of this State that is authorized to receive and investigate reports of suspected abuse or neglect;

(2) cooperate to the extent requested with the out–of–state agency investigating the report; and

(3) if determined appropriate by the local department:

(i) interview the child to assess whether the child is safe; and

(ii) provide services to the child and the child's family.

(k) Notwithstanding the provisions of this section, the Secretary may implement an alternative response program for selected reports of abuse or neglect.

(l) (1) The Department shall convene a multidisciplinary alternative response advisory council.

(2) The advisory council shall consist of the following members:

(i) the Secretary of Human Services, or the Secretary's designee;

(ii) the Secretary of Health, or the Secretary's designee;

(iii) the State Superintendent of Schools, or the Superintendent's designee;

(iv) a representative from the Maryland Disability Law Center;

(v) a representative from a child advocacy organization;

(vi) a representative from a community partner or a local service provider;

(vii) a pediatrician with experience in diagnosing and treating injuries related to abuse and neglect;

(viii) an attorney with experience representing children or adults in abuse and neglect cases;

(ix) a representative from the Office of the Public Defender;

(x) a parent or guardian who has personal experience with the child protective services system;

(xi) a child who has personal experience with the child protective services system;

(xii) two representatives from local departments of social services; and

(xiii) two representatives from local citizens review panels.

(3) The Secretary of Human Services or the Secretary's designee shall be the chair of the advisory council.

(4) The advisory council shall advise the Department on:

(i) the development of the alternative response implementation plan, which may include a pilot program;

(ii) oversight and monitoring of the alternative response implementation plan;

(iii) consulting with local citizens review panels, local services affiliates, and other local partners for feedback and recommendations on the alternative response implementation plan;

(iv) defining the scope of the independent evaluation of the implementation of the alternative response program; and

(v) defining the scope of the ongoing evaluation of the alternative response program.

(m) Only a low risk report of abuse or neglect may be considered for an alternative response.

(n) A report that is not assigned for an alternative response shall be assigned for investigation in accordance with this section.

(o) The following reports of suspected abuse or neglect may not be assigned for an alternative response:

(1) sexual abuse; and

(2) abuse or neglect:

(i) occurring in an out–of–home placement;

(ii) resulting in death or serious physical or mental injury;

(iii) if, in the previous 3 years, the individual suspected of abuse or neglect has been identified as responsible for abuse or neglect as documented in the records of the local department; or

(iv) if the individual suspected of abuse or neglect has had one report assigned for an alternative response within the past 12 months or two reports assigned for an alternative response within the past 24 months.

(p) A report assigned for an alternative response may be reassigned at any time for an immediate investigation based on any of the following factors and circumstances:

(1) a reassessment of the report or relevant facts;

(2) a determination that the case satisfies a criterion in subsection (o) of this section; or

(3) a family's inability or refusal to participate in the alternative response assessment.

(q) A report assigned for an investigation may be reassigned for an alternative response at any time based on:

(1) a reassessment of the report or relevant facts that demonstrate that the case meets the criteria for an alternative response;

(2) a determination that accepted services would address all issues of risk of abuse or neglect and child safety; and

(3) approval by a caseworker supervisor.

(r) When a report is referred for an alternative response, the local department shall:

(1) see the child and the child's parent or primary caretaker within 24 hours of receiving a report of physical abuse;

(2) see the child and the child's parent or primary caretaker within 5 days of receiving a report of neglect;

(3) attempt to have an on–site interview with the child's parent or primary caretaker;

(4) evaluate the child's home environment;

(5) decide on the safety of the child, wherever the child is, and of other children in the household;

(6) decide on the safety of other children in the care or custody of the individual suspected of abuse or neglect;

(7) advise the appropriate law enforcement agency that the report has been assigned for an alternative response, if the law enforcement agency made the report of abuse or neglect;

(8) inform the individual suspected of child abuse or neglect of the allegations made against the individual in a manner consistent with laws protecting the rights of the person who made the report;

(9) complete an alternative response assessment within 60 days after the receipt of the report;

(10) within 10 days after completing the alternative response assessment, provide a written report to the family members who are participating in the alternative response assessment as to whether and what services are necessary to address:

(i) the safety of the child or other children in the household; and

(ii) the risk of subsequent abuse or neglect; and

(11) consistent with the assessment and any safety or services plans:

(i) render any appropriate services in the best interests of the child;

(ii) refer the family or child for additional services; or

(iii) as necessary for the safety of the child or other children in the household, establish a plan to monitor the safety plan and the provision or completion of appropriate services.

(s) The local department:

(1) shall:

(i) maintain complete records related to an alternative response and services for 3 years after the report was received if there is no subsequent child welfare involvement; and

(ii) expunge complete records related to an alternative response and services if there is no subsequent child welfare involvement after 3 years;

(2) may not use or disclose records related to an alternative response for purposes of responding to a request for background information for employment or voluntary services; and

(3) shall protect from disclosure records related to an alternative response in accordance with § 1–202 of the Human Services Article.

~~(T) (1) A LOCAL DEPARTMENT THAT FAILS TO CONDUCT AN INVESTIGATION OR COMPLETE A REPORT WITHIN THE TIME FRAMES REQUIRED BY THIS SECTION SHALL:~~

~~(I) REPORT THE DELAY AND THE REASON FOR THE DELAY TO THE SUPERVISOR WITHIN THE LOCAL DEPARTMENT; AND~~

~~(II) MAINTAIN A RECORD OF THE DELAY AND THE REASON FOR THE DELAY IN THE CHILD'S CASE FILE MAINTAINED BY THE LOCAL DEPARTMENT.~~

~~(2) A LOCAL DEPARTMENT SUPERVISOR WHO RECEIVES A REPORT OF A DELAY UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL REVIEW AND SIGN THE REPORT.~~

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

Article – Family Law

5–706.

(T) THE DEPARTMENT SHALL IMPLEMENT POLICIES TO ENSURE THAT IF A LOCAL DEPARTMENT OR THE APPROPRIATE LAW ENFORCEMENT AGENCY FAILS TO SEE A CHILD IN ACCORDANCE WITH THE TIME FRAMES ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION:

(1) THE REASON FOR THE DELAY IS DOCUMENTED IN THE CHILD'S CASE FILE; AND

(2) A SUPERVISOR AT THE LOCAL DEPARTMENT:

(I) IS NOTIFIED OF THE DELAY IN ORDER TO SUPPORT STAFF IN MAKING INITIAL CONTACT WITH THE CHILD; AND

(II) REVIEWS THE DOCUMENTATION REQUIRED UNDER ITEM (1) OF THIS SUBSECTION DURING THE REVIEW OF THE FINAL INVESTIGATION REPORT.

(U) (1) THE DEPARTMENT SHALL PREPARE AND ISSUE A QUARTERLY REPORT IDENTIFYING INVESTIGATIONS OR REPORTS THAT ARE NOT COMPLETED WITHIN THE TIME FRAMES REQUIRED BY THIS SECTION.

(2) THE REPORTS REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE AN EXPLANATION FOR EACH DELAY, COMPILED BY THE DEPARTMENT OF HUMAN RESOURCES WITH INPUT FROM THE LOCAL DEPARTMENTS.

(3) ON OR BEFORE DECEMBER 1, 2022, AND EACH DECEMBER 1 THEREAFTER, THE DEPARTMENT SHALL, SUBJECT TO § 2–1257 OF THE STATE GOVERNMENT ARTICLE, REPORT TO THE GENERAL ASSEMBLY ON THE PROGRESS OF LOCAL DEPARTMENTS IN COMPLYING WITH THE TIME FRAMES FOR CONDUCTING INVESTIGATIONS AND COMPLETING REPORTS UNDER THIS SECTION.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) On or before December 1, 2023, the State Department of Human Services shall:

(1) assess studies and methodologies related to analyzing workloads in child welfare systems; and

(2) report to the Joint Audit and Evaluation Committee, the Senate Budget and Taxation Committee, and the House Appropriations Committee, in accordance with § 2–1257 of the State Government Article, on a plan to develop a child welfare workload assessment in the State based on best practices and the assessments made under item (1) of this subsection.

(b) On or before December 1, 2024, the State Department of Human Services shall:

(1) complete the child welfare workload assessment developed under subsection (a) of this section; and

(2) report to the Joint Audit and Evaluation Committee, the Senate Budget and Taxation Committee, and the House Appropriations Committee, in accordance with § 2–1257 of the State Government Article, on:

(i) the outcome of the assessment;

(ii) a plan to address understaffing in the State's child welfare system;

(iii) estimates of the cost to address understaffing in the State's child welfare system; and

(iv) the benefits to children and families in the State of a properly staffed child welfare system.

SECTION ~~2.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022. Section 2 of this Act shall remain effective for a period of 5 years and, at the end of September 30, 2027, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

May 27, 2022

The Honorable Bill Ferguson
President of the Senate
H–107 State House
Annapolis, Maryland 21401

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed Senate Bill 926 – *Labor and Employment – Apprenticeships and Representation on the Apprenticeship and Training Council.*

Senate Bill 926 requires the Maryland Apprenticeship and Training Council (MATC or "the Council"), which is overseen by the Maryland Department of Labor (Labor), to specifically include representation on the Council by individuals who are Black and Latino. This bill is duplicative to existing law, which already requires MATC membership to "reflect the geographic, racial, ethnic, cultural, and gender diversity of the State." Representation currently includes nine males, three females, and four individuals of color (three African Americans and one Latino).

Additionally, the legislation established an Apprenticeship 2030 Commission. During my Administration, Registered Apprenticeship has not only crossed 10,000 apprentices for the first time in program history but also crossed 11,000 apprentices for the first time in program history. Since January 2015, Registered Apprenticeship has increased by 41.33% from 8,135 apprentices to a high of 11,498 in November, 2021. Apprenticeship has grown significantly and this legislation only seeks to create the duplicative and unnecessary Apprenticeship 2030 Commission which fails to recognize the expansion efforts and continued growth of Registered Apprenticeship during my administration. This bill tasks the Commission to propose recommendations on potentially unrealistic goals and it duplicates responsibilities assigned to the CTE Committee under the Blueprint for Maryland's Future.

The Apprenticeship 2030 Commission would oversee three workgroups established by the 2022 Joint Chairmen's Report: the Public Safety Apprenticeship Workgroup, the Healthcare Apprenticeship Workgroup, and the Transportation Apprenticeship Workgroup. The tasks assigned to these workgroups, as well as the Commission, may impact the Maryland State Department of Education (MSDE) as they work with the CTE Committee and implement the Blueprint for Maryland's Future. The potential for duplication and overlap of all of these groups and committees is so plausible that the bill was even amended to say that "in the event of a conflict between a decision or policy of the Apprenticeship 2030 Commission and the CTE Committee related to youth apprenticeships, the CTE Committee's decision or policy shall control."

Further, and perhaps most egregious, as amended, Senate Bill 926 includes a fiscal carve out to only one of the State's 13 Local Workforce Development Areas (Local Area): Prince George's County. Typically, the Department allocates funds to all 13 jurisdictions based on a WIOA Title I formula. It is unusual, and unfair, to see resources directed to a single Local Area while the others are excluded. Additionally, funding Local Areas via line items of mandated appropriations sets a precedent whereby these entities will seek legislative champions in future sessions seeking similar arrangements that bypass Labor's fiscal oversight.

For these reasons, I have vetoed Senate Bill 926.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

Senate Bill 926

AN ACT concerning

Labor and Employment – Apprenticeships and Representation on the Apprenticeship and Training Council ~~– Representation~~

FOR the purpose of requiring that the Apprenticeship and Training Council and consultants to the Council include representation by individuals who are Black and Latino; establishing the Apprenticeship 2030 Commission to examine and make recommendations to expand access to apprenticeship to reduce skill shortages in high–demand occupations and provide affordable training for career pathways for young people ~~to participate in apprenticeships~~ *in the public and private sectors*; requiring the Governor to include certain amounts in certain fiscal years in the annual budget bill for a certain purpose; and generally relating to apprenticeships and representation on the Apprenticeship and Training Council.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 11–403(b)
Annotated Code of Maryland
(2016 Replacement Volume and 2021 Supplement)

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

Article – Labor and Employment

11–403.

(b) (1) There is an Apprenticeship and Training Council as part of the Division of Workforce Development and Adult Learning. The Council consists of 12 members all of whom shall be appointed by the Governor of Maryland, with the advice of the Secretary and with the advice and consent of the Senate of Maryland.

(2) Four of the members shall be representatives of employee organizations; one shall be an employee; five shall be representatives of employers; and two shall be appointed from the general public.

(3) **(I)** The membership of the Council shall, to the extent practicable, reflect the geographic, racial, ethnic, cultural, and gender diversity of the State and shall include representation by individuals with disabilities **AND INDIVIDUALS WHO ARE BLACK AND LATINO**.

(II) Consultants to the Council shall, to the extent practicable, reflect the geographic, racial, ethnic, cultural, and gender diversity of the State and shall include representation by individuals with disabilities **AND INDIVIDUALS WHO ARE BLACK AND LATINO**.

(4) In advising the Governor, the Secretary shall give consideration to a balanced geographic representation from all of Maryland and a representative sampling and mix of Maryland industry.

(5) One member shall be appointed as Chairman by the Governor, with the advice of the Secretary, and serve as Chairman at the pleasure of the Governor. The Assistant State Superintendent, Career and Technology Education, and the Maryland State Director of the Office of Apprenticeship, U.S. Department of Labor, shall serve as consultants to the Council without vote.

(6) The Governor, with the advice of the Secretary may appoint up to three additional consultants to the Council from the public at large.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) (1) There is an Apprenticeship 2030 Commission.

(2) The purpose of the Commission is to examine and make recommendations to reduce skill shortages in high–demand occupations and provide affordable training for career pathways for young people *in the public and private sectors* ~~by:~~

~~(i) expanding registered apprenticeships in industry sectors with skill shortages;~~

~~(ii) growing the number of registered apprenticeships from 11,000 in 2021 to at least 80,000 in 2030; and~~

~~(iii) reaching the Blueprint goal for 45% of high school graduates completing the High School Level of a registered apprenticeship.~~

~~(3) The Commission shall focus on registered apprenticeships at all education levels with the goal of recruiting unemployed and underemployed people at least 18 years old into apprenticeships~~.

(b) The Commission consists of*:*

(1) two representatives each from the Public Safety Apprenticeship Workgroup, the Healthcare Apprenticeship Workgroup, and the Transportation Apprenticeship Workgroup established in the Maryland Department of Labor, as directed by the 2022 Joint Chairmen's Report;

(2) the Chair of the Apprenticeship and Training Council, or the Chair's designee; and

(3) the Chair of the Career and Technical Education Committee, or the Chair's designee ~~the following members:~~

~~(1) four Senators from the Senate Budget and Taxation Committee, the Senate Education, Health, and Environmental Affairs Committee, and the Senate Finance Committee, appointed by the President of the Senate;~~

~~(2) four Delegates from the House Appropriations Committee, the House Economic Matters Committee, and the House Ways and Means Committee, appointed by the Speaker of the House;~~

~~(3) the Secretary of Labor, or the Secretary's designee;~~

~~(4) the Secretary of Commerce, or the Secretary's designee;~~

~~(5) the State Superintendent of Schools, or the Superintendent's designee;~~

~~(6) the Secretary of Higher Education, or the Secretary's designee;~~

~~(7) the Chair of the Governor's Workforce Development Board, or the Chair's designee;~~

~~(8) the Chair of the Maryland Apprenticeship and Training Council, or the Chair's designee;~~

~~(9) the Chair of the CTE Committee, or the Chair's designee; and~~

~~(10) four members designated by the President of the Maryland State and DC AFL–CIO, including individuals representing the building trades, health care workers, and public service unions~~.

(c) The chair of the Commission shall be elected by the members of the Commission.

(d) The Department of Legislative Services, with the assistance of staff from the State agencies represented on the ~~Commission~~ *workgroups described in subsection (b)(1) of this section*, 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) identify occupational sectors with current or projected skill shortages, focusing on the largest sectors, including health care, information technology, public service, manufacturing, and business services;~~

~~(2) examine best practices for scaling registered apprenticeships with other states or countries;~~

~~(3) examine industries that would benefit from creating and scaling registered apprenticeships;~~

~~(4) explore degree apprenticeships in fields requiring degrees, including health care, teaching, and other public services;~~

~~(5) engage members of employer and labor communities to identify needs for registered apprenticeship career pathways;~~

~~(6) examine existing registered apprenticeships in the State and how best to scale State registered apprenticeships;~~

~~(7) identify what funding is needed to expand registered apprenticeship pathways, and how to best deploy dedicated funding; and~~

~~(8) make recommendations regarding:~~

~~(i) specific goals by occupation and year, to reach 80,000 apprentices by 2030 and 45% of high school graduates in apprenticeships by 2031; and~~

~~(ii) strategies to achieve the goals, including:~~

~~1. recruiting new registered apprenticeship sponsors and apprentices for existing and new registered apprenticeships; and~~

~~2. appropriate funding.~~

(1) review the work of the individual workgroups described in subsection (b)(1) of this section;

(2) make preliminary recommendations regarding funding needed to expand public and private sector apprenticeship pathways; and

(3) work with any consultants contracted by the Department of Legislative Services as required by the fiscal year 2023 operating budget to examine national and international best practices.

(g) On or before December ~~31~~ *1*, 2023, the Commission shall report its findings and recommendations to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

(h) It is the intent of the General Assembly that in the event of a conflict between a decision or policy of the Apprenticeship 2030 Commission and the Career and Technical Education Committee established under § 21–209 of the Education Article related to youth apprenticeships the Career and Technical Education Committee's decision or policy shall control.

SECTION 3. AND BE IT FURTHER ENACTED, That, for each of fiscal years 2024 through 2026, the Governor shall include in the annual budget bill an appropriation ~~of~~ *in* the following amounts to ~~Employ Prince George's,~~ *the County Executive and County Council of Prince George's County to award grants to* a nonprofit entity located in ~~Largo, Maryland,~~ *Prince George's County* to provide workforce development services to at least 2,000 youth and adults in the community:

(1) for fiscal year 2024, $1,030,030;

(2) for fiscal year 2025, $1,106,996; and

(3) for fiscal year 2026, $1,119,482.

SECTION ~~2.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022. Section 2 of this Act shall remain effective for a period of 1 year and 9 months and, at the end of June 30, 2024, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Vetoed House Bills and Messages

May 27, 2022

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 10 – *Maryland Transit Administration – Conversion to Zero–Emission Buses (Zero–Emission Bus Transition Act Revisions).*

This bill requires the Maryland Transit Administration to provide safety and workforce development training for its workforce related to the new zero–emission buses that it is required to purchase under the Zero Emission Transition Act of 2021; and enhances reporting requirements.

Senate Bill 61, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 10.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 10

AN ACT concerning

Maryland Transit Administration – Conversion to Zero–Emission Buses (Zero–Emission Bus Transition Act Revisions)

FOR the purpose of requiring the Maryland Transit Administration to provide certain safety and workforce development training for its operations training workforce and its maintenance workforce; requiring the Administration's annual report on the implementation of the conversion of the State's transit bus fleet to zero–emission buses to include a plan that ensures certain employee protections and a certification that the Administration is adhering to the plan; and generally relating to converting the State's transit bus fleet to zero–emission buses.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 7–406
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

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

Article – Transportation

7–406.

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

(2) "Alternative–fuel bus" means a motor vehicle that:

(i) Is designed to carry more than 10 passengers and is used to carry passengers for compensation;

(ii) Is not powered by diesel or gasoline;

(iii) Provides greenhouse gas emissions reductions in comparison to an equivalent diesel–powered vehicle; and

(iv) Is not a taxicab.

(3) "Bus" has the meaning stated in § 11–105 of this article.

(4) "Zero–emission bus" means a motor vehicle that is:

(i) Designed to carry more than 10 passengers and is used to carry passengers for compensation;

(ii) A zero–emission vehicle; and

(iii) Not a taxicab.

(5) "Zero–emission vehicle" means:

(i) A fuel cell electric vehicle that:

1. Is a motor vehicle;

2. Is made by a manufacturer;

3. Is manufactured primarily for use on public streets, roads, and highways;

4. Has a maximum speed capability of at least 55 miles per hour;

5. Is powered entirely by electricity, produced by combining hydrogen and oxygen, that runs the motor;

6. Has an operating range of at least 100 miles; and

7. Produces only water vapor and heat as by–products; or

(ii) A plug–in electric drive vehicle that:

1. Is a motor vehicle;

2. Is made by a manufacturer;

3. Has a maximum speed capability of at least 55 miles per hour; and

4. Is propelled by an electric motor that draws electricity from a battery that:

A. Has a capacity of not less than 4 kilowatt–hours; and

B. Is capable of being recharged from an external source of electricity.

(b) (1) This section applies to the Administration's State transit bus fleet.

(2) This section does not apply to a bus that is part of a locally operated transit system.

(c) (1) Except as provided in paragraph (2) of this subsection, beginning in fiscal year 2023, the Administration may not enter into a contract to purchase buses for the Administration's State transit bus fleet that are not zero–emission buses.

(2) If the Administration determines that no available zero–emission bus meets the performance requirements for a particular use, the Administration may purchase an alternative–fuel bus for that use.

(3) The full cost of zero–emission and alternative–fuel buses purchased under this subsection shall be paid from the Transportation Trust Fund.

(d) **(1) THE ADMINISTRATION SHALL PROVIDE SAFETY AND WORKFORCE DEVELOPMENT TRAINING FOR ITS:**

(I) OPERATIONS TRAINING WORKFORCE; AND

(II) MAINTENANCE WORKFORCE IN A MANNER THAT ENABLES THE MAINTENANCE WORKFORCE TO SAFELY REPAIR AND MAINTAIN:

1. THE ADMINISTRATION'S ZERO–EMISSION BUSES AND ALL THEIR COMPONENTS; AND

2. THE CHARGING INFRASTRUCTURE FOR THE ZERO–EMISSION BUSES.

(2) THE TRAINING REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE REGISTERED APPRENTICESHIPS AND OTHER LABOR–MANAGEMENT TRAINING PROGRAMS TO ADDRESS THE IMPACT OF THE TRANSITION TO ZERO–EMISSION BUSES ON THE ADMINISTRATION'S WORKFORCE.

(E) The Administration shall ensure the development of charging infrastructure to support the operation of zero–emission buses in the State transit bus fleet.

[(e)**] (F)** (1) On or before January 1, 2022, and each January 1 thereafter, the Administration shall, in accordance with § 2–1257 of the State Government Article, submit a report to the Senate Budget and Taxation Committee, the Senate Education, Health, and Environmental Affairs Committee, the House Appropriations Committee, and the House Environment and Transportation Committee on the implementation of this section.

(2) The annual report shall include:

(i) A schedule for converting the Administration's State transit bus fleet to zero–emission buses;

(ii) An evaluation of the charging infrastructure needed for the Administration to create and maintain a State transit bus fleet of zero–emission buses;

(iii) A plan for **[**transitioning**]:**

1. TRANSITIONING any State employees adversely affected by the conversion from a diesel–powered State transit bus fleet to a zero–emission State transit bus fleet to similar or other employment within the Administration or Department that has commensurate seniority, pay, and benefits;

2. ENSURING THAT NO DUTIES OR FUNCTIONS OF STATE EMPLOYEES ARE TRANSFERRED TO A CONTRACTING ENTITY AS A RESULT OF THE

CONVERSION FROM A DIESEL–POWERED STATE TRANSIT BUS FLEET TO A ZERO–EMISSION STATE TRANSIT BUS FLEET; AND

3. ENSURING THAT ANY ENTITY OTHER THAN THE ADMINISTRATION THAT OPERATES OR MAINTAINS ZERO–EMISSION BUSES ON BEHALF OF THE ADMINISTRATION PROVIDES EMPLOYEE PROTECTIONS EQUIVALENT TO THE PROTECTIONS REQUIRED BY THE PLAN;

(IV) A CERTIFICATION THAT THE ADMINISTRATION IS ADHERING TO THE PLAN REQUIRED UNDER ITEM (III) OF THIS PARAGRAPH;

[(iv)**] (V)** In coordination with other appropriate State agencies, an estimate of the reduction in the amount of carbon dioxide emissions, measured in pounds, that will be obtained through the use of zero–emission buses each year until the State transit bus fleet is converted to zero–emission buses; and

[(v)**] (VI)** A financial analysis:

1. Of the projected cost of purchasing, maintaining, and providing charging infrastructure for the zero–emission State transit bus fleet each year until the fleet is converted to zero–emission buses; and

2. Comparing the projected cost under item 1 of this item to the projected cost of continuing to operate a diesel–powered State transit bus fleet.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

May 27, 2022

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 32 – *Mental Health Law – Petitions for Emergency Evaluation – Electronic Record*.

This bill authorizes a petition for emergency evaluation to be provided as an "electronic record" and transmitted and received electronically.

Senate Bill 2, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 32.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 32

AN ACT concerning

Mental Health Law – Petitions for Emergency Evaluation – Electronic Record

FOR the purpose of authorizing a petition for emergency evaluation to be in the form of an electronic record and transmitted and received electronically; and generally relating to petitions for emergency evaluation.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 10–601 and 10–624
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

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

Article – Health – General

10–601.

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

(b) "Clinical social worker" means an individual who is licensed under Title 19 of the Health Occupations Article to practice clinical social work.

(C) "ELECTRONIC RECORD" MEANS A DOCUMENT ~~CREATED, GENERATED, SENT,~~ COMMUNICATED, RECEIVED, OR STORED BY ELECTRONIC MEANS.

[(c)**]** **(D)** "Licensed clinical marriage and family therapist" means an individual who is licensed under Title 17, Subtitle 3A of the Health Occupations Article to practice clinical marriage and family therapy.

[(d)**] (E)** "Licensed clinical professional counselor" means an individual who is licensed under Title 17, Subtitle 3A of the Health Occupations Article to practice clinical professional counseling.

[(e)**] (F)** "Physician" means an individual who is licensed under Title 14 of the Health Occupations Article to practice medicine in this State.

[(f)**] (G)** "Psychiatric nurse practitioner" means an individual who is:

(1) Licensed as a registered nurse and certified as a nurse practitioner under Title 8 of the Health Occupations Article; and

(2) Practicing in the State as a certified registered nurse practitioner–psychiatric mental health.

[(g)**] (H)** "Psychologist" means an individual who is licensed under Title 18 of the Health Occupations Article to practice psychology.

10–624.

(a) (1) A peace officer shall take an emergency evaluee to the nearest emergency facility if the peace officer has a petition under Part IV of this subtitle that:

(i) Has been endorsed by a court within the last 5 days; or

(ii) Is signed and submitted by a physician, psychologist, clinical social worker, licensed clinical professional counselor, clinical nurse specialist in psychiatric and mental health nursing, psychiatric nurse practitioner, licensed clinical marriage and family therapist, health officer or designee of a health officer, or peace officer.

(2) **THE PETITION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE ~~IN~~:**

(I) IN THE FORM OF AN ELECTRONIC RECORD; AND

(II) TRANSMITTED AND RECEIVED ELECTRONICALLY.

(3) To the extent practicable, a peace officer shall notify the emergency facility in advance that the peace officer is bringing an emergency evaluee to the emergency facility.

[(3)**] (4)** After a peace officer brings the emergency evaluee to an emergency facility, the peace officer need not stay unless, because the emergency evaluee is violent, emergency facility personnel ask the supervisor of the peace officer to have the peace officer stay.

[(4)**] (5)** A peace officer shall stay until the supervisor responds to the request for assistance. If the emergency evaluee is violent, the supervisor shall allow the peace officer to stay.

[(5)**] (6)** If emergency facility personnel ask that a peace officer stay, a physician shall examine the emergency evaluee as promptly as possible.

(b) (1) If the petition is executed properly, the emergency facility shall accept the emergency evaluee.

(2) **THE PETITION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE ~~IN~~:**

(I) IN THE FORM OF AN ELECTRONIC RECORD; AND

(II) TRANSMITTED AND RECEIVED ELECTRONICALLY.

(3) Within 6 hours after an emergency evaluee is brought to an emergency facility, a physician shall examine the emergency evaluee, to determine whether the emergency evaluee meets the requirements for involuntary admission.

[(3)**] (4)** Promptly after the examination, the emergency evaluee shall be released unless the emergency evaluee:

(i) Asks for voluntary admission; or

(ii) Meets the requirements for involuntary admission.

[(4)**] (5)** An emergency evaluee may not be kept at an emergency facility for more than 30 hours.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

May 27, 2022

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 86 – *Landlord and Tenant – Residential Leases – Tenant Rights and Protections (Tenant Protection Act of 2022).*

This bill establishes requirements and procedures for landlords that use a ratio utility billing system; requires a statement of costs to include specified documentation; and expands protections for tenants or legal occupants who are victims of abuse.

Senate Bill 6, which was passed by the General Assembly and enacted without my signature, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 86.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 86

AN ACT concerning

Landlord and Tenant – Residential Leases – Tenant Rights and Protections (Tenant Protection Act of 2022)

FOR the purpose of requiring a landlord that uses a ratio utility billing system to provide certain information to tenants and prospective tenants; authorizing a local jurisdiction to adopt certain local laws relating to ratio utility billing; requiring that a statement of costs provided to a tenant when a portion of the tenant's security deposit is withheld include supporting documentation; providing for the payment of an excess amount of security deposit withheld by a landlord to the tenant under certain circumstances; providing that a tenant organization has a certain right of free assembly in areas within an apartment facility; prohibiting a landlord from charging a tenant organization for the use of certain areas within an apartment facility for the first meeting of the tenant organization each month; expanding certain provisions of law regarding the rights of tenants and legal occupants who are victims of ~~domestic violence or sexual assault to include victims of stalking~~ abuse; altering requirements relating to the calculation of remaining rent and acceptable documentation for a tenant or legal occupant who is a victim of ~~sexual assault, domestic violence, or stalking~~ abuse; and generally relating to rights and protections for residential tenants.

BY renumbering
Article – Real Property
Section 8–203(j) through (l), respectively
to be Section ~~8–203(k) through (m)~~ 8–203(l) through (n), respectively

Annotated Code of Maryland
(2015 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 8–203(g), (h), and (i)(7), ~~and~~ 8–5A–01 ~~through 8–5A–06~~, 8–5A–02, 8–5A–04, 8–5A–05, and 8–5A–06
Annotated Code of Maryland
(2015 Replacement Volume and 2021 Supplement)

BY adding to
Article – Real Property
Section 8–203(j) and (k), 8–212.4, 8–219, ~~8–5A–05,~~ and ~~8–5A–08~~ 8–5A–06
Annotated Code of Maryland
(2015 Replacement Volume and 2021 Supplement)

BY repealing
Article – Real Property
Section 8–5A–03
Annotated Code of Maryland
(2015 Replacement Volume and 2021 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 8–203(j) through (l), respectively, of Article – Real Property of the Annotated Code of Maryland be renumbered to be Section(s) ~~8–203(k) through (m)~~ 8–203(l) through (n), respectively.

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

Article – Real Property

8–212.4.

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

(2) "DWELLING UNIT" MEANS THAT PORTION OF A BUILDING THAT IS DESIGNATED, INTENDED, OR ARRANGED FOR USE OR OCCUPANCY AS A RESIDENCE BY ONE OR MORE PERSONS, INCLUDING A RENTED ROOM IN A SINGLE–FAMILY HOUSE.

(3) "LANDLORD" MEANS:

(I) AN OWNER OF RESIDENTIAL RENTAL PROPERTY THAT OFFERS TWO OR MORE DWELLING UNITS FOR RENT ON ONE PARCEL; OR

(II) A PERSON ACTING ON BEHALF OF A LANDLORD.

(4) "MASTER METER" MEANS A METER USED TO MEASURE, FOR BILLING PURPOSES, ALL USAGE OF A PARTICULAR UTILITY FOR A LANDLORD'S RESIDENTIAL RENTAL PROPERTY, INCLUDING USAGE FOR COMMON ELEMENTS OF THE RESIDENTIAL RENTAL PROPERTY AND DWELLING UNITS.

(5) "RATIO UTILITY BILLING SYSTEM" MEANS ALLOCATION OF ONE OR MORE OF A LANDLORD'S UTILITY CHARGES, COLLECTED VIA A MASTER METER, AMONG THE TENANTS BY ANY METHOD THAT DOES NOT MEASURE ACTUAL PER–TENANT USAGE FOR THE UTILITY.

(6) "UTILITY" MEANS:

(I) ELECTRICITY USAGE;

(II) GAS USAGE;

(III) WASTEWATER AND SEWAGE DISPOSAL SERVICE USAGE; OR

(IV) WATER CONSUMPTION OR USAGE.

(B) THIS SECTION DOES NOT APPLY TO RESIDENTIAL RENTAL PROPERTY IN:

(1) A CONDOMINIUM ORGANIZED UNDER TITLE 11 OF THIS ARTICLE; OR

(2) A COOPERATIVE PROJECT ORGANIZED UNDER TITLE 5, SUBTITLE 6B OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

(C) (1) IF A LANDLORD USES A RATIO UTILITY BILLING SYSTEM TO BILL TENANTS FOR ONE OR MORE UTILITIES, THE LANDLORD SHALL PROVIDE THE FOLLOWING INFORMATION TO ALL PROSPECTIVE TENANTS IN WRITING:

(I) A STATEMENT THAT THE TENANT WILL BE BILLED BY THE LANDLORD FOR ALLOCATED UTILITY SERVICES AND THAT IDENTIFIES ALL UTILITIES AT ISSUE;

(II) ~~A STATEMENT THAT IDENTIFIES THE ELEMENTS THAT COMPOSE THE LANDLORD'S UTILITY CHARGES TO BE ALLOCATED TO THE TENANTS UNDER THE RATIO UTILITY BILLING SYSTEM, BY UTILITY~~ A COPY OF THE LAST TWO UTILITY BILLS ISSUED TO THE LANDLORD;

(III) A DESCRIPTION OF THE METHOD THAT WILL BE USED TO ALLOCATE THE COST OF THE UTILITY TO THE TENANT, BY UTILITY;

(IV) A STATEMENT THAT ANY DISPUTES RELATING TO THE COMPUTATION OF THE TENANT'S BILL ARE BETWEEN THE TENANT AND THE LANDLORD;

(V) THE AVERAGE MONTHLY BILL FOR ALL DWELLING UNITS IN THE RESIDENTIAL RENTAL PROPERTY IN THE PREVIOUS CALENDAR YEAR, BY UTILITY;

~~**(VI) INFORMATION REGARDING BILLING, WHERE PRACTICABLE, INCLUDING METER READING DATES, BILLING DATES, AND DUE DATES, BY UTILITY;**~~

~~**(VII)**~~ **(VI) A STATEMENT THAT THE TENANT HAS THE RIGHT TO** ~~**RECEIVE INFORMATION FROM THE LANDLORD TO VERIFY THE UTILITY BILL**~~ **INSPECT RECORDS RETAINED BY THE LANDLORD THAT DOCUMENT A BILL FOR UTILITIES ON WRITTEN REQUEST;**

~~**(VIII)**~~ **(VII) INFORMATION REGARDING ANY ADDITIONAL SERVICE CHARGES OR ADMINISTRATIVE FEES TO BE PAID BY THE TENANT FOR THE OPERATION OF THE RATIO UTILITY BILLING SYSTEM; AND**

~~**(IX)**~~ **(VIII) A CITATION TO THIS SECTION.**

(2) A LEASE PROVISION THAT REQUIRES A TENANT TO PAY THE UTILITY CHARGES BILLED TO THE TENANT UNDER A RATIO UTILITY BILLING SYSTEM SHALL BE UNENFORCEABLE IF THE LANDLORD FAILS TO PROVIDE THE INFORMATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION TO THE TENANT IN WRITING.

(D) A LANDLORD WHO USES A RATIO UTILITY BILLING SYSTEM SHALL, ON WRITTEN REQUEST BY A TENANT, ~~**PROVIDE THE TENANT WITH INFORMATION TO DOCUMENT A BILL FOR UTILITIES**~~ **ALLOW A TENANT TO INSPECT RECORDS RETAINED BY THE LANDLORD THAT DOCUMENT A BILL FOR UTILITIES.**

(E) (1) A COUNTY OR MUNICIPAL CORPORATION MAY ENACT LOCAL LAWS CONSISTENT WITH THIS SECTION GOVERNING:

(I) THE INFORMATION A LANDLORD IS REQUIRED TO PROVIDE TO A TENANT;

(II) DISCLOSURE REQUIREMENTS; AND

(III) DOCUMENT RETENTION POLICIES.

(2) ANY LOCAL LAW OR ORDINANCE THAT IS COMPARABLE IN SUBJECT MATTER TO THIS SECTION SHALL SUPERSEDE THE PROVISIONS OF THIS SECTION TO THE EXTENT THAT THE LOCAL LAW OR ORDINANCE IS MORE STRINGENT OR PROVIDES STRONGER PROTECTION OR BROADER APPLICABILITY THAN THIS SECTION.

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

Article – Real Property

8–203.

(g) (1) **[**If**]** **SUBJECT TO SUBSECTION (J) OF THIS SECTION, IF** any portion of the security deposit is withheld, the landlord shall present by first–class mail directed to the last known address of the tenant, within 45 days after the termination of the tenancy, a written list of the damages claimed under subsection (f)(1) of this section together with ~~a~~ **AN ITEMIZED** statement of the cost ~~actually~~ incurred.

(2) If the landlord fails to comply with this requirement, the landlord forfeits the right to withhold any part of the security deposit for damages.

(h) (1) The provisions of subsections (e)(1) and (4) and (g)(1) and (2) of this section are inapplicable to a tenant who has been evicted or ejected for breach of a condition or covenant of a lease prior to the termination of the tenancy or who has abandoned the premises prior to the termination of the tenancy.

(2) (i) A tenant specified in paragraph (1) of this subsection may demand return of the security deposit by giving written notice by first–class mail to the landlord within 45 days of being evicted or ejected or of abandoning the premises.

(ii) The notice shall specify the tenant's new address.

(iii) **[**The**]** **SUBJECT TO SUBSECTION (J) OF THIS SECTION, THE** landlord, within 45 days of receipt of such notice, shall present, by first–class mail to the tenant, a written list of the damages claimed under subsection (f)(1) of this section together with ~~a~~ **AN ITEMIZED** statement of the costs ~~actually~~ incurred and shall return to the tenant the security deposit together with simple interest which has accrued at the daily U.S. Treasury yield curve rate for 1 year, as of the first business day of each year, or 1.5% a year, whichever is greater, less any damages rightfully withheld.

(3) (i) If a landlord fails to send the list of damages required by paragraph (2) of this subsection, the right to withhold any part of the security deposit for damages is forfeited.

(ii) If a landlord fails to return the security deposit as required by paragraph (2) of this subsection, the tenant has an action of up to threefold of the withheld amount, plus reasonable attorney's fees.

(4) Except to the extent specified, this subsection may not be interpreted to alter the landlord's duties under subsections (e) and (g) of this section.

(i) (7) **[**At**]** **SUBJECT TO SUBSECTION (J) OF THIS SECTION, AT** least 10 days before a landlord makes a claim against a surety bond subject to this subsection, the landlord shall send to the tenant by first–class mail directed to the last known address of the tenant, a written list of the damages to be claimed and ~~a~~ **AN ITEMIZED** statement of the costs ~~actually~~ incurred by the landlord.

(J) (1) ~~A~~ AN ITEMIZED STATEMENT OF COSTS PROVIDED UNDER SUBSECTION (G)(1), (H)(2)(III), OR (I)(7) OF THIS SECTION SHALL~~, WHERE PRACTICABLE,~~ INCLUDE SUPPORTING DOCUMENTATION~~, INCLUDING BILLS, INVOICES, AND RECEIPTS,~~ THAT IDENTIFIES THE MATERIALS OR SERVICES PROVIDED.

(2) SUBJECT TO SUBSECTION (K) OF THIS SECTION, A LANDLORD MAY SATISFY THE REQUIREMENT UNDER PARAGRAPH (1) OF THIS SUBSECTION BY PROVIDING AN ESTIMATE OF THE COSTS TO BE INCURRED BY THE LANDLORD.

(K) (1) THIS SUBSECTION APPLIES ONLY IF A LANDLORD PROVIDES AN ESTIMATE AS DOCUMENTATION TO SUPPORT AN ITEMIZED STATEMENT OF COSTS PROVIDED UNDER SUBSECTION (G)(1), (H)(2)(III), OR (I)(7) OF THIS SECTION.

(2) (I) THE LANDLORD SHALL NOTIFY THE TENANT IN WRITING WHEN THE REPAIRS HAVE BEEN COMPLETED.

(II) THE NOTICE REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL INCLUDE A COPY OF THE FINAL INVOICE FOR ANY REPAIRS MADE BY THE LANDLORD.

(3) IF THE ACTUAL COSTS INCURRED BY THE LANDLORD ARE LESS THAN THE ESTIMATE PROVIDED TO THE TENANT UNDER SUBSECTION (J)(2) OF THIS SECTION, THE LANDLORD SHALL RETURN TO THE TENANT WITHIN 30 DAYS AFTER COMPLETING THE REPAIRS THE AMOUNT OF THE SECURITY DEPOSIT WITHHELD BY THE LANDLORD THAT IS IN EXCESS OF THE ACTUAL COSTS INCURRED BY THE LANDLORD.

8–219.

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

(2) (I) "APARTMENT FACILITY" MEANS AN APARTMENT BUILDING OR COMPLEX THAT CONTAINS FOUR OR MORE INDIVIDUAL DWELLING UNITS THAT A COMMON LANDLORD RENTS FOR RESIDENTIAL PURPOSES, INCLUDING ALL COMMON AREAS AVAILABLE FOR USE BY A TENANT.

(II) "APARTMENT FACILITY" DOES NOT INCLUDE:

1. A SINGLE–FAMILY HOUSE, REGARDLESS OF THE NUMBER OF INDIVIDUAL DWELLING UNITS INTO WHICH THE HOUSE IS SUBDIVIDED;

2. A CONDOMINIUM ORGANIZED UNDER TITLE 11 OF THIS ARTICLE; OR

3. A COOPERATIVE PROJECT ORGANIZED UNDER TITLE 5, SUBTITLE 6B OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.

(3) "DWELLING UNIT" MEANS THAT PORTION OF A BUILDING THAT IS DESIGNATED, INTENDED, OR ARRANGED FOR USE OR OCCUPANCY AS A RESIDENCE BY ONE OR MORE PERSONS.

(4) "TENANT ORGANIZATION" MEANS AN INCORPORATED OR UNINCORPORATED ORGANIZATION OF THREE OR MORE TENANTS WHO RESIDE IN AN APARTMENT FACILITY FORMED FOR THE PURPOSE OF IMPROVING THE LIVING CONDITIONS, CONTRACTUAL POSITION, OR COMMUNITY EXPERIENCES OF THE RESIDENTS OF THE APARTMENT FACILITY THAT:

(I) MEETS REGULARLY;

(II) OPERATES DEMOCRATICALLY; AND

(III) IS INDEPENDENT OF THE OWNERS OR MANAGEMENT OF THE APARTMENT FACILITY AND THEIR REPRESENTATIVES.

(B) (1) ~~A~~ SUBJECT TO SUBSECTION (C) OF THIS SECTION, A TENANT ORGANIZATION SHALL HAVE THE RIGHT ~~OF FREE ASSEMBLY~~ TO ASSEMBLE IN A MEETING ROOM WITHIN AN APARTMENT FACILITY DESIGNATED FOR USE BY TENANTS FOR EVENTS AND COMMUNITY GATHERINGS DURING REASONABLE HOURS AND ON REASONABLE NOTICE TO THE LANDLORD TO CONDUCT TENANT ORGANIZATION MEETINGS.

(2) (I) THE LANDLORD MAY IMPOSE REASONABLE TERMS AND CONDITIONS ON THE USE OF A MEETING ROOM, PROVIDED THAT THE TERMS AND CONDITIONS DO NOT UNDERMINE THE PURPOSES OF THIS SECTION.

(II) THE LANDLORD MAY REQUIRE AN INDIVIDUAL PARTICIPATING IN A TENANT ORGANIZATION MEETING WHO IS NOT A RESIDENT OF THE APARTMENT FACILITY TO SIGN A WAIVER OF LIABILITY FOR INJURIES SUSTAINED WHILE ON THE PROPERTY.

(3) A TENANT ORGANIZATION SHALL:

(I) DESIGNATE AT LEAST TWO BUT NOT MORE THAN FIVE MEMBERS WHO ARE AUTHORIZED TO SCHEDULE USE OF A MEETING ROOM ON BEHALF OF THE TENANT ORGANIZATION; AND

(II) PROVIDE WRITTEN NOTIFICATION TO THE LANDLORD OF THE DESIGNEES AT LEAST ONCE PER YEAR.

(C) (1) A LANDLORD MAY NOT CHARGE A TENANT ORGANIZATION A FEE FOR THE USE OF A MEETING ROOM FOR THE FIRST MEETING OF THE TENANT ORGANIZATION EACH MONTH.

(2) A LANDLORD MAY CHARGE A REASONABLE FEE FOR ALL OTHER USES OF A MEETING ROOM BY THE TENANT ORGANIZATION WITHIN THE SAME MONTH PROVIDED THAT THE FEE DOES NOT EXCEED THE REGULAR SCHEDULE OF FEES CHARGED TO OTHER GROUPS OR INDIVIDUALS FOR USE OF THE MEETING ROOM.

8–5A–01.

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

(B) "ABUSE" HAS THE MEANING STATED IN § 4–501(B) OF THE FAMILY LAW ARTICLE.

~~(b)~~ **(C)** "Legal occupant" means an occupant who resides on the premises with the actual knowledge and permission of the landlord.

~~(c)~~ **(D)** "Offender" means a person who commits an act of ~~domestic violence or commits a sexual assault offense~~ **ABUSE**.

~~(d)~~ **(E)** "Peace order" means an enforceable final peace order.

~~(e)~~ **(F)** "Protective order" means an enforceable final protective order.

~~(F)~~ (G) "QUALIFIED THIRD PARTY" MEANS:

(1) A PHYSICIAN WHO IS AUTHORIZED TO PRACTICE MEDICINE UNDER THE HEALTH OCCUPATIONS ARTICLE;

(2) A PSYCHOLOGIST WHO IS AUTHORIZED TO PRACTICE PSYCHOLOGY UNDER THE HEALTH OCCUPATIONS ARTICLE; ~~OR~~

(3) A SOCIAL WORKER OR CASEWORKER OF ANY PUBLIC OR PRIVATE HEALTH OR SOCIAL SERVICES AGENCY OR PROVIDER; OR

(4) AN ADVOCATE FROM A DOMESTIC VIOLENCE OR SEXUAL ASSAULT PREVENTION OR ASSISTANCE PROGRAM.

~~(G)~~ (H) "REPORT BY A QUALIFIED THIRD PARTY" MEANS A REPORT BASED ON INFORMATION RECEIVED BY A QUALIFIED THIRD PARTY WHILE ACTING IN A PROFESSIONAL CAPACITY THAT:

(1) INDICATES THAT THE TENANT OR A LEGAL OCCUPANT IS SEEKING ASSISTANCE ~~FOR PHYSICAL OR MENTAL INJURIES RESULTING FROM AN ACT OF DOMESTIC VIOLENCE, SEXUAL ASSAULT, OR STALKING~~ AS A RESULT OF AN ACT OF ABUSE;

(2) INCLUDES THE FOLLOWING ELEMENTS:

(I) THE NAME OF THE TENANT OR LEGAL OCCUPANT;

(II) A STATEMENT THAT THE TENANT OR LEGAL OCCUPANT IS A VICTIM OF ~~DOMESTIC VIOLENCE, A VICTIM OF SEXUAL ASSAULT, OR A VICTIM OF STALKING~~ ABUSE;

(III) THE DATE, TIME, LOCATION, AND A BRIEF DESCRIPTION OF THE INCIDENT;

(IV) THE NAME AND PHYSICAL DESCRIPTION OF THE ALLEGED ~~PERPETRATOR~~ OFFENDER, IF KNOWN;

(V) THE NAME AND ADDRESS OF THE EMPLOYER OF THE QUALIFIED THIRD PARTY;

(VI) THE LICENSING ENTITY AND LICENSE NUMBER OF THE QUALIFIED THIRD PARTY, IF THE QUALIFIED THIRD PARTY IS REQUIRED TO BE LICENSED; AND

(VII) THE SIGNATURE OF THE QUALIFIED THIRD PARTY, UNDER SEAL OF A NOTARY PUBLIC; AND

(3) IS SIGNED AND ACKNOWLEDGED BY THE TENANT OR LEGAL OCCUPANT UNDER PENALTY OF PERJURY.

~~**[**(f)**] (H)** "Victim of domestic violence" means a person who is:~~

~~(1) A victim of domestic abuse, as defined in § 4–501 of the Family Law Article; and~~

~~(2) A person eligible for relief, as defined in § 4–501 of the Family Law Article.~~

~~**[**(g)**] (I)** "Victim of sexual assault" means a person who is a victim of:~~

~~(1) A sexual crime under Title 3, Subtitle 3 of the Criminal Law Article;~~

~~(2) Child sexual abuse under § 3–602 of the Criminal Law Article; or~~

~~(3) Sexual abuse of a vulnerable adult under § 3–604 of the Criminal Law Article.~~

~~**(J) "VICTIM OF STALKING" MEANS A PERSON WHO IS A VICTIM OF STALKING UNDER § 3–802 OF THE CRIMINAL LAW ARTICLE.**~~

8–5A–02.

(a) Subject to the requirements of subsections (b) and (c) of this section, a tenant may terminate the tenant's future liability under a residential lease if the tenant or legal occupant is **A VICTIM OF ABUSE**~~:~~

~~(1) A victim of domestic violence; **[**or**]**~~

~~(2) A victim of sexual assault**; OR**~~

~~**(3) A VICTIM OF STALKING**~~.

(b) If a tenant or legal occupant is a victim of **ABUSE** ~~domestic violence **[**or**], a victim of sexual assault, OR A VICTIM OF STALKING~~, the tenant may provide to the landlord the written notice required under § 8–5A–03 ~~**[**or**],** § 8–5A–04**, OR § 8–5A–05**~~ of this subtitle and, if the written notice is provided, the tenant shall have 30 days to vacate the leased premises from the date of providing the written notice.

(c) **(1)** A tenant who vacates leased premises under this section is responsible for rent only **[**for the 30 days following the tenant providing notice of an intent to vacate**]**

FOR THE TIME FOLLOWING THE TENANT PROVIDING NOTICE OF AN INTENT TO VACATE UNTIL THE TENANT VACATES THE LEASED PREMISES, UP TO A MAXIMUM OF 30 DAYS.

(2) (I) IF A TENANT VACATES THE LEASED PREMISES EARLIER THAN 30 DAYS AFTER THE DATE THE TENANT PROVIDES WRITTEN NOTICE OF AN INTENT TO VACATE, THE TENANT SHALL PROVIDE THE LANDLORD WITH WRITTEN NOTICE, SIGNED BY THE TENANT AND NOTARIZED, BY FIRST–CLASS MAIL OR HAND DELIVERY STATING THAT THE TENANT HAS VACATED THE LEASED PREMISES.

(II) ON RECEIVING A NOTICE IDENTIFIED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, A LANDLORD SHALL INSPECT THE LEASED PREMISES AND, IF THE TENANT HAS VACATED THE LEASED PREMISES, PROVIDE THE TENANT WITH A WRITTEN STATEMENT THAT:

1. CONFIRMS THE TENANT HAS VACATED THE LEASED PREMISES;

2. STATES THE RENT THAT THE TENANT IS RESPONSIBLE FOR UNDER THIS SUBSECTION; AND

3. STATES THE AMOUNT OF RENT STILL OWED BY THE TENANT OR THE AMOUNT OF ANY OVERPAYMENT OF RENT TO BE REFUNDED.

(III) FOR THE PURPOSE OF CALCULATING THE RENT THAT A TENANT IS RESPONSIBLE FOR UNDER THIS SUBSECTION, THE TENANT SHALL BE DEEMED TO HAVE VACATED THE LEASED PREMISES:

1. IF NOTICE IS DELIVERED BY FIRST–CLASS MAIL, ON THE DATE THE NOTICE WAS POSTMARKED; OR

2. IF NOTICE IS HAND DELIVERED, ON THE DATE THE NOTICE WAS HAND DELIVERED TO THE LANDLORD.

(IV) A TENANT WHO VACATES THE LEASED PREMISES EARLIER THAN 30 DAYS AFTER THE DATE THE TENANT PROVIDED WRITTEN NOTICE OF AN INTENT TO VACATE AND WHO FAILS TO PROVIDE THE WRITTEN NOTICE REQUIRED UNDER THIS PARAGRAPH SHALL BE RESPONSIBLE FOR THE MAXIMUM RENT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(d) If a tenant does not vacate the leased premises within 30 days of providing to the landlord the written notice required under § 8–5A–03 ~~**[or]**~~**,** § 8–5A–04~~**, OR § 8–5A–05**~~ of this subtitle, the landlord is, at the landlord's option and with written notice to the tenant, entitled to:

(1) All legal remedies against a tenant holding over available under § 8–402 of this title; or

(2) Deem the tenant's notice of an intent to vacate to have been rescinded and the terms of the original lease to be in full force and effect.

(e) The termination of a tenant's future liability under a residential lease under this section does not terminate or in any other way impact the future liability of a tenant who is the respondent in the action that results in:

(1) A protective order issued for the benefit of the victim tenant or victim legal occupant under § 4–506 of the Family Law Article; or

(2) A peace order issued for the benefit of the victim tenant or victim legal occupant ~~for which the underlying act was sexual assault **OR STALKING** under § 3–1505 of the Courts Article~~ **UNDER § 3–1505 OF THE COURTS ARTICLE FOR WHICH THE UNDERLYING ACT WAS AN ACT OF ABUSE**.

~~8–5A–03.~~

~~(a) If a tenant or legal occupant is a victim of domestic violence, the tenant may terminate the tenant's future liability under a residential lease under § 8–5A–02 of this subtitle if the tenant provides the landlord with written notice by first–class mail or hand delivery of an intent to vacate the premises and notice of the tenant's or legal occupant's status as a victim of domestic violence.~~

~~(b) The notice provided under subsection (a) of this section shall include **[**a**]:**~~

~~**(1)** **A** copy of a protective order issued for the benefit of the tenant or legal occupant under § 4–506 of the Family Law Article**; OR**~~

~~**(2)** **A COPY OF A REPORT BY A QUALIFIED THIRD PARTY, PROVIDED THAT:**~~

~~**(I)** **THE NAME AND PHYSICAL DESCRIPTION OF THE ALLEGED PERPETRATOR ARE REDACTED; AND**~~

~~**(II)** **THE REPORT WAS SIGNED BY THE QUALIFIED THIRD PARTY WITHIN THE PRECEDING 60 DAYS.**~~

~~8–5A–04.~~ **8–5A–03.**

(a) If a tenant or legal occupant is a victim of ~~sexual assault~~ **ABUSE**, the tenant may terminate the tenant's future liability under a residential lease under § 8–5A–02 of this subtitle if the tenant provides the landlord with written notice by first–class mail or

hand delivery of an intent to vacate the leased premises, including the tenant's or legal occupant's status as a victim of ~~sexual assault~~ **ABUSE**.

(b) The notice provided under subsection (a) of this section shall include:

(1) A copy of a protective order issued for the benefit of the tenant or legal occupant under § 4–506 of the Family Law Article; **[**or**]**

(2) A copy of a peace order issued for the benefit of the tenant or legal occupant ~~for which the underlying act was sexual assault under § 3–1505 of the Courts Article~~ **UNDER § 3–1505 OF THE COURTS ARTICLE FOR WHICH THE UNDERLYING ACT WAS AN ACT OF ABUSE; OR**

(3) A COPY OF A REPORT BY A QUALIFIED THIRD PARTY, PROVIDED THAT:

(I) THE NAME AND PHYSICAL DESCRIPTION OF THE ALLEGED PERPETRATOR ARE REDACTED; AND

(II) THE REPORT WAS SIGNED BY THE QUALIFIED THIRD PARTY WITHIN THE PRECEDING 60 DAYS.

~~**8–5A–05.**~~

~~**(A) IF A TENANT OR LEGAL OCCUPANT IS A VICTIM OF STALKING, THE TENANT MAY TERMINATE THE TENANT'S FUTURE LIABILITY UNDER A RESIDENTIAL LEASE UNDER § 8–5A–02 OF THIS SUBTITLE IF THE TENANT PROVIDES THE LANDLORD WITH WRITTEN NOTICE BY FIRST–CLASS MAIL OR HAND DELIVERY OF AN INTENT TO VACATE THE LEASED PREMISES, INCLUDING THE TENANT'S OR LEGAL OCCUPANT'S STATUS AS A VICTIM OF STALKING.**~~

~~**(B) THE NOTICE PROVIDED UNDER SUBSECTION (A) OF THIS SECTION SHALL INCLUDE:**~~

~~**(1) A COPY OF A PROTECTIVE ORDER ISSUED FOR THE BENEFIT OF THE TENANT OR LEGAL OCCUPANT UNDER § 4–506 OF THE FAMILY LAW ARTICLE;**~~

~~**(2) A COPY OF A PEACE ORDER ISSUED FOR THE BENEFIT OF THE TENANT OR LEGAL OCCUPANT FOR WHICH THE UNDERLYING ACT WAS STALKING UNDER § 3–1505 OF THE COURTS ARTICLE; OR**~~

~~**(3) A COPY OF A REPORT BY A QUALIFIED THIRD PARTY, PROVIDED THAT:**~~

~~**(I) THE NAME AND PHYSICAL DESCRIPTION OF THE ALLEGED PERPETRATOR ARE REDACTED; AND**~~

~~**(II) THE REPORT WAS SIGNED BY THE QUALIFIED THIRD PARTY WITHIN THE PRECEDING 60 DAYS.**~~

[8–5A–05.**]** ~~**8–5A–06.**~~ **8–5A–04.**

(a) This section applies to an action for possession of property under § 8–402.1 of this title against a tenant or legal occupant who is a victim of ~~domestic violence **[**or**],** a victim of sexual assault**, OR A VICTIM OF STALKING** in which the basis for the alleged breach is an act or acts of domestic violence **[**or**],** sexual assault**, OR STALKING** **ABUSE**.

(b) (1) A tenant is deemed to have raised a rebuttable presumption that the alleged breach of the lease does not warrant an eviction if the tenant provides to the court:

(i) A copy of a protective order issued for the benefit of the tenant or legal occupant under § 4–506 of the Family Law Article; **[**or**]**

(ii) A copy of a peace order issued for the benefit of the tenant or legal occupant ~~for which the underlying act was sexual assault **OR STALKING** under § 3–1505 of the Courts Article~~ **UNDER § 3–1505 OF THE COURTS ARTICLE FOR WHICH THE UNDERLYING ACT WAS AN ACT OF ABUSE; OR**

(III) A REPORT BY A QUALIFIED THIRD PARTY, PROVIDED THAT:

1. THE NAME AND PHYSICAL DESCRIPTION OF THE ALLEGED PERPETRATOR ARE REDACTED; AND

2. THE ALLEGED BREACH OF THE LEASE OCCURRED WITHIN 60 DAYS OF THE DATE THE REPORT WAS SIGNED BY THE QUALIFIED THIRD PARTY.

(2) If ~~domestic violence **[**or**],** sexual assault**, OR STALKING**~~ **AN ACT OF ABUSE** is raised as a defense in an action for possession of property under § 8–402.1 of this title, the court, in its discretion, may enter a judgment in favor of a tenant who does not provide the evidence described in paragraph (1) of this subsection.

[8–5A–06.**]** ~~**8–5A–07.**~~ **8–5A–05.**

(a) A person who is a victim of ~~domestic violence **[**or**],** a victim of sexual assault**, OR A VICTIM OF STALKING**~~ **ABUSE** and who is a tenant under a residential lease may provide to the landlord a written request to change the locks of the leased premises if the protective order or peace order issued for the benefit of the tenant or legal occupant requires

the respondent to refrain from entering or to vacate the residence of the tenant or legal occupant.

(b) The written request provided under subsection (a) of this section shall include:

(1) A copy of a protective order issued for the benefit of the tenant or legal occupant under § 4–506 of the Family Law Article; or

(2) A copy of a peace order issued for the benefit of the tenant or legal occupant ~~for which the underlying act was sexual assault **OR STALKING** under § 3–1505 of the Courts Article~~ **UNDER § 3–1505 OF THE COURTS ARTICLE FOR WHICH THE UNDERLYING ACT WAS AN ACT OF ABUSE**.

(c) (1) The landlord shall change the locks on the leased premises by the close of the next business day after receiving a written request under subsection (a) of this section.

(2) If the landlord fails to change the locks as required under paragraph (1) of this subsection, the tenant:

(i) May have the locks changed by a certified locksmith on the leased premises without permission from the landlord; and

(ii) Shall give a duplicate key to the landlord or the landlord's agent by the close of the next business day after the lock change.

(d) If a landlord changes the locks on a tenant's leased premises under subsection (c) of this section, the landlord:

(1) Shall provide a copy of the new key to the tenant who made the request for the change of locks at a mutually agreed time not to exceed 48 hours following the lock change; and

(2) May charge a fee to the tenant not exceeding the reasonable cost of changing the locks.

(e) (1) If a landlord charges a fee to the tenant for changing the locks on a tenant's leased premises under subsection (d) of this section, the tenant shall pay the fee within 45 days of the date the locks are changed.

(2) If a tenant does not pay a fee as required under paragraph (1) of this subsection, the landlord may:

(i) Charge the fee as additional rent; or

(ii) Withhold the amount of the fee from the tenant's security deposit.

~~**8–5A–08.**~~ **8–5A–06.**

A LANDLORD MAY NOT DISCLOSE ANY INFORMATION PROVIDED BY A TENANT UNDER THIS SUBTITLE TO A THIRD PARTY UNLESS:

(1) THE TENANT CONSENTS IN WRITING TO THE DISCLOSURE; OR

(2) THE DISCLOSURE IS REQUIRED BY LAW OR A COURT ORDER.

SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any lease entered into before the effective date of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2022.

April 8, 2022

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Speaker Jones:

In accordance with Article II, Section 17 of the Maryland Constitution, and at the request of the Office of the Public Defender, I have vetoed House Bill 90 – *State Personnel Management System – Office of the Public Defender – Placement and Collective Bargaining*. I have also vetoed House Bill 580 – *Maryland Transit Administration Police – Collective Bargaining – Supervisors and Sergeants*. These pieces of legislation seek to alter labor practices that have worked for decades, while creating several burdensome fiscal and operational hardships.

House Bill 90 – *State Personnel Management System – Office of the Public Defender – Placement and Collective Bargaining*

Public defenders play an integral role in our justice system by ensuring that all defendants are afforded the right to counsel in accordance with the Sixth Amendment to the Constitution and representing those who are considered indigent. House Bill 90 flies in the face of the client–centered mission of the Office of the Public Defender (OPD) and will have negative impacts on the recruitment of these devoted public servants. In his veto request

letter, the state's Public Defender, Paul B. DeWolfe stated that this legislation "will change the character and operation of the Office of the Public Defender in fundamental ways that will adversely impact our ability to recruit the most promising Assistant Public Defenders and provide representation that is solely focused on the interests of our clients." Not only does the bill shift the focus away from the clients upon which assistant public defenders are called to serve and assist, but the transfer of employees to the State Personnel Management System will remove a unique talent pool and recruitment tool by prohibiting OPD from hiring promising and exceptional third–year law students, who have shown a strong commitment to public defense service. Instead of focusing on creating opportunities for professional growth and development for dedicated attorneys, this legislation will provide unnecessary protections for underperforming attorneys and ultimately slow down the process of the administration of justice.

At a time where the courts are just beginning to make their way through the backlog of cases caused by the COVID–19 pandemic, this legislation is ill–timed and ill–informed.

House Bill 580 – *Maryland Transit Administration Police – Collective Bargaining – Supervisors and Sergeants*

The three unions enumerated in the Transportation Article were placed in statute as a result of the private Baltimore Transit Company's transition to the state owned and run Mass Transit Administration. Federal legislation was enacted forty years ago to provide the "Labor Protections" to MTA employees already represented by the three named unions that were required in order for the State to receive funding under the Federal Urban Mass Transit Act of 1964. The Maryland Code State Personnel and Pensions article articulates the proper method for electing a union representative for all other State and MDOT employees.

Supervisory positions are prohibited from collectively bargaining as it presents a conflict of interest, especially in personnel and disciplinary matters. The "managerial exclusion" is typical in unionized workforces so that managers and supervisors can effectively negotiate and enforce collective agreements and maintain the ability to execute management responsibilities. The National Labor Relations Act (NLRA), the federal law governing private employer labor and union relationships, also excludes managers and supervisors for these reasons.

HB580 arbitrarily assigns the Maryland Classified Employees Association (MCEA) as the representative of the supervisors and sergeants in the Maryland Transit Administration Police without the consent or approval of the affected employees. Without this consent, employees will be bound to terms of employment negotiated by a representative they did not elect. Further, passing this bill would create conflicting statutory provisions regarding the rights of current employees to collectively bargain.

For these reasons, I have vetoed House Bill 90 and House Bill 580.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 90

AN ACT concerning

State Personnel Management System – Office of the Public Defender – Placement and Collective Bargaining

FOR the purpose of specifying that certain positions within the Office of the Public Defender are in certain employment categories in the State Personnel Management System; altering certain provisions of law regarding personnel actions within the Office that relate to the hiring, discipline, and termination of employees; providing that employees of the Office are subject to collective bargaining under the State Personnel Management System; repealing a provision of law that excludes attorneys in the Office from certain grievance procedures in the State Personnel Management System; requiring the Secretary of Budget and Management to assign each appointee or employee of the Office to the appropriate employment category within the State Personnel Management System on or before a certain date; prohibiting any appointee or employee of the Office from receiving a change in pay or benefits as a result of a certain transfer or assignment except under certain circumstances; and generally relating to the personnel of the Office of the Public Defender in the State Personnel Management System.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 16–203
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 3–101(a)
Annotated Code of Maryland
(2015 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 3–101(b), 3–102(a), 3–205(a) and (c), and 12–102
Annotated Code of Maryland
(2015 Replacement Volume and 2021 Supplement)

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

Article – Criminal Procedure

16–203.

(a) (1) The head of the Office is the Public Defender.

(2) The Public Defender shall be appointed by the Board of Trustees.

(3) By a vote of at least seven members, the Board of Trustees may remove the Public Defender for:

(i) misconduct in office;

(ii) persistent failure to perform the duties of the Office; or

(iii) conduct prejudicial to the proper administration of justice.

(4) To qualify for appointment as Public Defender, an individual shall be an attorney admitted to practice law in the State by the Court of Appeals of Maryland who has engaged in the practice of law for at least 5 years before appointment.

(5) The Public Defender shall receive the same salary as a judge of a circuit court.

(6) The Public Defender may not engage in the private practice of law.

(7) The Public Defender serves for a term of 6 years.

(b) (1) With the approval of the Board of Trustees, the Public Defender shall appoint:

(i) a deputy public defender **WHO IS IN THE EXECUTIVE SERVICE OF THE STATE PERSONNEL MANAGEMENT SYSTEM**; and

(ii) one district public defender for each district of the District Court**, EACH OF WHOM IS IN THE MANAGEMENT SERVICE OF THE STATE PERSONNEL MANAGEMENT SYSTEM**.

(2) The deputy public defender and each district public defender shall have the same qualifications as the Public Defender.

(3) A district public defender shall:

(i) assist the Public Defender to perform the duties of the Office; and

(ii) subject to the supervision of the Public Defender, be in charge of the public defender offices in the district for which the district public defender is appointed.

(c) (1) With the advice of the district public defenders, the Public Defender may **[**appoint**]** **EMPLOY** assistant public defenders in accordance with the State budget.

(2) To qualify for **[**appointment**]** **EMPLOYMENT** as an assistant public defender, an individual shall be an attorney and admitted to practice law in the State by the Court of Appeals of Maryland.

(3) ASSISTANT PUBLIC DEFENDERS ARE IN THE PROFESSIONAL SERVICE OF THE STATE PERSONNEL MANAGEMENT SYSTEM AND MAY BE TERMINATED OR OTHERWISE DISCIPLINED ONLY FOR CAUSE IN ACCORDANCE WITH TITLE 11 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

(d) **(1)** The deputy public defender**[**,**]** **AND** district public defenders**[**, and assistant public defenders**]**~~:~~

~~(1)~~ shall serve at the pleasure of the Public Defender~~; and~~**.**

(2) **THE DEPUTY PUBLIC DEFENDER, DISTRICT PUBLIC DEFENDERS, AND ASSISTANT PUBLIC DEFENDERS** may not engage in the private practice of criminal law.

(e) The Public Defender shall **[**appoint**]** **EMPLOY** investigators, stenographic assistants, clerical assistants, and other personnel as may be required to assist the Public Defender and the district public defenders to perform the duties of the Office in accordance with the State budget.

(F) (1) SUBJECT TO SUBSECTIONS (B)(1) AND (C)(3) OF THIS SECTION, ALL OTHER POSITIONS IN THE OFFICE ARE IN THE EXECUTIVE, MANAGEMENT, PROFESSIONAL, OR SKILLED SERVICE OF THE STATE PERSONNEL MANAGEMENT SYSTEM.

(2) EMPLOYEES IN THE PROFESSIONAL OR SKILLED SERVICE MAY BE TERMINATED OR OTHERWISE DISCIPLINED ONLY FOR CAUSE IN ACCORDANCE WITH TITLE 11 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

[(f)**]** **(G)** (1) Subject to paragraph (2) of this subsection, the Public Defender shall establish and maintain suitable offices in the State.

(2) At least one Public Defender's office shall be in each district.

[(g)**]** **(H)** The number of positions, compensation, and expenses for the Office shall be in accordance with the State budget.

Article – State Personnel and Pensions

3–101.

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

(b) "Board" means:

(1) with regard to any matter relating to employees of any of the units of State government described in § 3–102(a)(1)(i) through (iv) and (vi) through **[**(xi)**] (XII)** of this subtitle and employees described in § 3–102(a)(2) and (3) of this subtitle, the State Labor Relations Board; and

(2) with regard to any matter relating to employees of any State institution of higher education described in § 3–102(a)(1)(v) of this subtitle, the State Higher Education Labor Relations Board.

3–102.

(a) Except as provided in this title or as otherwise provided by law, this title applies to:

(1) all employees of:

(i) the principal departments within the Executive Branch of State government;

(ii) the Maryland Insurance Administration;

(iii) the State Department of Assessments and Taxation;

(iv) the State Lottery and Gaming Control Agency;

(v) the University System of Maryland, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College;

(vi) the Comptroller;

(vii) the Maryland Transportation Authority who are not police officers;

(viii) the State Retirement Agency;

(ix) the State Department of Education;

(x) the Maryland Environmental Service; **[**and**]**

(xi) the Maryland School for the Deaf; **AND**

(XII) THE OFFICE OF THE PUBLIC DEFENDER;

(2) firefighters for the Martin State Airport at the rank of captain or below who are employed by the Military Department; and

(3) all full–time Maryland Transportation Authority police officers at the rank of first sergeant and below.

3–205.

(a) The Board is responsible for administering and enforcing provisions of this title relating to employees described in § 3–102(a)(1)(i) through (iv) and (vi) through **[**(xi)**] (XII)**, (2), and (3) of this title.

(c) (1) The Board may not designate a unique bargaining unit for each of the units of government identified in § 3–102(a)(1)(vi) through (ix) **AND (XII)** and (2) of this title.

(2) At the request of the exclusive representative, the Board shall:

(i) **EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION,** determine the appropriate existing bargaining unit into which to assign each employee in the units of government identified in § 3–102(a)(1)(vi) through (ix) **AND (XII)** and (2) of this title; and

(ii) accrete all positions to appropriate existing bargaining units.

(3) (i) Notwithstanding Subtitle 4 of this title, at the request of the exclusive representative, the Board shall conduct a self–determination election for each bargaining unit representative for the accreted employees in units of government identified in § 3–102(a)(1)(vi) through (ix) **AND (XII)** and (2) of this title.

(ii) All elections shall be conducted by secret ballot.

(iii) For each election, the Board shall place the following choices on the ballot:

1. the name of the incumbent exclusive representative; and

2. a provision for "no exclusive representative".

(4) THE BOARD SHALL ACCRETE POSITIONS TO EXISTING BARGAINING UNITS AS FOLLOWS:

(I) ASSISTANT PUBLIC DEFENDERS, INTAKE SPECIALISTS, AND INVESTIGATORS IN THE OFFICE OF THE PUBLIC DEFENDER INTO BARGAINING UNIT F FOR SOCIAL AND HUMAN SERVICES PROFESSIONALS; AND

(II) ALL OTHER POSITIONS IN THE OFFICE OF THE PUBLIC DEFENDER INTO APPROPRIATE EXISTING BARGAINING UNITS AS DETERMINED BY THE BOARD.

12–102.

(a) Except as otherwise provided by law, this title applies to all employees in the State Personnel Management System within the Executive Branch and independent personnel systems.

(b) This title does not apply to:

(1) an employee who is appointed by the Governor whose appointment requires the Governor's approval;

(2) an employee in the executive service of the State Personnel Management System;

(3) a temporary employee;

(4) an attorney in the Office of the Attorney General **[**or the Office of the Public Defender**]**;

(5) a State Police officer;

(6) an employee under § 7–601 of the Transportation Article who is subject to a collective bargaining agreement that contains another grievance procedure;

(7) an employee, including a member of a faculty, who is subject to a contract or regulation governing teacher tenure;

(8) a member of the faculty, an officer, or an administrative employee of Baltimore City Community College;

(9) a student employee;

(10) an individual who, as an inmate or patient in an institution, is employed by the State; or

(11) an administrative law judge in the Office of Administrative Hearings.

SECTION 2. AND BE IT FURTHER ENACTED, That on or before January 1, 2023, the Secretary of Budget and Management shall assign each appointee or employee of the Office of the Public Defender to the appropriate employment category in accordance with Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, any appointee or employee transferred to the State Personnel Management System or assigned to a bargaining unit in accordance with this Act may not receive a change in pay or benefits in the course of or as a result of the transfer or assignment, except to be placed on a new salary schedule at a grade and step that results in an increase in annual rate of pay or benefits.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

May 27, 2022

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Mr. President and Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 108 and Senate Bill 524 – *Public Utilities – Energy Efficiency and Conservation Programs – Energy Performance Targets and Low–Income Housing*.

This legislation will increase costs to ratepayers by hundreds of millions of dollars per year, and likely exacerbate an existing program debt that is already approaching $1 billion. Turbulent energy prices and unbridled inflation should inspire lawmakers to offer relief to their constituents. Instead, they have done just the opposite in this bill. Maryland currently offers programs that provide residents with energy efficiency resources, regardless of income level. Furthermore, limited income households can receive materials, equipment, and installation services at no charge, and we provide energy efficiency programs specifically for affordable, multifamily rental properties.

The Low–Income Energy Efficiency Program (LIEEP) helps low–income households undertake energy conservation projects in their homes at no charge, and the Multifamily Energy Efficiency and Housing Affordability (MEEHA) Program promotes energy efficiency and affordability in the State's multifamily rental housing developments for low– and moderate–income households. For years, these programs have been an important measure in combating the disproportionate effects of high energy costs on low–to–moderate income Marylanders.

Rewriting these programs without regard to the effect on ratepayers will have devastating consequences. It will further burden struggling communities with higher utility bills and saddle all Marylanders with an unjustifiable level of indebtedness. Maryland's energy efficiency programs are strong and should remain intact.

For these reasons, I have vetoed House Bill 108 and Senate Bill 524.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 108

AN ACT concerning

Public Utilities – Energy Efficiency and Conservation Programs – Energy Performance Targets and Low–Income Housing

FOR the purpose of requiring the Public Service Commission to include certain information on the low–income EmPOWER programs in a certain annual report to the General Assembly; requiring the Department of Housing and Community Development to procure or provide for electricity customers energy efficiency and conservation programs and services designed to achieve a certain target annual incremental gross energy savings starting in a certain year; requiring certain contractors used for the programs under this Act to meet certain job requirements; requiring the ~~Commission~~ Department to update the weather–normalized gross retail sales against which savings are measured for certain plans; requiring the target annual incremental gross energy savings to be achieved based on an average of certain Department plans; requiring the Department, on or before ~~a~~ certain ~~date~~ dates and with a certain frequency, to submit a plan to the Commission for achieving the electricity savings and demand reduction target; requiring the Department to develop a plan to coordinate and leverage funding sources to support certain energy efficiency and other home upgrades and a plan to provide energy efficiency retrofits to all low–income households by a certain date; establishing the Green and Healthy Task Force to analyze and advance the coordination of resources to address the housing needs of low–income communities; and generally relating to energy performance targets and low–income housing.

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 7–211(k)
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY adding to
Article – Public Utilities
Section 7–211.1 and 7–211.2
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

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

Article – Public Utilities

7–211.

(k) On or before May 1 of each year, the Commission, in consultation with the Maryland Energy Administration, shall report, subject to § 2–1257 of the State Government Article, to the General Assembly on:

(1) the status of programs and services to encourage and promote the efficient use and conservation of energy, including an evaluation of the impact of the programs and services that are directed to low–income communities, low– to moderate–income communities to the extent possible, and other particular classes of ratepayers;

(2) a recommendation for the appropriate funding level to adequately fund these programs and services; **[**and**]**

(3) FOR THE LOW–INCOME PROGRAMS UNDER § 7–211.1 OF THIS SUBTITLE, INFORMATION THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT PROVIDES TO THE COMMISSION UNDER § 7–211.1(H) OF THIS SUBTITLE; AND

[(3)**] (4)** in accordance with subsection (c) of this section, the per capita electricity consumption and the peak demand for the previous calendar year.

7–211.1.

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

(2) "DEPARTMENT" MEANS THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

(3) "LOW–INCOME PROGRAM" MEANS A PROGRAM THAT DELIVERS ENERGY EFFICIENCY AND CONSERVATION MEASURES TO REDUCE UTILITY EXPENSES FOR BUILDING OWNERS, MANAGERS, AND TENANTS IN HOUSING WITH RESIDENTS WHO QUALIFY FOR THE DEPARTMENT'S LOW–INCOME ASSISTANCE PROGRAMS, INCLUDING:

(I) THE EMPOWER MARYLAND PROGRAM;

(II) THE MULTIFAMILY ENERGY EFFICIENCY AND HOUSING AFFORDABILITY PROGRAM; AND

(III) THE WEATHERIZATION ASSISTANCE PROGRAM.

(4) "LOW–INCOME RESIDENTIAL" MEANS A COMMUNITY, BUILDING, OR HOUSEHOLD WITH RESIDENTS WHO QUALIFY FOR THE DEPARTMENT'S LOW–INCOME PROGRAMS.

(5) "TASK FORCE" MEANS THE GREEN AND HEALTHY TASK FORCE ESTABLISHED UNDER § 7–211.2 OF THIS SUBTITLE.

(B) (1) FOR THE ~~2022–2024~~ 2021–2023 AND 2024–2026 PROGRAM ~~CYCLE~~ CYCLES, THE DEPARTMENT SHALL PROCURE OR PROVIDE FOR ELECTRICITY CUSTOMERS ENERGY EFFICIENCY AND CONSERVATION PROGRAMS AND SERVICES.

(2) (I) THE PROGRAMS AND SERVICES REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE DESIGNED TO ACHIEVE TARGET ANNUAL INCREMENTAL GROSS ENERGY SAVINGS OF AT LEAST 0.4% PER YEAR STARTING IN 2023.

(II) THE DEPARTMENT MAY USE THE SAVINGS ACHIEVED THROUGH ALL FUNDING SOURCES TOWARD CALCULATING THE TARGET ANNUAL INCREMENTAL GROSS ENERGY SAVINGS, IF THE FUNDING SOURCES MEET THE STANDARDS OF PROGRAMS FUNDED THROUGH:

1. THE EMPOWER SURCHARGE; OR

2. THE U.S. DEPARTMENT OF ENERGY.

(3) (I) THE ENERGY SAVINGS DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION SHALL BE CALCULATED AS A PERCENTAGE OF THE ~~2019~~ 2016

WEATHER–NORMALIZED GROSS LOW–INCOME RESIDENTIAL RETAIL SALES FOR ALL ELECTRIC COMPANIES.

(II) THE ~~2019~~ 2016 WEATHER–NORMALIZED GROSS LOW–INCOME RESIDENTIAL RETAIL SALES FOR ALL ELECTRIC COMPANIES SHALL BE DETERMINED BY MULTIPLYING THE AVERAGE ~~2019~~ 2016 RESIDENTIAL HOUSEHOLD ELECTRICITY USAGE FOR ALL ELECTRIC COMPANIES BY THE NUMBER OF HOUSEHOLDS:

1. WITH INCOMES BELOW 250% OF THE FEDERAL POVERTY LEVEL AS DETERMINED BY THE FEDERAL CENSUS; OR

2. THAT MEET THE ELIGIBILITY CRITERIA APPROVED BY THE COMMISSION FOR LOW–INCOME PROGRAMS.

(4) FOR WEATHERIZATION OF LEASED OR RENTED RESIDENCES, THE DEPARTMENT SHALL ADOPT REGULATIONS TO ENSURE THAT:

(I) THE BENEFITS OF WEATHERIZATION ASSISTANCE, INCLUDING UTILITY BILL REDUCTION AND PRESERVATION OF AFFORDABLE HOUSING STOCK, ACCRUE PRIMARILY TO LOW–INCOME TENANTS OCCUPYING A LEASED OR RENTED RESIDENCE; AND

(II) THE RENT ON THE RESIDENCE IS NOT INCREASED AND THE TENANT IS NOT EVICTED AS A RESULT OF WEATHERIZATION PROVIDED UNDER THIS SECTION.

(5) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE PROGRAMS AND SERVICES PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT USE THERMAL INSULATING MATERIALS FOR BUILDING ELEMENTS, INCLUDING WALLS, FLOORS, CEILINGS, ATTICS, AND ROOF INSULATION, THAT CONTAIN:

~~1.~~ FORMALDEHYDE~~; OR~~

~~2. ANY SUBSTANCE THAT IS A CATEGORY 1 RESPIRATORY SENSITIZER AS DEFINED IN 29 C.F.R. PART 1910 (APPENDIX A)~~.

(II) THERMAL INSULATING MATERIALS FOR BUILDING ELEMENTS MAY NOT CONTAIN A SUBSTANCE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IF THE SUBSTANCE:

1. WAS INTENTIONALLY ADDED; OR

2. IS PRESENT IN THE PRODUCT AT GREATER THAN 0.1% BY WEIGHT.

(6) (I) THE DEPARTMENT SHALL GIVE PREFERENCE TO CONTRACTORS THAT ARE MINORITY–OWNED, WOMEN–OWNED, OR VETERAN–OWNED BUSINESSES IN THE STATE FOR PROCUREMENT PROCESSES RELATED TO EMPOWER PROGRAMS.

(II) THE DEPARTMENT'S APPROVED CONTRACTORS USED FOR THE PROGRAMS UNDER THIS SECTION SHALL MEET THE FOLLOWING JOB REQUIREMENTS:

1. PAY AT LEAST 150% OF THE STATE MINIMUM WAGE;

2. PROVIDE CAREER ADVANCEMENT TRAINING;

3. AFFORD EMPLOYEES THE RIGHT TO BARGAIN COLLECTIVELY FOR WAGES AND BENEFITS;

4. PROVIDE PAID LEAVE;

5. BE CONSIDERED COVERED EMPLOYMENT FOR PURPOSES OF UNEMPLOYMENT INSURANCE BENEFITS IN ACCORDANCE WITH TITLE 8 OF THE LABOR AND EMPLOYMENT ARTICLE;

6. ENTITLE THE EMPLOYEE TO WORKERS' COMPENSATION BENEFITS IN ACCORDANCE WITH TITLE 9 OF THE LABOR AND EMPLOYMENT ARTICLE;

7. BE COMPLIANT WITH FEDERAL AND STATE WAGE AND HOUR LAWS FOR THE PREVIOUS 3 YEARS;

8. OFFER EMPLOYER–PROVIDED HEALTH INSURANCE BENEFITS WITH MONTHLY PREMIUMS THAT DO NOT EXCEED 8.5% OF THE EMPLOYEE'S NET MONTHLY EARNINGS; AND

9. OFFER RETIREMENT BENEFITS.

(C) THE WEATHER–NORMALIZED GROSS RETAIL SALES AGAINST WHICH THE SAVINGS ARE MEASURED SHALL:

(1) REFLECT SALES ASSOCIATED WITH THE LOW–INCOME RESIDENTIAL CUSTOMER CLASS SERVED BY PROGRAMS ADMINISTERED BY THE DEPARTMENT; AND

(2) BE UPDATED BY THE ~~COMMISSION~~ DEPARTMENT FOR EACH PLAN SUBMITTED UNDER SUBSECTION (E) OF THIS SECTION.

(D) THE TARGET ANNUAL INCREMENTAL GROSS ENERGY SAVINGS SHALL BE ACHIEVED BASED ON THE 3–YEAR AVERAGE OF DEPARTMENT PLANS SUBMITTED IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION.

(E) (1) ON OR BEFORE SEPTEMBER 1, 2022, THE DEPARTMENT SHALL SUBMIT A PLAN TO THE COMMISSION THAT DETAILS PROPOSALS FOR ACHIEVING THE ELECTRICITY SAVINGS AND DEMAND REDUCTION TARGET UNDER SUBSECTION (B) OF THIS SECTION FOR ~~THE 2 SUBSEQUENT CALENDAR YEARS~~ 2023.

(2) ON OR BEFORE SEPTEMBER 1, 2023, AND EVERY 3 YEARS THEREAFTER, THE DEPARTMENT SHALL SUBMIT A PLAN TO THE COMMISSION THAT DETAILS PROPOSALS FOR ACHIEVING THE ELECTRICITY SAVINGS AND DEMAND REDUCTION TARGET UNDER SUBSECTION (B) OF THIS SECTION FOR THE 3 SUBSEQUENT CALENDAR YEARS.

~~(2)~~ (3) THE PLAN SHALL INCLUDE:

(I) A DESCRIPTION OF THE PROPOSED ENERGY EFFICIENCY AND CONSERVATION PROGRAMS AND SERVICES;

(II) A DESCRIPTION OF THE STEPS PROPOSED TO ENSURE INSULATION MATERIALS MEET THE REQUIREMENTS UNDER SUBSECTION (B) OF THIS SECTION;

(III) ANTICIPATED COSTS;

(IV) PROJECTED ELECTRICITY SAVINGS;

(V) A PROPOSED AVERAGE LIFETIME MEASURE THRESHOLD THAT ENCOURAGES THE DELIVERY OF INSULATION AND WEATHERIZATION MEASURES, DEVELOPED THROUGH A STAKEHOLDER ENGAGEMENT PROCESS; AND

(VI) ANY OTHER INFORMATION THAT THE COMMISSION REQUESTS.

~~(3)~~ (4) THE DEPARTMENT SHALL PROVIDE THE COMMISSION WITH AN UPDATE EVERY 6 MONTHS ON PLAN IMPLEMENTATION AND PROGRESS TOWARD ACHIEVING THE ELECTRICITY SAVINGS AND DEMAND REDUCTION TARGET UNDER SUBSECTION (B) OF THIS SECTION.

~~(4)~~ (5) **THE COMMISSION SHALL REVIEW A PLAN TO DETERMINE WHETHER THE PLAN IS ADEQUATE FOR ACHIEVING THE TARGET.**

(F) THE COMMISSION SHALL WORK WITH THE DEPARTMENT TO ESTABLISH ANY PROCEDURES NECESSARY TO DEVELOP AND IMPLEMENT A PLAN FOR ACHIEVING THE ELECTRICITY SAVINGS AND DEMAND REDUCTION TARGET UNDER SUBSECTION (B) OF THIS SECTION, INCLUDING SECURING COOPERATION FROM ELECTRIC COMPANIES RELATED TO:

(1) FUNDING;

(2) COMMUNICATIONS;

(3) REFERRALS;

(4) DATA SHARING; AND

(5) ANY OTHER COOPERATION THAT THE COMMISSION DETERMINES IS NECESSARY TO ACHIEVE THE ELECTRICITY SAVINGS UNDER SUBSECTION (B) OF THIS SECTION.

(G) (1) THE DEPARTMENT SHALL DEVELOP A PLAN TO COORDINATE FUNDING SOURCES AND LEVERAGE THE GREATEST FUNDING POSSIBLE TO SUPPORT:

(I) HEALTH AND SAFETY UPGRADES;

(II) WEATHERIZATION;

(III) ENERGY EFFICIENCY; AND

(IV) OTHER GENERAL MAINTENANCE FOR LOW–INCOME HOUSING.

(2) THE PLAN SHALL COORDINATE FUNDING AMONG:

(I) THE STRATEGIC ENERGY INVESTMENT FUND;

(II) FEDERAL WEATHERIZATION ASSISTANCE PROGRAMS;

(III) RATEPAYER CONTRIBUTIONS TO:

1. THE EMPOWER MARYLAND LIMITED INCOME ENERGY EFFICIENCY PROGRAM; AND

2. THE MULTIFAMILY ENERGY EFFICIENCY AND HOUSING AFFORDABILITY PROGRAM;

(IV) THE MARYLAND AFFORDABLE HOUSING TRUST FUND;

(V) U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PROGRAMS, INCLUDING:

1. COMMUNITY DEVELOPMENT BLOCK GRANTS;

2. THE HOME INVESTMENT PARTNERSHIP GRANTS PROGRAM; AND

3. LEAD HAZARD CONTROL AND HEALTHY HOMES GRANTS;

(VI) U.S. DEPARTMENT OF AGRICULTURE PROGRAMS, INCLUDING THE HOME REPAIR PROGRAM;

(VII) THE HEALTHY HOMES FOR HEALTHY KIDS PROGRAM;

(VIII) THE ENERGY EFFICIENCY AND CONSERVATION BLOCK GRANT PROGRAM;

(IX) STATE APPROPRIATIONS; AND

(X) ANY OTHER SOURCE OF FUNDING THAT THE DEPARTMENT OR THE TASK FORCE IDENTIFIES.

(3) THE DEPARTMENT SHALL COLLABORATE WITH THE MEMBERS OF THE TASK FORCE AND IDENTIFY OTHER INTERESTED STAKEHOLDERS TO DEVELOP THE PLAN.

(4) ON OR BEFORE DECEMBER 31, 2022, THE DEPARTMENT SHALL SUBMIT THE PLAN TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

(H) (1) THE DEPARTMENT SHALL REPORT TO THE COMMISSION EACH YEAR ON:

(I) FOR THE PROGRAMS THAT CONTRIBUTE TO ENERGY EFFICIENCY AND WEATHERIZATION, DISAGGREGATED BY FUEL SOURCE AND FUNDING SOURCE OR DEVELOPMENT FINANCE EFFORTS:

1. THE NUMBER OF PARTICIPANTS SERVED; AND

2. THE AMOUNT OF ENERGY SAVINGS; AND

(II) THE AMOUNT OF FUNDING THAT THE DEPARTMENT RECEIVES, AND IS PROJECTED TO RECEIVE, FOR ENERGY EFFICIENCY AND WEATHERIZATION FROM THE FUNDING SOURCES UNDER THIS SECTION.

(2) THE DEPARTMENT MAY SATISFY THE REPORTING REQUIREMENT UNDER THIS SUBSECTION BY INCLUDING THE REQUIRED INFORMATION IN THE 6–MONTH STATUS REPORTS TO THE COMMISSION.

(I) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT IF THE EMPOWER MARYLAND PROGRAM IS EXTENDED BEYOND 2023, THE TARGET ANNUAL INCREMENTAL GROSS ENERGY SAVINGS UNDER SUBSECTION (B) OF THIS SECTION SHALL INCREASE TO:

(1) 0.53% IN 2024;

(2) 0.72% IN 2025; AND

(3) 1% IN 2026.

(J) THE DEPARTMENT, THE MARYLAND ENERGY ADMINISTRATION, AND OTHER STATE AGENCIES SHALL APPLY FOR ALL FEDERAL FUNDING THAT MAY BECOME AVAILABLE TO CARRY OUT THIS SECTION.

(K) (1) THE DEPARTMENT SHALL COLLABORATE WITH THE MEMBERS OF THE TASK FORCE TO DEVELOP A PLAN, INCLUDING A BUDGET, A TIMELINE, AND POTENTIAL FUNDING SOURCES, TO PROVIDE ENERGY EFFICIENCY RETROFITS TO ALL LOW–INCOME HOUSEHOLDS BY 2030.

(2) THE DEPARTMENT, IN COLLABORATION WITH THE TASK FORCE, SHALL SUBMIT THE PLAN TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, ON OR BEFORE DECEMBER 1, 2022.

7–211.2.

(A) THERE IS A GREEN AND HEALTHY TASK FORCE.

(B) THE TASK FORCE 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 HOUSING AND COMMUNITY DEVELOPMENT, OR THE SECRETARY'S DESIGNEE;

(4) THE SECRETARY OF HUMAN SERVICES, OR THE SECRETARY'S DESIGNEE;

(5) THE DIRECTOR OF THE MARYLAND ENERGY ADMINISTRATION, OR THE DIRECTOR'S DESIGNEE;

(6) ONE REPRESENTATIVE OF THE OFFICE OF PEOPLE'S COUNSEL; AND

(7) AS APPOINTED BY THE CHAIR OF THE TASK FORCE:

(I) ONE REPRESENTATIVE OF THE MARYLAND AFFORDABLE HOUSING TRUST;

(II) ONE REPRESENTATIVE OF THE GREEN AND HEALTHY HOMES INITIATIVE;

(III) ONE REPRESENTATIVE OF MARYLAND ENERGY EFFICIENCY ADVOCATES;

(IV) ONE MEMBER WHO IS AN EXPERT IN PUBLIC HEALTH;

(V) ONE MEMBER FROM A COMMUNITY CONCERNED WITH ENVIRONMENTAL JUSTICE;

(VI) ONE MEMBER WHO OWNS OR DEVELOPS AFFORDABLE HOUSING;

(VII) ONE MEMBER WHO HAS RECEIVED ASSISTANCE FROM A LOW–INCOME PROGRAM THAT DELIVERS ENERGY EFFICIENCY MEASURES; AND

(VIII) OTHER MEMBERS AS DETERMINED BY THE CHAIR OF THE TASK FORCE.

(C) THE SECRETARY OF HOUSING AND COMMUNITY DEVELOPMENT, OR THE SECRETARY'S DESIGNEE, SHALL SERVE AS CHAIR OF THE TASK FORCE.

(D) THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT SHALL PROVIDE STAFF FOR THE TASK FORCE.

(E) A MEMBER OF THE TASK FORCE:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE TASK FORCE; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(F) THE TASK FORCE SHALL:

(1) BEGINNING JULY 1, 2022, MEET QUARTERLY FOR A PERIOD OF 3 YEARS;

(2) ADVANCE THE ALIGNMENT, BRANDING, AND COORDINATION OF RESOURCES TO MORE EFFECTIVELY DELIVER GREEN AND HEALTHY HOUSING FOR LOW–INCOME HOUSEHOLDS IN THE STATE;

(3) EXAMINE THE PUBLIC AND PRIVATE RESOURCES NEEDED TO ADDRESS THE HOUSING NEEDS OF LOW–INCOME COMMUNITIES;

(4) DEVELOP POLICY AND STATUTORY RECOMMENDATIONS TO ELIMINATE BARRIERS TO LOW–INCOME HOUSEHOLDS ACHIEVING HEALTHY, ENERGY–EFFICIENT, AND AFFORDABLE HOUSING; AND

(5) ENGAGE WITH INTERESTED PARTIES AND COLLABORATE WITH OTHER ENTITIES THAT CAN HELP ADVANCE THE GOALS OF THE TASK FORCE, INCLUDING EXPERTS IN THE FIELD OF HEALTHY AND ENERGY–EFFICIENT HOUSING.

(G) ON OR BEFORE JULY 1, 2023, AND EACH JULY 1 THEREAFTER, THE TASK FORCE SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS TO THE SECRETARY OF HEALTH, THE SECRETARY OF THE ENVIRONMENT, THE COMMISSION, THE GOVERNOR, AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

May 27, 2022

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 136 – *Education – Public and Nonpublic Schools – Seizure Action Plans (Brynleigh's Act).*

This bill requires local boards of education to take specified steps regarding the health care needs of students with a seizure disorder, including requiring each public school to have at least two school personnel trained in seizure disorders. Each public school also must provide an abridged presentation from the school personnel who received training to specified staff every two years. In addition, the parent or guardian of a student diagnosed with a seizure disorder must collaborate with school personnel to create a seizure action plan and provide medication and authorization, as specified.

Senate Bill 299, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 136.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 136

AN ACT concerning

Education – Public and Nonpublic Schools – Seizure Action Plans (Brynleigh's Act)

FOR the purpose of requiring a county board of education and authorizing a nonpublic school, beginning in a certain school year, to require a ~~certain number of school personnel at the school to be trained~~ ~~school nurse or an individual designated by the school nurse to receive professional development training~~ *certain number of school personnel at the school to be trained* in certain seizure recognition and response methods; requiring ~~a public school~~ ~~a certain individual~~ *a public school*, beginning in a certain school year, to ~~provide training~~ *require certain school personnel to make a certain presentation* with a certain frequency to school personnel with direct contact and supervision of students ~~on certain seizure recognition and response methods~~; requiring the State Department of Education and the Maryland Department of Health, in consultation with a certain entity and stakeholders, to develop guidelines and a training program for *certain* school personnel ~~on the health care needs of a~~

~~student diagnosed with a seizure disorder~~; requiring the parent or guardian of a student diagnosed with a seizure disorder to collaborate with school personnel to create a seizure action plan and provide the school with certain information; requiring the State Department of Education, in collaboration with the Maryland Department of Health, to ensure health guidelines include certain information on seizures; and generally relating to responding to seizure symptoms and emergencies in schools in the State.

BY adding to
Article – Education
Section 7–450
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

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

Article – Education

7–450.

(A) IN THIS SECTION, "SEIZURE ACTION PLAN" MEANS A WRITTEN INDIVIDUALIZED HEALTH PLAN DESIGNED TO ACKNOWLEDGE AND PREPARE FOR THE HEALTH CARE NEEDS OF A STUDENT DIAGNOSED WITH A SEIZURE DISORDER.

(B) (1) BEGINNING IN THE 2023–2024 SCHOOL YEAR, A COUNTY BOARD SHALL REQUIRE ~~EACH PUBLIC SCHOOL TO DESIGNATE~~ AT LEAST TWO SCHOOL PERSONNEL ~~AT EACH PUBLIC SCHOOL TO BE TRAINED, WHO ARE EITHER SCHOOL NURSES OR INDIVIDUALS DESIGNATED BY A SCHOOL NURSE,~~ *~~LISTED UNDER PARAGRAPH (2) OF THIS SUBSECTION~~, SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AT EACH PUBLIC SCHOOL* TO COMPLETE A PAID PROFESSIONAL DEVELOPMENT TRAINING, ADMINISTERED ONLINE OR IN–PERSON, IN:

(I) RECOGNIZING THE SIGNS AND SYMPTOMS OF A SEIZURE;

(II) APPROPRIATE STEPS FOR ADMINISTERING FIRST AID FOR A SEIZURE; AND

(III) ~~SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ADMINISTERING~~ *~~ADMINISTERING~~ IF WRITTEN AUTHORIZATION IS GIVEN BY A PARENT OR GUARDIAN UNDER SUBSECTION (G) OF THIS SECTION, ADMINISTERING* OR ASSISTING WITH THE SELF–ADMINISTRATION OF A SEIZURE RESCUE MEDICATION, MEDICATION PRESCRIBED TO TREAT SEIZURE DISORDER SYMPTOMS APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION, AND MANUAL VAGUS NERVE STIMULATION.

~~**(2) SCHOOL PERSONNEL MUST BE APPROVED BY THE SCHOOL NURSE BEFORE THE PERSONNEL ARE AUTHORIZED TO ADMINISTER OR ASSIST WITH SELF–ADMINISTRATION OF A SEIZURE RESCUE MEDICATION.**~~

~~**(3) A SCHOOL NURSE MAY SERVE AS ONE OF THE TRAINED SCHOOL PERSONNEL REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**~~

~~**(4) (2) TRAINING UNDER THIS SUBSECTION SHALL INCLUDE TRAINING IN THE GUIDELINES DEVELOPED BY THE DEPARTMENT AND THE MARYLAND DEPARTMENT OF HEALTH UNDER SUBSECTION (D) OF THIS SECTION.**~~

(2) (I) A SCHOOL NURSE, CERTIFIED NURSING ASSISTANT, OR CERTIFIED MEDICATION TECHNICIAN SHALL SERVE AS ONE OF THE TRAINED SCHOOL PERSONNEL REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(II) AN INDIVIDUAL ~~DESIGNATED~~ WHO IS RECOMMENDED BY THE SCHOOL NURSE OR OTHER SCHOOL HEALTH PRACTITIONER ~~OR A VOLUNTEER~~ AND WHO VOLUNTEERS MAY SERVE AS ONE OF THE TRAINED SCHOOL PERSONNEL UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) THE TRAINING REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY COUNT TOWARD THE RENEWAL OF A PROFESSIONAL CERTIFICATE ISSUED BY THE DEPARTMENT.

(C) (1) BEGINNING IN THE 2023–2024 SCHOOL YEAR, A PUBLIC SCHOOL SHALL ~~**PROVIDE TRAINING EVERY 2 YEARS TO ADMINISTRATORS, FACULTY, THERAPISTS, GUIDANCE COUNSELORS, CLASSROOM AIDES, BUS DRIVERS, CONTRACTED EMPLOYEES, AND ANY OTHER SCHOOL PERSONNEL WITH DIRECT CONTACT AND SUPERVISION OF STUDENTS ON, EVERY 2 YEARS, DESIGNATE AN INDIVIDUAL TRAINED IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION TO PRESENT AN ABRIDGED VERSION OF SEIZURE RESPONSE BEST PRACTICES, BASED ON THE GUIDELINES DEVELOPED UNDER SUBSECTION (D) OF THIS SECTION,**~~ ***REQUIRE AN INDIVIDUAL TRAINED UNDER SUBSECTION (B) OF THIS SECTION ~~TO, EVERY 2 YEARS, PRESENT~~ TO PRESENT, EVERY 2 YEARS,*** **TO ALL SCHOOL PERSONNEL** ~~**WITH**~~ ***WHO HAVE*** **DIRECT CONTACT AND SUPERVISION OF STUDENTS** ***AN ABRIDGED VERSION OF THE BEST PRACTICES FOR SEIZURE RESPONSE, BASED ON THE SCHOOL HEALTH SERVICES GUIDELINES DEVELOPED UNDER SUBSECTION (D) OF THIS SECTION*****, INCLUDING:**

(I) RECOGNIZING THE SIGNS AND SYMPTOMS OF A SEIZURE; AND

(II) ~~APPROPRIATE STEPS FOR~~ PROCEDURES FOR NOTIFYING THE SCHOOL PERSONNEL TRAINED IN ADMINISTERING FIRST AID FOR A SEIZURE.

~~**(2) SCHOOL PERSONNEL WHO ARE REQUIRED TO PARTICIPATE IN THE TRAINING UNDER THIS SUBSECTION SHALL BE COMPENSATED FOR THE TRAINING IN ACCORDANCE WITH THE SCHOOL PERSONNEL'S HOURLY RATE OF PAY.**~~

(2) SCHOOL PERSONNEL SHALL ATTEND THE PRESENTATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION DURING PROFESSIONAL DEVELOPMENT, A PRESERVICE MEETING, OR A STAFF MEETING.

(3) A COUNTY BOARD IS ENCOURAGED TO PROVIDE TO SCHOOL BUS DRIVERS AND SCHOOL BUS AIDES:

(I) THE PRESENTATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION DURING THEIR WORK HOURS; OR

(II) THE INFORMATION FROM THE PRESENTATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(D) THE DEPARTMENT AND THE MARYLAND DEPARTMENT OF HEALTH, IN CONSULTATION WITH THE EPILEPSY FOUNDATION OF AMERICA AND OTHER INTERESTED STAKEHOLDERS, SHALL DEVELOP *SCHOOL HEALTH SERVICES* GUIDELINES AND A TRAINING PROGRAM FOR *THE* SCHOOL PERSONNEL *UNDER SUBSECTION (B) OF THIS SECTION* ON THE ~~HEALTH CARE NEEDS~~ *MANAGEMENT* OF A STUDENT DIAGNOSED WITH A SEIZURE DISORDER.

~~(D)~~ (E) (1) BEGINNING IN THE 2023–2024 SCHOOL YEAR, A NONPUBLIC SCHOOL MAY REQUIRE AT LEAST TWO SCHOOL PERSONNEL TO BE TRAINED IN:

(I) RECOGNIZING THE SIGNS AND SYMPTOMS OF A SEIZURE;

(II) APPROPRIATE STEPS FOR ADMINISTERING FIRST AID FOR A SEIZURE; AND

(III) ~~ADMINISTERING~~ *SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, ADMINISTERING* OR ASSISTING WITH THE SELF–ADMINISTRATION OF A SEIZURE RESCUE MEDICATION, MEDICATION PRESCRIBED TO TREAT SEIZURE DISORDER SYMPTOMS APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION, AND MANUAL VAGUS NERVE STIMULATION.

~~**(2) SCHOOL PERSONNEL MUST BE APPROVED BY THE SCHOOL NURSE BEFORE THE PERSONNEL ARE AUTHORIZED TO ADMINISTER OR ASSIST WITH SELF–ADMINISTRATION OF A SEIZURE RESCUE MEDICATION.**~~

~~(3)~~ *(2)* A SCHOOL NURSE *OR OTHER SCHOOL HEALTH CARE PRACTITIONER* MAY SERVE AS ONE OF THE TRAINED SCHOOL PERSONNEL REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) IN ORDER TO AUTHORIZE SCHOOL PERSONNEL TO ADMINISTER OR ASSIST IN THE ADMINISTRATION OF SEIZURE MEDICATION, A NONPUBLIC SCHOOL SHALL OBTAIN WRITTEN AUTHORIZATION FROM A PARENT OR GUARDIAN IN ACCORDANCE WITH SUBSECTION (G) OF THIS SECTION.

~~(E)~~ (F) (1) THE PARENT OR GUARDIAN OF A STUDENT DIAGNOSED WITH A SEIZURE DISORDER SHALL COLLABORATE WITH SCHOOL PERSONNEL TO CREATE A SEIZURE ACTION PLAN.

(2) THE DEPARTMENT, IN COLLABORATION WITH THE MARYLAND DEPARTMENT OF HEALTH, SHALL ENSURE:

(I) HEALTH GUIDELINES INCLUDE SEIZURE FIRST AID PROCEDURES; AND

(II) HEALTH PLANS INCLUDE SEIZURE ACTION PLANS.

(3) A COPY OF A SEIZURE ACTION PLAN SHALL BE:

(I) RETAINED IN THE OFFICE OF THE SCHOOL NURSE OR AN ADMINISTRATOR; AND

(II) DISTRIBUTED TO ANY SCHOOL PERSONNEL OR VOLUNTEER RESPONSIBLE FOR THE SUPERVISION OR CARE OF A STUDENT DIAGNOSED WITH A SEIZURE DISORDER.

~~(F)~~ (G) (1) THE PARENT OR GUARDIAN OF A STUDENT DIAGNOSED WITH A SEIZURE DISORDER SHALL PROVIDE THE SCHOOL WITH:

(I) A WRITTEN AUTHORIZATION FOR A TRAINED SCHOOL EMPLOYEE TO ADMINISTER OR ASSIST WITH ADMINISTERING SEIZURE MEDICATION AT SCHOOL;

(II) THE PRESCRIBED MEDICATION IN AN UNOPENED, SEALED PACKAGE WITH THE LABEL AFFIXED BY THE DISPENSING PHARMACY INTACT; AND

(III) A WRITTEN STATEMENT FROM THE STUDENT'S HEALTH CARE PRACTITIONER THAT INCLUDES:

1. THE STUDENT'S NAME;

2. THE NAME AND PURPOSE OF THE MEDICATION;

3. THE PRESCRIBED DOSAGE;

4. THE ROUTE OF ADMINISTRATION;

5. THE FREQUENCY THAT THE MEDICATION MAY BE ADMINISTERED; AND

6. THE CIRCUMSTANCES UNDER WHICH THE MEDICATION MAY BE ADMINISTERED.

(2) A WRITTEN AUTHORIZATION FOR THE ADMINISTRATION OF A SEIZURE RESCUE MEDICATION OR MEDICATION PRESCRIBED TO TREAT SEIZURE DISORDER SYMPTOMS SHALL BE:

(I) EFFECTIVE FOR THE SCHOOL YEAR IN WHICH IT IS SUBMITTED; AND

(II) RENEWED EACH SCHOOL YEAR IF THE REQUIREMENTS OF THIS SUBSECTION ARE FULFILLED.

~~(G)~~ (H) ***NOTHING IN THIS SECTION MAY BE CONSTRUED TO AUTHORIZE ANY PUBLIC SCHOOL PERSONNEL TO ADMINISTER OR ASSIST IN SELF–ADMINISTRATION OF MEDICATION FOR A SEIZURE, UNLESS THE PERSONNEL:***

(1) HAS COMPLETED THE PAID PROFESSIONAL DEVELOPMENT TRAINING UNDER SUBSECTION (B) OF THIS SECTION; AND

(2) IS AUTHORIZED THROUGH WRITTEN AUTHORIZATION UNDER SUBSECTION (G) OF THIS SECTION TO ADMINISTER OR ASSIST IN SELF–ADMINISTRATION OF MEDICATION.

(I) **EXCEPT FOR ANY WILLFUL OR GROSSLY NEGLIGENT ACT, AN EMPLOYEE OR OTHER SCHOOL PERSONNEL WHO RESPONDS IN GOOD FAITH TO A STUDENT EXPERIENCING A SEIZURE OR SEIZURE DISORDER SYMPTOMS IN ACCORDANCE WITH THIS SECTION IS IMMUNE FROM CIVIL LIABILITY FOR ANY ACT OR OMISSION IN THE COURSE OF RESPONDING TO THE SITUATION.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

May 27, 2022

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 141 – *Equity in Transportation Sector – Guidelines and Analyses.*

The Federal Transit Administration (FTA) is in the process of updating the Title VI Circular, and it is anticipated that there will be new federal Title VI guidance available later this year. Thus, the federal Title VI landscape for equity analyses, capital projects, service changes, and how Disparate Impact and Disparate Burden are calculated could change prior to the Maryland Department of Transportation Maryland Transit Administration's (MDOT MTA) upcoming June 2022 service change. With the possibility of a regulatory landscape change later in 2022, it is likely that this legislation could be preempted or superseded by new federal guidance and regulations. Adopting new state requirements as the federal requirements are being updated will result in conflicts, inconsistencies, or other unintended consequences.

I am supportive of the intent of this legislation to improve transit, as demonstrated by my record–level investment in transit to date, but it must be done in a fiscally responsible manner and in one that does not limit MDOT's ability to adapt to evolving conditions. Binding the MDOT MTA to the requirements in House Bill 141 while the FTA is anticipated to release guidance in the same subject area will ultimately result in conflict and confusion while implementing possibly competing guidance.

For these reasons, I have vetoed House Bill 141.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 141

AN ACT concerning

Equity in Transportation Sector – Guidelines and Analyses

FOR the purpose of requiring that equity be considered when certain State transportation plans, reports, and goals are developed; altering the membership of the advisory committee on State transportation goals, benchmarks, and indicators; ~~establishing the Commission on Transportation Equity;~~ requiring the Department of Transportation, in collaboration with the Maryland Transit Administration, to conduct certain analyses and consult with certain communities before announcing or proposing certain service changes; requiring the Administration to take certain actions to avoid or minimize certain disparate impacts or disproportionate burdens; requiring the Administration to compile a report on the impacts of a proposed service change after holding a public hearing on the proposed service change; requiring the Department, in collaboration with the Administration, to conduct certain analyses and consult with certain communities before announcing any reduction or cancellation of a capital expansion project in the construction program of the Consolidated Transportation Program; requiring the Administration to compile a report on the impacts of a proposed reduction or cancellation of a capital expansion project in the construction program of the Consolidated Transportation Program; and generally relating to equity in transportation.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 2–103.1(d), (h), and (j) and 7–101
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 2–103.1(g) and (i)
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY adding to
Article – Transportation
Section 7–714 ~~and 7–715~~ through 7–716
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

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

Article – Transportation

2–103.1.

(d) **(1)** The Maryland Transportation Plan shall:

[(1)**]** **(I)** Except as otherwise provided, be revised every 5 years through an inclusive public participation process;

[(2)**]** **(II)** Include a 20–year forecast of State transportation needs, based on the financial resources anticipated to be available to the Department during that 20–year period;

[(3)**]** **(III)** Be expressed in terms of the State transportation goals and measures; and

[(4)**]** **(IV)** Include a summary of the types of projects and programs that are proposed to accomplish the State transportation goals and measures, using a multi–modal approach when feasible.

(2) BEGINNING WITH THE 2045 MARYLAND TRANSPORTATION PLAN, THE DEPARTMENT SHALL CONSIDER WAYS TO ACHIEVE EQUITY IN THE TRANSPORTATION SECTOR WHEN DEVELOPING THE STATE TRANSPORTATION GOALS.

(g) Beginning with the year 2002 State Report on Transportation and continuing thereafter, before the General Assembly considers the proposed Maryland Transportation Plan and the proposed Consolidated Transportation Program, the Department shall submit an annual report on the attainment of State transportation goals and benchmarks for the approved and proposed Maryland Transportation Plan and the approved and proposed Consolidated Transportation Program to the Governor and, subject to § 2–1257 of the State Government Article, to the General Assembly.

(h) (1) The report required under subsection (g) of this section shall include:

(i) The establishment of certain measurable performance indicators or benchmarks, in priority funding areas at a minimum, designed to quantify the State transportation goals and measures specified in the Maryland Transportation Plan and § 2–103.7 of this subtitle; and

(ii) The degree to which the projects and programs contained in the approved Maryland Transportation Plan and Consolidated Transportation Program attain those goals and benchmarks as measured by the performance indicators or benchmarks.

(2) The Department shall include in its report measurable long–term goals, and intermediate benchmarks of progress toward the attainment of the long–term goals, for the following measurable transportation indicators:

(i) An increase in the share of total person trips for each of transit, high occupancy auto, pedestrian, and bicycle modes of travel;

(ii) A decrease in indicators of traffic congestion as determined by the Department; and

(iii) Any other performance goals established by the Department for reducing automobile traffic and increasing the use of nonautomobile traffic.

(3) (I) BEGINNING WITH THE ~~2023~~ 2024 ATTAINMENT REPORT ON TRANSPORTATION SYSTEM PERFORMANCE, THE ADVISORY COMMITTEE ADVISING THE DEPARTMENT ON STATE TRANSPORTATION GOALS, BENCHMARKS, AND INDICATORS SHALL ~~CONSULT WITH THE COMMISSION ON TRANSPORTATION EQUITY TO~~ RECOMMEND MEASURABLE TRANSPORTATION INDICATORS THAT CAN BE EVALUATED FOR:

1. RACIAL AND ETHNIC DISPARITIES; AND

2. ~~IMPACTS~~ TO THE EXTENT DATA IS AVAILABLE, IMPACTS ON PERSONS WITH DISABILITIES.

(II) THE DEPARTMENT SHALL EVALUATE THE INDICATORS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH TO IDENTIFY ANY:

1. RACIAL AND ETHNIC DISPARITIES; AND

2. ~~IMPACTS~~ TO THE EXTENT DATA IS AVAILABLE, IMPACTS ON PERSONS WITH DISABILITIES.

[(3)**]** **(4)** The performance indicators or benchmarks described in this subsection shall acknowledge the difference between urban and rural transportation needs.

(i) The Smart Growth Subcabinet, established under Title 9, Subtitle 14 of the State Government Article, shall conduct an annual review of the State transportation goals, benchmarks, and indicators.

(j) (1) An advisory committee shall be assembled to advise the Department on the State transportation goals, benchmarks, and indicators under subsection (h) of this section.

(2) Membership of the advisory committee shall include but is not limited to the following members appointed by the Governor:

(i) A representative of the Maryland business community;

(ii) A representative of the disabled citizens community;

(iii) A representative of rural interests;

(iv) A representative of an auto users group;

(v) A representative of a transit users group;

(vi) A representative of the goods movement industry;

(vii) A nationally recognized expert on transportation demand management;

(viii) A nationally recognized expert on pedestrian and bicycle transportation;

(ix) A nationally recognized expert on transportation performance measurement;

(x) A representative of an environmental advocacy organization;

(xi) A representative from the Maryland Department of Planning;

(xii) A representative of the Maryland Association of Counties; **[**and**]**

(xiii) A representative of the Maryland Municipal League**;**

(XIV) A REPRESENTATIVE OF THE MARYLAND STATE CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE; AND

(XV) A REPRESENTATIVE OF A TRANSPORTATION LABOR ORGANIZATION, DESIGNATED BY THE MARYLAND STATE AND DISTRICT OF COLUMBIA AFL–CIO.

(3) The Governor shall appoint the chairman of the advisory committee.

(4) The advisory committee shall meet at least four times during the process of developing the Maryland Transportation Plan to provide advice to the Department on meeting the requirements of this subsection.

(5) The Department and the advisory committee shall consider the following:

(i) Transportation and population trends and their impact on the State's transportation system and priority funding areas;

(ii) Past and present State funding devoted to the various transportation modes and demand management;

(iii) The full range of unmet transportation needs in priority funding areas;

(iv) The full range of transportation measures and facilities available, and their role, effectiveness, and cost effectiveness in providing travel choices and reducing congestion;

(v) A review of transportation performance indicators and their use in other states;

(vi) A review of the coordination of State transportation investments with local growth plans for priority funding areas;

(vii) The types of investments needed and their levels of funding for supporting the State transportation goals and measures established under § 2–103.7 of this subtitle;

(viii) The impact of transportation investment on:

1. The environment;

2. Environmental justice as defined in § 1–701 of the Environment Article;

3. Communities; **[**and**]**

4. Economic development; **[**and**]**

5. RACIAL EQUITY; AND

6. ~~PERSONS~~ TO THE EXTENT DATA IS AVAILABLE, PERSONS WITH DISABILITIES, INCLUDING SERVICE ACCESSIBILITY; AND

(ix) The Climate Action Plan goals required by the Greenhouse Gas Emissions Reduction Act of 2009 under § 2–1205(b) of the Environment Article.

7–101.

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

(b) "Administration" means the Maryland Transit Administration.

(c) "Administrator" means the Maryland Transit Administrator.

(D) "DISPARATE IMPACT" MEANS A FACIALLY NEUTRAL POLICY OR PRACTICE THAT DISPROPORTIONATELY AFFECTS MEMBERS OF A GROUP IDENTIFIED BY RACE, COLOR, OR NATIONAL ORIGIN, WHERE THE RECIPIENT'S POLICY OR PRACTICE LACKS A SUBSTANTIAL LEGITIMATE JUSTIFICATION AND WHERE THERE EXIST ONE OR MORE ALTERNATIVES THAT WOULD SERVE THE SAME

LEGITIMATE OBJECTIVES BUT WITH LESS DISPROPORTIONATE EFFECT ON THE BASIS OF RACE, COLOR, OR NATIONAL ORIGIN.

(E) "DISPROPORTIONATE BURDEN" MEANS A FACIALLY NEUTRAL POLICY OR PRACTICE THAT DISPROPORTIONATELY AFFECTS LOW–INCOME POPULATIONS MORE THAN NON–LOW–INCOME POPULATIONS AND, ON A FINDING OF DISPROPORTIONATE BURDEN, REQUIRES THE RECIPIENT TO EVALUATE ALTERNATIVES AND MITIGATE BURDENS WHERE PRACTICABLE.

[(d)**] (F)** "District" means:

(1) The Metropolitan Transit District, consisting of Baltimore City, Baltimore County, Anne Arundel County, and other areas as designated by the Secretary after consultation and coordination with the affected jurisdiction and subject to the provisions of the Washington Metropolitan Transit Authority Compact; and

(2) Any area in which railroad service is performed under contract with the Administration or in which railroad facilities are owned by the Administration.

[(e)**] (G)** "Excursion train" means any special event train sponsored or contracted for in connection with the promotion of a public event benefiting the State and its citizens.

[(f)**] (H)** "Light rail transit" means rail transit which is electrically powered and can operate in mixed traffic with automobiles.

[(g)**] (I)** "Private carrier" means any person that renders transit service within the District under an operating permit or license issued by an agency of this State exercising regulatory jurisdiction over transportation of passengers within this State and over persons engaged in that business.

[(h)**] (J)** "Proof of fare payment" means evidence of fare prepayment authorized by the Administration for the use of transit service.

[(i)**] (K)** "Railroad company" means any entity engaged in the providing of railroad service under this title.

[(j)**] (L)** (1) "Railroad facility" means any facility used in providing railroad services, and includes any one or more or combination of:

(i) Switches, spurs, tracks, structures, terminals, yards, real property, and other facilities useful or designed for use in connection with the transportation of persons or goods by rail; and

(ii) All other appurtenances, including locomotives, cars, vehicles, and other instrumentalities of shipment or carriage, useful or designed for use in connection with the transportation of persons or goods by rail.

(2) "Railroad facility" does not include any transit facility.

[(k)**] (M)** "Railroad service" means any service utilizing rail or railroad facilities performed by any common carrier operating under the jurisdiction of the State or federal government as a common carrier and includes any such service performed by the National Railroad Passenger Corporation.

[(l)**] (N)** "Transit facility" includes any one or more or combination of tracks, rights–of–way, bridges, tunnels, subways, rolling stock, stations, terminals, ports, parking areas, equipment, fixtures, buildings, structures, other real or personal property, and services incidental to or useful or designed for use in connection with the rendering of transit service by any means, including rail, bus, motor vehicle, or other mode of transportation, but does not include any railroad facility.

[(m)**] (O)** "Transit–oriented development" means a mix of private or public parking facilities, commercial and residential structures, and uses, improvements, and facilities customarily appurtenant to such facilities and uses, that:

(1) Is part of a deliberate development plan or strategy involving:

(i) Property that is adjacent to the passenger boarding and alighting location of a planned or existing transit station; or

(ii) Property, any part of which is located within one–half mile of the passenger boarding and alighting location of a planned or existing transit station;

(2) Is planned to maximize the use of transit, walking, and bicycling by residents and employees; and

(3) Is designated as a transit–oriented development by:

(i) The Secretary, after considering a recommendation of the Smart Growth Subcabinet established under § 9–1406 of the State Government Article; and

(ii) The local government or multicounty agency with land use and planning responsibility for the relevant area.

[(n)**] (P)** (1) "Transit service" means the transportation of persons and their packages and baggage and of newspapers, express, and mail in regular route, special, or charter service by means of transit facilities between points within the District.

(2) "Transit service" does not include any:

(i) Vanpool operation; or

(ii) Railroad service.

[(o)**] (Q)** (1) "Transit station" means any facility, the primary function of which relates to the boarding and alighting of passengers from transit vehicles.

(2) "Transit station" includes platforms, shelters, passenger waiting facilities, parking areas, access roadways, and other real property used to facilitate passenger access to transit service or railroad service.

[(p)**] (R)** "Transit vehicle" means a mobile device used in rendering transit service.

7–714.

~~**(A) IN THIS SECTION, "COMMISSION" MEANS THE COMMISSION ON TRANSPORTATION EQUITY.**~~

~~**(B) THERE IS A COMMISSION ON TRANSPORTATION EQUITY.**~~

~~**(C) THE COMMISSION CONSISTS OF THE FOLLOWING MEMBERS:**~~

~~**(1) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY'S DESIGNEE, AS AN EX OFFICIO MEMBER;**~~

~~**(2) THREE MEMBERS APPOINTED BY THE GOVERNOR;**~~

~~**(3) TWO MEMBERS APPOINTED BY THE PRESIDENT OF THE SENATE;**~~

~~**(4) TWO MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE;**~~

~~**(5) ONE REPRESENTATIVE OF A TRANSPORTATION LABOR ORGANIZATION, DESIGNATED BY THE MARYLAND STATE AND DISTRICT OF COLUMBIA AFL–CIO; AND**~~

~~**(6) THE FOLLOWING MEMBERS, APPOINTED JOINTLY BY THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE:**~~

~~**(I) ONE REPRESENTATIVE OF THE MARYLAND STATE CONFERENCE OF THE NATIONAL ASSOCIATION FOR THE ADVANCEMENT OF COLORED PEOPLE;**~~

~~**(II) ONE REPRESENTATIVE OF DISABILITY RIGHTS MARYLAND;**~~

~~(III) ONE REPRESENTATIVE OF CASA DE MARYLAND;~~

~~(IV) ONE REPRESENTATIVE OF THE BALTIMORE TRANSIT EQUITY COALITION;~~

~~(V) TWO HIGH SCHOOL STUDENTS, AT LEAST ONE OF WHOM MUST BE A TRANSIT RIDER RESIDING IN BALTIMORE CITY; AND~~

~~(VI) A REPRESENTATIVE OF THE JOHNS HOPKINS BLOOMBERG SCHOOL OF PUBLIC HEALTH.~~

~~(D) (1) EACH APPOINTING OFFICIAL SHALL CONSIDER THE EXPERTISE OF THE OTHER MEMBERS APPOINTED TO THE COMMISSION AND ATTEMPT TO MAKE APPOINTMENTS THAT REFLECT A DIVERSITY OF EXPERTISE.~~

~~(2) THE COMMISSION SHALL REFLECT THE CULTURAL, ETHNIC, AND GEOGRAPHIC DIVERSITY OF THE STATE.~~

~~(E) (1) THE COMMISSION SHALL ELECT A CHAIR AND VICE CHAIR FROM AMONG ITS MEMBERS.~~

~~(2) THE COMMISSION:~~

~~(I) SHALL HOLD REGULAR QUARTERLY MEETINGS; AND~~

~~(II) MAY CONVENE A SPECIAL MEETING IF NECESSARY.~~

~~(F) (1) NINE MEMBERS OF THE COMMISSION SHALL CONSTITUTE A QUORUM.~~

~~(2) ALL ACTIONS OF THE COMMISSION SHALL REQUIRE THE AFFIRMATIVE VOTE OF AT LEAST NINE MEMBERS.~~

~~(G) A MEMBER OF THE COMMISSION MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE COMMISSION, BUT IS ENTITLED TO:~~

~~(1) A PER DIEM RATE AS PROVIDED IN THE STATE BUDGET FOR ATTENDING SCHEDULED MEETINGS OF THE COMMISSION; AND~~

~~(2) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.~~

~~(II) THE DEPARTMENT SHALL PROVIDE STAFF FOR THE COMMISSION.~~

~~(I) THE COMMISSION SHALL:~~

~~(1) WORK WITH THE DEPARTMENT TO DEVELOP POLICIES AND PERFORMANCE MEASURES TO ENSURE THAT THE STATE TRANSPORTATION SYSTEM IS EQUITABLE;~~

~~(2) ADVISE THE DEPARTMENT ON HOW THE TRANSPORTATION SYSTEM IN THE STATE CAN ADDRESS RACIAL DISPARITIES IN EMPLOYMENT, EDUCATION, ENVIRONMENT, HOUSING, AND HEALTH;~~

~~(3) ADVISE THE ADMINISTRATION ON METHODOLOGY FOR EVALUATING THE CORRELATION BETWEEN TRANSIT AND FACTORS SUCH AS HEALTH, ENVIRONMENTAL JUSTICE, SOCIOECONOMIC STATUS, AND DISABILITY STATUS;~~

~~(4) CONSIDER AND RECOMMEND HOW TO USE THE "TRANSPORTATION EQUITY AND ENVIRONMENTAL HEALTH IN BALTIMORE CITY" STUDY BY THE JOHNS HOPKINS BLOOMBERG SCHOOL OF PUBLIC HEALTH AND THE BALTIMORE TRANSIT EQUITY COALITION AS A SOURCE OF TRANSIT EQUITY, HEALTH, AND POLLUTANTS CONVERGENCE ANALYSIS AND AS AN INSTRUMENT LEADING TO IMPROVED STATEWIDE TRANSIT EQUITY;~~

~~(5) (I) ADVISE THE ADMINISTRATION ON THE 3–YEAR TITLE VI IMPLEMENTATION PROGRAM; AND~~

~~(II) IN ACCORDANCE WITH THE FEDERAL TRANSIT ADMINISTRATION'S TITLE VI REQUIREMENTS AND GUIDELINES FOR FEDERAL TRANSIT ADMINISTRATION RECIPIENTS, ADVISE THE ADMINISTRATION ON DEVELOPING:~~

~~1. A MAJOR SERVICE CHANGE POLICY;~~

~~2. A DISPARATE IMPACT POLICY; AND~~

~~3. A DISPROPORTIONATE BURDEN POLICY;~~

~~(6) ADVISE THE~~ THE ADMINISTRATION ~~ON:~~ SHALL DEVELOP

~~(I) TRANSIT~~ TRANSIT EQUITY ANALYSIS POLICIES AND GUIDELINES, INCLUDING THRESHOLDS FOR WHEN ~~A CHANGE TO SERVICE OR~~ A REDUCTION OR CANCELLATION OF A CAPITAL EXPANSION PROJECT IN THE CONSTRUCTION PROGRAM OF THE CONSOLIDATED TRANSPORTATION PROGRAM REQUIRES ANALYSIS~~; AND~~.

~~(II) POLICIES AND GUIDELINES THAT INCLUDE METHODS FOR INTERMODAL ANALYSIS TO ENSURE THAT A CHANGE DOES NOT DISPROPORTIONATELY IMPACT MODES WITH MAJORITY–MINORITY RIDERSHIP;~~

~~(7) ADVISE AND ASSIST THE DEPARTMENT AND THE ADMINISTRATION WITH COMMUNITY OUTREACH TO MINORITY COMMUNITIES, LOW–INCOME COMMUNITIES, DISABLED RIDERS, AND RIDERS WITH LIMITED ENGLISH PROFICIENCY; AND~~

~~(8) (I) HOLD AT LEAST ONE TOWN HALL MEETING ANNUALLY TO SOLICIT INPUT FROM THE PUBLIC ON ISSUES OF TRANSPORTATION EQUITY;~~

~~(II) ALLOW THE PUBLIC TO TESTIFY AT TOWN HALL MEETINGS IN PERSON OR THROUGH ELECTRONIC MEANS; AND~~

~~(III) TO THE EXTENT POSSIBLE, HOLD TOWN HALL MEETINGS IN VARIOUS REGIONS OF THE STATE.~~

~~(J) (1) THE COMMISSION SHALL PRODUCE AN ANNUAL REPORT THAT INCLUDES:~~

~~(I) ACTIVITIES OF THE COMMISSION;~~

~~(II) THE DEPARTMENT'S PROGRESS ON ENSURING EQUITABLE TRANSPORTATION SYSTEMS;~~

~~(III) RECOMMENDATIONS FOR THE DEPARTMENT TO IMPROVE EQUITY; AND~~

~~(IV) AN ANALYSIS OF THE TESTIMONY RECEIVED FROM THE PUBLIC DURING ANY TOWN HALL MEETINGS HELD BY THE COMMISSION DURING THE PREVIOUS CALENDAR YEAR.~~

~~(2) THE REPORT SHALL BE:~~

~~(I) POSTED ON THE DEPARTMENT'S WEBSITE; AND~~

~~(II) MADE AVAILABLE TO THE PUBLIC ON REQUEST.~~

~~(K) ON OR BEFORE OCTOBER 1, 2023, AND EACH OCTOBER 1 THEREAFTER, THE COMMISSION SHALL SUBMIT THE ANNUAL REPORT REQUIRED UNDER SUBSECTION (J) OF THIS SECTION TO:~~

~~(1) THE MEMBERS OF THE BOARD OF PUBLIC WORKS;~~

~~(2) THE ATTORNEY GENERAL;~~

~~(3) THE SECRETARY OF TRANSPORTATION; AND~~

~~(4) IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE:~~

~~(I) THE PRESIDENT OF THE SENATE;~~

~~(II) THE SPEAKER OF THE HOUSE;~~

~~(III) THE SENATE FINANCE COMMITTEE; AND~~

~~(IV) THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE.~~

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

Article – Transportation

7–715.

(A) BEFORE ANNOUNCING ~~OR PROPOSING~~ ANY SERVICE CHANGE THAT WOULD CONSTITUTE A MAJOR SERVICE CHANGE UNDER THE FEDERAL TRANSIT ADMINISTRATION'S TITLE VI REQUIREMENTS AND GUIDELINES FOR FEDERAL TRANSIT ADMINISTRATION RECIPIENTS~~, OR ANY REDUCTION OR CANCELLATION OF A CAPITAL PROJECT EXCEEDING THE THRESHOLDS DEVELOPED BY THE ADMINISTRATION IN COORDINATION WITH THE COMMISSION ON TRANSPORTATION EQUITY~~, THE DEPARTMENT, IN COLLABORATION WITH THE ADMINISTRATION, SHALL:

(1) CONDUCT A TRANSIT EQUITY ANALYSIS IN ACCORDANCE WITH THE TITLE VI REQUIREMENTS AND GUIDELINES FOR FEDERAL TRANSIT ADMINISTRATION RECIPIENTS ~~AND THE GUIDELINES ADVISED BY THE COMMISSION ON TRANSPORTATION EQUITY~~ TO DETERMINE WHETHER THE CHANGE WILL CREATE A DISPARATE IMPACT OR A DISPROPORTIONATE BURDEN;

(2) PERFORM A COST–BENEFIT ANALYSIS, INCLUDING AN ANALYSIS OF IMPACTS ON:

(I) ECONOMIC DEVELOPMENT;

(II) EMPLOYMENT;

(III) EDUCATION; ~~AND~~

(IV) HEALTH; AND

(V) ENVIRONMENTAL JUSTICE; AND

(3) CONSULT WITH MEMBERS AND LEADERS OF AFFECTED COMMUNITIES, INCLUDING THROUGH COMMUNITY OUTREACH TO:

(I) RACIAL MINORITY COMMUNITIES;

(II) LOW–INCOME COMMUNITIES;

(III) DISABLED RIDERS;

(IV) RIDERS WITH LIMITED ENGLISH PROFICIENCY; ~~AND~~

(V) TRANSIT–RELIANT RIDERS; AND

(VI) SENIOR RIDERS.

(B) (1) IF~~, ACCORDING TO THE GUIDELINES ADVISED BY THE COMMISSION ON TRANSPORTATION EQUITY,~~ A TRANSIT EQUITY ANALYSIS REVEALS DISPARATE IMPACT OR DISPROPORTIONATE BURDEN, THE ADMINISTRATION SHALL:

(I) DEVELOP ALTERNATIVES THAT WOULD MEET THE GOALS OF THE PROPOSED SERVICE CHANGE; AND

(II) CONDUCT A TRANSIT EQUITY ANALYSIS ON THE ALTERNATIVES.

(2) IF A DISPARATE IMPACT CAN BE AVOIDED THROUGH USE OF ONE OF THE ALTERNATIVES ANALYZED, THE ADMINISTRATION SHALL PROCEED WITH THAT ALTERNATIVE AS THE PRIMARY PROPOSED SERVICE CHANGE.

(3) IF THERE IS NO ALTERNATIVE THAT WOULD AVOID A DISPARATE IMPACT OR DISPROPORTIONATE BURDEN, THE ADMINISTRATION:

(I) MAY NOT IMPLEMENT THE PROPOSED SERVICE CHANGE UNLESS A SUBSTANTIAL JUSTIFICATION EXISTS THAT NECESSITATES THE CHANGE; AND

(II) SHALL IMPLEMENT THE ALTERNATIVE THAT CAUSES THE LEAST DISPARATE IMPACT OR DISPROPORTIONATE BURDEN.

(C) BEFORE HOLDING A PUBLIC HEARING ON A PROPOSED SERVICE CHANGE, THE ADMINISTRATION SHALL: PUBLISH ON THE ADMINISTRATION'S WEBSITE, FOR THE ROUTES OR LINES IMPACTED BY THE SERVICE CHANGE, AN EVALUATION ON THE DEMOGRAPHICS OF:

(1) THE RIDERS OF THE ROUTES OR LINES; AND

(2) THE SERVICE AREA.

~~**(I) PUBLISH THE TRANSPORTATION EQUITY ANALYSIS AND COST–BENEFIT ANALYSIS ON THE ADMINISTRATION'S WEBSITE; AND**~~

~~**(II) PROVIDE A COPY TO THE COMMISSION ON TRANSPORTATION EQUITY.**~~

(D) (1) AFTER COMPLETING THE PUBLIC HEARINGS, THE ADMINISTRATION SHALL ~~COMPILE~~:

(I) PUBLISH THE TRANSIT EQUITY ANALYSIS AND COST–BENEFIT ANALYSIS ON THE ADMINISTRATION'S WEBSITE; AND

(II) COMPILE A REPORT ON THE IMPACTS OF THE PROPOSED SERVICE CHANGE.

(2) THE REPORT SHALL INCLUDE:

(I) THE TRANSIT EQUITY ANALYSIS;

(II) THE COST–BENEFIT ANALYSIS;

(III) A COMMUNITY OUTREACH REPORT;

(IV) ANY ALTERNATIVES ANALYZED; AND

(V) IF APPLICABLE, THE FINAL ALTERNATIVE SELECTED.

(3) IF A DISPARATE IMPACT OR DISPROPORTIONATE BURDEN EXISTS IN THE FINAL ALTERNATIVE SELECTED, THE REPORT SHALL INCLUDE A SUBSTANTIAL JUSTIFICATION STATEMENT.

(4) THE REPORT SHALL BE:

(I) MADE AVAILABLE TO THE PUBLIC ON THE ADMINISTRATION'S WEBSITE, WITH A VISIBLE LINK FROM THE PRIMARY INFORMATION PAGE RELATING TO THE PROPOSED SERVICE CHANGE; AND

(II) DISTRIBUTED TO:

1. THE MEMBERS OF THE BOARD OF PUBLIC WORKS;

2. THE ATTORNEY GENERAL;

3. THE SECRETARY OF TRANSPORTATION;

4. ~~THE COMMISSION ON TRANSPORTATION EQUITY;~~

~~5.~~ ANY ELECTED OFFICIALS WHOSE DISTRICTS WOULD BE IMPACTED BY THE PROPOSED SERVICE CHANGE;

~~6.~~ 5. ANY COMMUNITY LEADERS CONSULTED DURING THE COMMUNITY OUTREACH PROCESS; AND

~~7.~~ 6. IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE:

A. THE PRESIDENT OF THE SENATE;

B. THE SPEAKER OF THE HOUSE;

C. THE SENATE FINANCE COMMITTEE; AND

D. THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE.

7–716.

(A) BEFORE ANNOUNCING ANY REDUCTION OR CANCELLATION OF A CAPITAL EXPANSION PROJECT IN THE CONSTRUCTION PROGRAM OF THE CONSOLIDATED TRANSPORTATION PROGRAM THAT EXCEEDS THE THRESHOLDS DEVELOPED BY THE ADMINISTRATION, THE DEPARTMENT, IN COLLABORATION WITH THE ADMINISTRATION, SHALL:

(1) CONDUCT A TRANSIT EQUITY ANALYSIS IN ACCORDANCE WITH THE TITLE VI REQUIREMENTS AND GUIDELINES FOR FEDERAL TRANSIT ADMINISTRATION RECIPIENTS AND THE GUIDELINES DEVELOPED BY THE

ADMINISTRATION TO DETERMINE WHETHER THE REDUCTION OR CANCELLATION WILL CREATE A DISPARATE IMPACT OR A DISPROPORTIONATE BURDEN;

(2) PERFORM A COST–BENEFIT ANALYSIS, INCLUDING AN ANALYSIS OF IMPACTS ON:

(I) ECONOMIC DEVELOPMENT;

(II) EMPLOYMENT;

(III) EDUCATION; AND

(IV) HEALTH; AND

(3) CONSULT WITH MEMBERS AND LEADERS OF AFFECTED COMMUNITIES, INCLUDING THROUGH COMMUNITY OUTREACH TO:

(I) RACIAL MINORITY COMMUNITIES;

(II) LOW–INCOME COMMUNITIES;

(III) DISABLED RIDERS;

(IV) RIDERS WITH LIMITED ENGLISH PROFICIENCY;

(V) TRANSIT–RELIANT RIDERS; AND

(VI) SENIOR RIDERS.

(B) (1) AFTER COMPLETING THE REQUIREMENTS UNDER SUBSECTION (A) OF THIS SECTION, THE ADMINISTRATION SHALL COMPILE A REPORT ON THE IMPACTS OF THE PROPOSED REDUCTION OR CANCELLATION OF A CAPITAL EXPANSION PROJECT IN THE CONSTRUCTION PROGRAM OF THE CONSOLIDATED TRANSPORTATION PROGRAM.

(2) THE REPORT SHALL INCLUDE:

(I) THE TRANSIT EQUITY ANALYSIS;

(II) THE COST–BENEFIT ANALYSIS; AND

(III) A COMMUNITY OUTREACH REPORT.

(3) THE REPORT SHALL BE:

(I) MADE AVAILABLE TO THE PUBLIC ON THE ADMINISTRATION'S WEBSITE, WITH A VISIBLE LINK FROM THE PRIMARY INFORMATION PAGE RELATING TO THE PROPOSED REDUCTION OR CANCELLATION; AND

(II) DISTRIBUTED TO:

1. THE MEMBERS OF THE BOARD OF PUBLIC WORKS;

2. THE ATTORNEY GENERAL;

3. THE SECRETARY OF TRANSPORTATION;

4. ANY ELECTED OFFICIALS WHOSE DISTRICTS WOULD BE IMPACTED BY THE PROPOSED SERVICE CHANGE;

5. ANY COMMUNITY LEADERS CONSULTED DURING THE COMMUNITY OUTREACH PROCESS; AND

6. IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE:

A. THE PRESIDENT OF THE SENATE;

B. THE SPEAKER OF THE HOUSE;

C. THE SENATE FINANCE COMMITTEE; AND

D. THE HOUSE ENVIRONMENT AND TRANSPORTATION COMMITTEE.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect July 1, 2023.

SECTION 4. AND BE IT FURTHER ENACTED, That, except as provided in Section 3 of this Act, this Act shall take effect October 1, 2022.

May 27, 2022

The Honorable Adrienne A. Jones
Speaker of the House of Delegates

H–101 State House
Annapolis, MD 21401

Dear Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 145 – *State Finance and Procurement – Prevailing Wage – Stop Work Orders*.

This bill authorizes the Commissioner of Labor and Industry in the Maryland Department of Labor to issue a stop work order to a public works contractor or subcontractor that may have violated the State's prevailing wage law. The bill also requires the commissioner to promptly conduct an investigation of compliance with prevailing wage requirements if the commissioner receives a complaint of a violation or is otherwise made aware of a possible violation. In addition, the bill provides guidelines for penalties, civil fines, and appeals.

Senate Bill 1, which was passed by the General Assembly and vetoed by me, accomplishes the same purpose.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 145

AN ACT concerning

State Finance and Procurement – Prevailing Wage – Stop Work Orders

FOR the purpose of authorizing the Commissioner of Labor and Industry to issue a stop work order for each work site where the Commissioner has made an initial determination that a contractor or subcontractor may have violated the prevailing wage requirements; requiring the Commissioner to follow certain procedures under certain circumstances; authorizing a prime contractor to terminate the contract of a subcontractor without incurring certain liability if the subcontractor has a stop work order issued against them; authorizing the Commissioner to assess a penalty against a contractor or subcontractor for each day the contractor or subcontractor violates the stop work order; requiring the Commissioner to release a stop work order on a showing that the contractor or subcontractor is properly paying the required prevailing wage to employees and has paid all associated penalties; authorizing an appeal from the issuance of a stop work order; authorizing the Commissioner to impose a civil fine for each day an employer or employer's agent knowingly fails to comply with an investigation; ~~granting the Maryland State Board of Contract Appeals jurisdiction to hear a certain appeal;~~ and generally relating to stop work orders for the enforcement of prevailing wage laws.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
~~Section 15–211, 17–201(b), and 17–221~~ Section 17–221
Annotated Code of Maryland
(2021 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 17–201(a), (b), (c), (f), (g), and (h)
Annotated Code of Maryland
(2021 Replacement Volume)

~~BY adding to~~
~~Article – State Finance and Procurement~~
~~Section 17–201(b)~~
~~Annotated Code of Maryland~~
~~(2021 Replacement Volume)~~

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

Article – State Finance and Procurement

~~15–211.~~

~~(a) The Appeals Board shall have jurisdiction to hear and decide all appeals arising from the final action of a unit:~~

~~(1) on a protest relating to the formation of a procurement contract, including a violation of § 13–212.1 of this article; or~~

~~(2) except for a contract claim relating to a lease of real property, on a contract claim by a contractor or a unit concerning:~~

~~(i) breach;~~

~~(ii) performance;~~

~~(iii) modification; or~~

~~(iv) termination.~~

~~(b) THE APPEALS BOARD SHALL HAVE JURISDICTION TO HEAR AND DECIDE AN APPEAL ARISING FROM A DECISION OF THE COMMISSIONER OF LABOR AND INDUSTRY TO ISSUE A STOP WORK ORDER IN ACCORDANCE WITH § 17–221 OF THIS ARTICLE.~~

~~**(C)** A decision of the Appeals Board is final, subject to any judicial review.~~

17–201.

(a) In this subtitle, unless the context indicates otherwise, the following words have the meanings indicated.

~~**(B) "APPEALS BOARD" MEANS THE MARYLAND STATE BOARD OF CONTRACT APPEALS.**~~

~~**[**~~(b)~~**]** (B–1)~~ "Apprentice" means an individual who:

(1) is at least 16 years old;

(2) has signed with an employer or employer's agent, an association of employers, an organization of employees, or a joint committee from both, an agreement including a statement of:

(i) the trade, craft, or occupation that the individual is learning; and

(ii) the beginning and ending dates of the apprenticeship; and

(3) is registered in a program of the Council or the Office of Apprenticeship of the United States Department of Labor.

(c) "Commissioner" means:

(1) the Commissioner of Labor and Industry;

(2) the Deputy Commissioner of Labor and Industry; or

(3) an authorized representative of the Commissioner.

(f) (1) "Employee" means an apprentice or worker employed by a contractor or subcontractor under a public work contract.

(2) "Employee" does not include an individual employed by a public body.

(g) (1) "Locality" means the county in which the work is to be performed.

(2) If the public work is located within 2 or more counties, the locality includes all counties in which the public work is located.

(h) "Prevailing wage rate" means the hourly rate of wages paid in the locality as determined by the Commissioner under § 17–208 of this subtitle.

17–221.

(a) Each public body that awards a public work contract shall:

(1) take cognizance of a complaint of a violation of this subtitle committed in the course of performance of the public work contract; and

(2) when making payments to the contractor, withhold any amount that the contractor owes to its employees or the public body as a result of the violation.

(b) (1) The Commissioner shall **PROMPTLY** institute an investigation as necessary to determine compliance with this subtitle and regulations adopted under this subtitle **WHEN THE COMMISSIONER:**

(I) RECEIVES A COMPLAINT OF A VIOLATION OF THIS SUBTITLE; AND

(II) IS OTHERWISE MADE AWARE OF A POSSIBLE VIOLATION OF THIS SUBTITLE.

(2) **[**The Commissioner promptly shall investigate a complaint of a violation of this subtitle.

(3)**]** Any written or oral complaint or statement made by an employee is confidential and may not be disclosed to the employer without the consent of the employee.

(c) A contractor or subcontractor subject to an investigation under this section shall allow the Commissioner**, DURING NORMAL WORKING HOURS,** to observe work being performed at the site of a public work project, to interview employees, and to review books and records, to determine:

(1) the correctness of each classification;

(2) the ratio of apprentices to mechanics; and

(3) payment of straight and overtime prevailing wage rates as required under the public work contract.

(d) **(1)** If, after investigation, the Commissioner determines that a provision of this subtitle may have been violated, the Commissioner immediately shall notify the public body.

[(e) (1)**] (2)** On notification, the public body shall withhold from payment due the contractor or subcontractor an amount sufficient to:

(i) pay each employee of the contractor or subcontractor the full amount of wages due under this subtitle; and

(ii) satisfy a liability of a contractor for liquidated damages as provided in § 17–222(a) of this subtitle, pending a final determination.

[(2)**]** **(3)** If a subcontractor is responsible for a violation of this subtitle, the contractor:

(i) may withhold from payment to the subcontractor an amount equal to the amount withheld from the contractor under paragraph **[**(1)**]** **(2)** of this subsection; or

(ii) if payment has been made to the subcontractor, may sue to recover that amount.

(E) (1) (I) IF, AFTER INVESTIGATION, THE COMMISSIONER MAKES AN INITIAL DETERMINATION THAT A CONTRACTOR OR SUBCONTRACTOR MAY HAVE VIOLATED THE REQUIREMENT TO PAY THE PREVAILING WAGE RATE UNDER THIS SUBTITLE, THE COMMISSIONER IMMEDIATELY MAY ISSUE A STOP WORK ORDER TO CEASE ALL BUSINESS OPERATIONS AT EVERY SITE WHERE A VIOLATION OCCURRED AND SHALL:

1. NOTIFY THE CONTRACTOR OR SUBCONTRACTOR OF THE VIOLATION, TO INCLUDE A STATEMENT OF FACTS DISCLOSED IN THE INVESTIGATION;

2. MEET WITH THE CONTRACTOR OR SUBCONTRACTOR WITHIN 48 HOURS OF ISSUING THE STOP WORK ORDER; AND

3. PROVIDE THE CONTRACTOR *OR SUBCONTRACTOR* A REASONABLE TIMEFRAME, AS DETERMINED BY THE COMMISSIONER, TO RESOLVE THE VIOLATION.

(II) THE COMMISSIONER MAY ISSUE THE STOP WORK ORDER EVEN IF THE COMMISSIONER HAS REFERRED THE MATTER TO THE ATTORNEY GENERAL OR ANOTHER APPROPRIATE AUTHORITY FOR INVESTIGATION OR PROSECUTION.

(2) IF A STOP WORK ORDER IS ISSUED AGAINST A SUBCONTRACTOR~~,~~: ~~THE PRIME CONTRACTOR ON THE CONTRACT MAY TERMINATE THE CONTRACT WITH THE SUBCONTRACTOR WITHOUT INCURRING LIABILITY FOR DAMAGES RESULTING FROM THE TERMINATION.~~

(I) THE PRIME CONTRACTOR ON THE CONTRACT MAY NOT TERMINATE THE CONTRACT WITH THE SUBCONTRACTOR UNTIL 48 HOURS AFTER THE MEETING BETWEEN THE COMMISSIONER AND THE SUBCONTRACTOR;

(II) THE PRIME CONTRACTOR MAY NOT TERMINATE THE CONTRACT WITH THE SUBCONTRACTOR IF THE VIOLATION HAS BEEN RESOLVED; AND

(III) THE PRIME CONTRACTOR MAY NOT INCUR ANY CIVIL LIABILITY FOR DAMAGES TO THE SUBCONTRACTOR WHOSE CONTRACT WAS TERMINATED, OTHER SUBCONTRACTORS AFFECTED BY THE TERMINATION, OR ANY PUBLIC BODY RESULTING FROM THE TERMINATION.

(3) THE COMMISSIONER MAY IMPOSE A PENALTY OF UP TO $5,000 PER DAY AGAINST A CONTRACTOR OR SUBCONTRACTOR FOR EACH DAY THE CONTRACTOR OR SUBCONTRACTOR VIOLATES A STOP WORK ORDER.

(4) A STOP WORK ORDER ISSUED UNDER THIS SUBSECTION SHALL:

(I) TAKE EFFECT WHEN SERVED ON THE CONTRACTOR OR SUBCONTRACTOR; AND

(II) REMAIN IN EFFECT UNTIL THE COMMISSIONER ISSUES AN ORDER RELEASING THE STOP WORK ORDER.

(5) THE COMMISSIONER SHALL ISSUE AN ORDER RELEASING A STOP WORK ORDER ISSUED UNDER THIS SUBSECTION ON A SHOWING BY THE CONTRACTOR OR SUBCONTRACTOR THAT THE CONTRACTOR OR SUBCONTRACTOR:

(I) IS PROPERLY PAYING EMPLOYEES THE APPROPRIATE PREVAILING WAGE RATE SET IN ACCORDANCE WITH THIS SUBTITLE; AND

(II) HAS PAID ALL PENALTIES ASSESSED AGAINST THE CONTRACTOR OR SUBCONTRACTOR UNDER THIS SUBTITLE.

(6) THE COMMISSIONER MAY INCLUDE IN THE ORDER RELEASING A STOP WORK ORDER A REQUIREMENT THAT THE CONTRACTOR OR SUBCONTRACTOR SUBMIT PERIODIC REPORTS TO THE COMMISSIONER DEMONSTRATING COMPLIANCE WITH THE REQUIREMENTS OF THIS SUBTITLE.

(F) (1) (I) WITHIN 72 HOURS AFTER A CONTRACTOR OR SUBCONTRACTOR RECEIVES A STOP WORK ORDER UNDER SUBSECTION (E) OF THIS SECTION, THE CONTRACTOR OR SUBCONTRACTOR MAY SUBMIT A WRITTEN APPEAL TO THE ~~APPEALS BOARD~~ COMMISSIONER ON THE STOP WORK ORDER.

(II) IF AN APPEAL IS NOT REQUESTED WITHIN 72 HOURS, THE STOP WORK ORDER SHALL BECOME A FINAL ORDER OF THE COMMISSIONER.

(2) THE ~~APPEALS BOARD~~ COMMISSIONER SHALL HOLD A HEARING WITHIN 7 DAYS AFTER RECEIVING THE WRITTEN APPEAL.

(3) IF THE ~~APPEALS BOARD~~ COMMISSIONER DOES NOT HOLD A HEARING WITHIN 7 DAYS AFTER RECEIVING THE WRITTEN APPEAL, THE CONTRACTOR OR SUBCONTRACTOR MAY REQUEST AN ADMINISTRATIVE LAW JUDGE TO RELEASE THE ORDER.

(4) (I) WITHIN 5 DAYS AFTER HOLDING A HEARING ON A STOP WORK ORDER UNDER THIS SUBSECTION, THE ~~APPEALS BOARD~~ COMMISSIONER SHALL ISSUE A WRITTEN DECISION ON THE APPEAL.

(II) THE DECISION SHALL INCLUDE:

1. AN EXPLANATION OF WHY THE ORDER WAS UPHELD OR RELEASED; AND

2. THE GROUNDS ON WHICH THE RESULT WAS DETERMINED.

[(f)**] (G)** ~~The~~ **IF AFTER INVESTIGATION, THE COMMISSIONER DETERMINES THAT A PROVISION OF THIS SUBTITLE MAY HAVE BEEN VIOLATED AND HAS NOT ISSUED A STOP WORK ORDER IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION, THE** Commissioner shall:

(1) issue an order for a hearing within 30 days after completing an investigation; and

(2) expeditiously conduct the hearing.

[(g)**] (H)** (1) At least 10 days before the hearing, the Commissioner shall serve, personally or by mail, written notice of the hearing on all interested persons, including the public body.

(2) The notice shall include:

(i) a statement of the facts disclosed in the investigation; and

(ii) the time and place of the hearing.

[(h)**] (I)** (1) In conducting an investigation or hearing under this section, the Commissioner is deemed to be acting in a quasi–judicial capacity and may:

(i) issue subpoenas;

(ii) administer oaths; or

(iii) examine witnesses.

(2) The Commissioner shall grant each interested person an opportunity to speak at the hearing on matters relevant to the complaint.

[(i)**] (J)** (1) After the conclusion of the hearing, the Commissioner shall:

(i) file in the Commissioner's office an order that states the Commissioner's determination; and

(ii) serve, personally or by mail, the public body and parties to the hearing with a copy of the order and notice of its filing.

(2) If the Commissioner finds a violation, the Commissioner shall determine the amount of liquidated damages and restitution to be assessed for the violation.

(3) On the entry and service of a Commissioner's order, the public body, from the money due the contractor or subcontractor, shall:

(i) pay the affected employees the full amount of wages due them; and

(ii) satisfy the obligation of the contractor or subcontractor to pay liquidated damages as required under § 17–222 of this subtitle.

(K) (1) IN ADDITION TO ANY OTHER PENALTY, THE COMMISSIONER MAY IMPOSE A CIVIL FINE OF NOT ~~LESS~~ MORE THAN $1,000 AGAINST A CONTRACTOR OR SUBCONTRACTOR THAT KNOWINGLY FAILS TO PRODUCE RECORDS OR ATTEND A HEARING OR DEPOSITION AS REQUIRED BY AN INVESTIGATION INTO A POSSIBLE PREVAILING WAGE VIOLATION UNDER SUBSECTION (B) OF THIS SECTION.

(2) EACH DAY THAT A VIOLATION UNDER PARAGRAPH (1) OF THIS SUBSECTION CONTINUES IS A SEPARATE OFFENSE.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

May 27, 2022

The Honorable Adrienne A. Jones
Speaker of the House
H–101 State House
Annapolis, Maryland 21401

Dear Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 172 – *Income Tax – Subtraction Modification – Union Dues.*

By creating a subtraction modification against the State income tax for an individual who pays union dues, House Bill 172 needlessly punishes those who choose not to join a labor union.

This year, our administration negotiated historic agreements with the two largest state employee unions that have and will lead to significant salary increases and additional benefits for the approximately 23,000 members of the Maryland Professional Employees Council Local 6197 (MPEC) and AFSCME Maryland Council 3. Agreements were also reached with the Fraternal Order of Police (FOP), State Law Enforcement Officers Labor Alliance (SLEOLA), BWI Airport Firefighters Local 142, and American Federation of Teachers (AFT) Healthcare leading to significant salary increases for law enforcement officers, firefighters, nurses, and other front line healthcare workers. In addition, I provided a pay increase and bonus to non–represented employees to promote equity among all of the hardworking employees of the state, whether represented or not.

This mandate removes the autonomy of counties to determine which tools best serve their local needs and community priorities. I cannot in good faith allow House Bill 172 to go into effect and promote such an unfair advantage to unions and activists. By using the tax code to confer political power to unions, it creates a political advantage—not only to the unions but also to the political parties and candidates supported by them.

For these reasons, I have vetoed House Bill 172.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 172

AN ACT concerning

Income Tax – ~~Determination of Taxable Income~~ Subtraction Modification – Union Dues ~~and Expenses to Influence Collective Bargaining~~

FOR the purpose of ~~requiring an addition modification under the Maryland income tax for certain expenses to assist, promote, or deter collective bargaining;~~ allowing a subtraction modification under the Maryland income tax for certain union dues paid during the taxable year; and generally relating to ~~modifications~~ a subtraction modification under the Maryland income tax for ~~expenses to influence collective bargaining and~~ the payment of union dues.

BY repealing and reenacting, without amendments,
Article – Tax – General
Section ~~10–204(a), 10–208(a), and 10–305(a)~~ 10–208(a)
Annotated Code of Maryland
(2016 Replacement Volume and 2021 Supplement)

BY adding to
Article – Tax – General
Section ~~10–204(m) and~~ 10–208(aa)
Annotated Code of Maryland
(2016 Replacement Volume and 2021 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – Tax – General~~
~~Section 10–305(d)~~
~~Annotated Code of Maryland~~
~~(2016 Replacement Volume and 2021 Supplement)~~

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

Article – Tax – General

~~10–204.~~

~~(a) To the extent excluded from federal adjusted gross income, the amounts under this section are added to the federal adjusted gross income of a resident to determine Maryland adjusted gross income.~~

~~(M) (1) (I) IN THIS SUBSECTION, "ASSIST, PROMOTE, OR DETER COLLECTIVE BARGAINING" MEANS ANY ATTEMPT BY A TAXPAYER TO INFLUENCE THE DECISIONS OF THE TAXPAYER'S EMPLOYEES TO:~~

~~1. SUPPORT OR OPPOSE AN EMPLOYEE ORGANIZATION THAT REPRESENTS OR SEEKS TO REPRESENT THE EMPLOYEES OF THE TAXPAYER; OR~~

~~2. BECOME A MEMBER OF AN EMPLOYEE ORGANIZATION.~~

~~(II) "ASSIST, PROMOTE, OR DETER COLLECTIVE BARGAINING" DOES NOT INCLUDE:~~

~~1. ADDRESSING A GRIEVANCE OR NEGOTIATING OR ADMINISTERING A COLLECTIVE BARGAINING AGREEMENT;~~

~~2. ALLOWING AN EMPLOYEE ORGANIZATION OR A REPRESENTATIVE OF AN EMPLOYEE ORGANIZATION ACCESS TO AND USE OF THE TAXPAYER'S FACILITIES OR PROPERTIES;~~

~~3. PERFORMING AN ACTIVITY REQUIRED BY FEDERAL OR STATE LAW OR A COLLECTIVE BARGAINING AGREEMENT;~~

~~4. NEGOTIATING, ENTERING INTO, OR CARRYING OUT A VOLUNTARY RECOGNITION AGREEMENT WITH AN EMPLOYEE ORGANIZATION; OR~~

~~5. PAYING WAGES TO A REPRESENTED EMPLOYEE WHILE THE EMPLOYEE IS PERFORMING DUTIES IF THE PAYMENT IS PERMITTED UNDER A COLLECTIVE BARGAINING AGREEMENT.~~

~~(2) THE ADDITION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES ANY AMOUNT EXPENDED DURING THE TAXABLE YEAR TO ASSIST, PROMOTE, OR DETER COLLECTIVE BARGAINING.~~

10–208.

(a) In addition to the modification under § 10–207 of this subtitle, the amounts under this section are subtracted from the federal adjusted gross income of a resident to determine Maryland adjusted gross income.

(AA) ~~(1)~~ ~~THE~~ ~~SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE~~ ***THE*** **SUBTRACTION ALLOWED UNDER SUBSECTION (A) OF THIS SECTION INCLUDES THE AMOUNT OF UNION DUES PAID BY AN INDIVIDUAL DURING THE TAXABLE YEAR THAT WOULD HAVE BEEN ALLOWED AS A DEDUCTION UNDER § 162 OF THE INTERNAL REVENUE CODE WITHOUT REGARD TO THE LIMITATION IMPOSED BY § 67 OF THE INTERNAL REVENUE CODE.**

~~(2) THE AMOUNT OF THE SUBTRACTION ALLOWED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT EXCEED $300 FOR ANY TAXABLE YEAR.~~

~~10–305.~~

~~(a) To the extent excluded from federal taxable income, the amounts under this section are added to the federal taxable income of a corporation to determine Maryland modified income.~~

~~(d) The addition under subsection (a) of this section includes the additions required for an individual under:~~

~~(1) § 10–204(b) of this title (Dividends and interest from another state or local obligation);~~

~~(2) § 10–204(e)(2) of this title (Federal tax–exempt income);~~

~~(3) § 10–204(e) of this title (Oil percentage depletion allowance);~~

~~(4) § 10–204(i) of this title (Deduction for qualified production activities income);~~

~~(5) § 10–204(j) of this title (Deduction for costs for security clearance administrative expenses and construction and equipment costs incurred to construct or renovate a sensitive compartmented information facility); [and]~~

~~(6) § 10–204(l) of this title (Deduction for donations to qualified permanent endowment funds); AND~~

~~(7) § 10–204(M) OF THIS TITLE (DEDUCTION FOR EXPENSES TO ASSIST, PROMOTE, OR DETER COLLECTIVE BARGAINING).~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022, and shall be applicable to all taxable years beginning after December 31, 2021.

May 27, 2022

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 180 – *Interstate Medical Licensure Compact – Sunset Extension and Reporting*.

This bill extends the termination date for the Interstate Medical Licensure Compact; and requires the State Board of Physicians to report on the status of the compact, as well as to provide recommendations on whether Maryland should continue participation in the compact.

Senate Bill 386, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 180.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 180

AN ACT concerning

Interstate Medical Licensure Compact – Sunset Extension and Reporting

FOR the purpose of extending the termination date of the Interstate Medical Licensure Compact and other provisions of law related to the Compact; requiring the State Board of Physicians to include an update on the status of the Compact in a certain annual report; and generally relating to the Interstate Medical Licensure Compact.

BY repealing and reenacting, with amendments,
Chapter 470 of the Acts of the General Assembly of 2018
Section 5

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

Chapter 470 of the Acts of 2018

SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2019. It shall remain effective for a period of **[**3**]** ~~**8 years and 3 months**~~ **11 YEARS** and, at the end of ~~September 30, **[**2022**]** **2027**~~ **JUNE 30, 2030**, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

SECTION 2. AND BE IT FURTHER ENACTED, That, in the annual report the State Board of Physicians is required to submit under § 14–205.1 of the Health Occupations Article, on or before October 1, 2023, the Board shall include an update on the status of the Interstate Medical Licensure Compact under Subtitle 3A of the Health Occupations Article, including:

(1) the number of Maryland licensees who have applied for licensure through the Compact;

(2) the number of Maryland licensees who have been approved for licensure through the Compact;

(3) the member states participating in the Compact; and

(4) recommendations on whether Maryland should continue its participation in the Compact and whether any statutory changes are needed to accomplish the goal of streamlining licensure for out–of–state physicians.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

May 27, 2022

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 192 – *Baltimore County Board of Education – Members – Training and Student Member Voting.*

Currently, the constitutionality of Student Members on Boards (SMOBs) is presently being litigated before Maryland's Court of Appeals, so it is premature to expand the authority of SMOBs before the state's high court has determined if the current arrangement of having 11– to 17–year–old voters elect a 16– to 17–year–old to serve on a local board of education is legal.

Given that this question remains pending, I have vetoed House Bill 192.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

AN ACT concerning

Baltimore County Board of Education – ~~Student Member – Voting and Training~~ *Members – Training and Student Member Voting*

FOR the purpose of *requiring the executive leadership of the Baltimore County public school system to develop a certain curriculum for budget training for members of the Baltimore County Board of Education; requiring each member of the county board to complete the training within a certain time period after being elected or appointed in order to vote on certain matters;* authorizing the student member of the ~~Baltimore County Board of Education~~ *county board* to vote on capital and operating budget matters; ~~requiring certain members of the county board and the executive leadership of the Baltimore County public school system to develop a certain draft curriculum for budget training for student members of the county board and submit the draft curriculum to the county board for review; requiring each student member of the county board to complete the budget training within a certain time period after being elected in order to vote on certain matters;~~ and generally relating to the Baltimore County Board of Education.

BY adding to
Article – Education
Section 3–2B–01(c)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 3–2B–05
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

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

Article – Education

3–2B–01.

(C) (1) ON OR BEFORE DECEMBER 31, 2022, THE EXECUTIVE LEADERSHIP OF THE BALTIMORE COUNTY PUBLIC SCHOOL SYSTEM SHALL DEVELOP A CURRICULUM FOR BUDGET TRAINING FOR MEMBERS OF THE COUNTY BOARD.

(2) THE TRAINING FOR MEMBERS SHALL:

(I) FOCUS ON THE OPERATING AND CAPITAL BUDGET PROCESS OF THE COUNTY BOARD; AND

(II) BE FACILITATED BY REPRESENTATIVES APPOINTED BY THE BALTIMORE COUNTY SUPERINTENDENT OF SCHOOLS.

(3) EACH MEMBER SHALL BE REQUIRED TO COMPLETE THE BUDGET TRAINING:

(I) WITHIN 2 MONTHS OF THE MEMBER'S ELECTION OR APPOINTMENT TO THE COUNTY BOARD; AND

(II) IN ORDER TO BE ELIGIBLE TO VOTE ON BUDGETARY MATTERS.

3–2B–05.

(a) The student member shall:

(1) Be an 11th or a 12th grade student in the Baltimore County public school system elected by the middle school and high school students of the county in accordance with procedures established by the Baltimore County student councils;

(2) Serve for 1 year; and

(3) Advise the county board on the thoughts and feelings of students.

(b) Unless invited to attend by an affirmative vote of a majority of the county board, the student member may not attend an executive session that relates to:

(1) Hearings on appeals of special education placements;

(2) Hearings held under § 6–202(a) of this article; or

(3) Collective bargaining.

(c) Subject to subsection (d) of this section, the student member may vote on all matters except those relating to:

(1) § 6–202(a) of this article;

(2) Collective bargaining; **AND**

(3) **[**Capital and operating budgets; and

(4)**]** School closings, reopenings, and boundaries.

(d) On a majority vote of the nonstudent members, the county board may determine, on a case–by–case basis, whether a matter under consideration is covered by the exclusionary provisions listed in subsection (c) of this section.

~~**(E) (1) ON OR BEFORE DECEMBER 31, 2022, A WORKGROUP COMPOSED OF SEVERAL MEMBERS OF THE COUNTY BOARD AND THE EXECUTIVE LEADERSHIP OF THE BALTIMORE COUNTY PUBLIC SCHOOL SYSTEM SHALL DEVELOP A DRAFT CURRICULUM FOR BUDGET TRAINING FOR STUDENT MEMBERS OF THE COUNTY BOARD AND SUBMIT THE DRAFT CURRICULUM TO THE COUNTY BOARD FOR REVIEW.**~~

~~**(2) THE TRAINING FOR STUDENT MEMBERS SHALL:**~~

~~**(I) FOCUS ON THE OPERATING AND CAPITAL BUDGET PROCESS OF THE COUNTY BOARD; AND**~~

~~**(II) BE FACILITATED BY REPRESENTATIVES OF THE BALTIMORE COUNTY PUBLIC SCHOOL SYSTEM'S DIVISION OF FISCAL SERVICES.**~~

~~**(3) EACH STUDENT MEMBER SHALL BE REQUIRED TO COMPLETE THE BUDGET TRAINING:**~~

~~**(I) WITHIN 2 MONTHS OF THE STUDENT MEMBER'S ELECTION TO THE COUNTY BOARD; AND**~~

~~**(II) IN ORDER TO BE ELIGIBLE TO VOTE ON BUDGETARY MATTERS.**~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

May 27, 2022

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 237 – *State Government – Maryland Veterans Commission – Membership*.

This bill expands the membership of the Maryland Veterans Commission by adding a representative of the Reserve Organization of America as a voting member.

Senate Bill 365, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 237.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 237

AN ACT concerning

State Government – Maryland Veterans Commission – Membership

FOR the purpose of altering the membership of the Maryland Veterans Commission by adding a representative of a certain organization; and generally relating to the membership of the Maryland Veterans Commission.

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–915 and 9–916
Annotated Code of Maryland
(2021 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–917(a)
Annotated Code of Maryland
(2021 Replacement Volume)

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

Article – State Government

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; **[**and**]**

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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

May 27, 2022

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 245 – *Program for Preventing HIV Infection for Rape Victims – Alterations and Repeal of Sunset*.

This bill repeals the termination date for the Pilot Program for Preventing HIV Infection for Rape Victims and establishes the program as permanent. The bill further repeals the annual limit that may be paid to physicians, qualified health care providers, and hospitals from the Criminal Injuries Compensation Board. The Governor's Office of Crime Prevention, Youth, and Victim Services must report on the operation and results of the program, as specified.

Senate Bill 331, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 245.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 245

AN ACT concerning

Program for Preventing HIV Infection for Rape Victims – Alterations and Repeal of Sunset

FOR the purpose of repealing the termination date of the Pilot Program for Preventing HIV Infection for Rape Victims; repealing the limit on the total annual amount physicians, qualified health care providers, and hospitals are entitled to be paid for providing certain treatment or follow–up care; altering the requirement that the Governor's Office of Crime Prevention, Youth, and Victim Services report to the Governor and General Assembly on the operation and results of the program; and generally relating to the Program for Preventing HIV Infection for Rape Victims.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–1008
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Chapter 431 of the Acts of the General Assembly of 2019
Section 2

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

Article – Criminal Procedure

11–1008.

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

(2) "Child" means any individual under the age of 18 years.

(3) "HIV" means the human immunodeficiency virus that causes acquired immune deficiency syndrome.

(4) "Physician" has the meaning stated in § 11–1007 of this subtitle.

(5) "Qualified health care provider" has the meaning stated in § 11–1007 of this subtitle.

(6) "Sexual abuse" has the meaning stated in § 11–1007 of this subtitle.

(b) (1) There is a **[**Pilot**]** Program for Preventing HIV Infection for Rape Victims.

(2) The purpose of the **[**pilot**]** program is to prevent HIV infection for victims of an alleged rape or sexual offense or victims of alleged child sexual abuse.

(3) The Governor's Office of Crime Prevention, Youth, and Victim Services shall administer the **[**pilot**]** program.

(c) (1) To accomplish the purpose of the **[**pilot**]** program, a victim of an alleged rape or sexual offense or a victim of alleged child sexual abuse shall be provided with a full course of treatment and follow–up care for postexposure prophylaxis for the prevention of HIV infection at the request of the victim and as prescribed by a health care provider.

(2) (i) A victim who receives treatment under this subsection may decline to provide health insurance information or submit personal information to a payment assistance program if the victim believes that providing the information would interfere with personal privacy or safety.

(ii) The physician, qualified health care provider, or hospital providing a victim with treatment and follow–up care under paragraph (1) of this subsection shall inform the victim of the victim's right to decline to provide health insurance information or submit personal information to a payment assistance program.

(iii) If a victim declines to provide health insurance information or to submit personal information to a payment assistance program:

1. the treatment and follow–up care shall be provided without charge to the victim; and

2. **[**subject to the limitation established under subparagraph (iv) of this paragraph,**]** the physician, qualified health care provider, or hospital providing the treatment or follow–up care is entitled to be paid by the Criminal Injuries Compensation Board as provided under Subtitle 8 of this title for the costs of providing the services.

[(iv) The total amount paid to physicians, qualified health care providers, and hospitals from the Criminal Injuries Compensation Board under subparagraph (iii) of this paragraph may not exceed $750,000 annually.**]**

(d) (1) A physician or a qualified health care provider who examines a victim of alleged child sexual abuse under the provisions of this section is immune from civil liability that may result from the failure of the physician or qualified health care provider to obtain consent from the child's parent, guardian, or custodian for the examination or treatment of the child.

(2) The immunity provided under paragraph (1) of this subsection extends to:

(i) any hospital with which the physician or qualified health care provider is affiliated or to which the child is brought; and

(ii) any individual working under the control or supervision of the hospital.

(e) On or before December 1, **[**2021**]** **2022**, **AND EVERY 2 YEARS THEREAFTER,** the Governor's Office of Crime Prevention, Youth, and Victim Services shall report to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly on the operation and results of the **[**pilot**]** program **DURING THE IMMEDIATELY PRECEDING 2–YEAR PERIOD**, including:

(1) the number of patients that qualified to receive postexposure prophylaxis under the **[**pilot**]** program;

(2) the number of patients that chose to receive postexposure prophylaxis;

(3) the total amount reimbursed to providers for the postexposure prophylaxis; and

(4) the cost of the postexposure prophylaxis treatment and follow–up care provided under the **[**pilot**]** program.

Chapter 431 of the Acts of 2019

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2019. **[**It shall remain effective for a period of 3 years and, at the end of September 30, 2022, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.**]**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

May 27, 2022

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Mr. President and Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed Senate Bill 819 – *Governor's Office of Crime Prevention, Youth, and Victim Services – Executive Director – Appointment* and House Bill 287 – *Secretary of Health – Professional Qualification Requirement*.

Senate Bill 819 and House Bill 287 create a dangerous precedent and significantly undermine the voters and the Maryland Constitution, which entrusts the executive branch with making appointments to critical government roles. These bills impede the Governor's constitutional duty to select and appoint the Secretary of Health and Executive Director of the Governor's Office of Crime Prevention, Youth, and Victims. Every four years, Marylanders directly elect the Governor who is responsible for making critical decisions, including appointing key executive branch personnel responsible for public health and safety.

Senate Bill 819 requires the executive director of the Governor's Office of Crime Prevention, Youth, and Victims Services to be appointed with the advice and consent of the Senate. The executive director would be the only agency head within the Governor's Coordinating Offices that would be subject to Senate advice and consent. House Bill 287 undermines the Governor's constitutional authority to select the Secretary of Health by requiring that potential appointees meet arbitrary criteria in order to be eligible.

These bills are nothing more than unnecessary powers grabs, and yet another instance of the legislative branch seeking to diminish the authority of the governor. My responsibility as Governor is to appoint the most capable and qualified people to positions who will execute the vision that I have articulated to the people of the State. These pieces of legislation undermine that effort.

For these reasons, I have vetoed Senate Bill 819 and House Bill 287.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 287

AN ACT concerning

Secretary of Health – Professional Qualification Requirement

FOR the purpose of requiring the Secretary of Health to be professionally qualified through certain experience or education; and generally relating to the Secretary of Health.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 2–102
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

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

Article – Health – General

2–102.

(a) The head of the Department is the Secretary of Health, who shall be appointed by the Governor with the advice and consent of the Senate.

(B) THE SECRETARY MUST BE PROFESSIONALLY QUALIFIED THROUGH EXPERIENCE OR EDUCATION IN AT LEAST ONE OF THE FOLLOWING AREAS:

(1) HEALTH LAW OR POLICY;

(2) HEALTH CARE FACILITIES ADMINISTRATION;

(3) HEALTH ECONOMICS OR FINANCIAL MANAGEMENT;

(4) GOVERNMENT OPERATIONS RELATED TO HEALTH CARE; OR

(5) AS A HEALTH CARE PROVIDER.

[(b)**] (C)** (1) **(I)** The Secretary serves at the pleasure of the Governor and is responsible directly to the Governor.

(II) 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) **(I)** 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.

(II) The Secretary may establish, reorganize, or abolish areas of responsibility in the Department as necessary to fulfill the duties assigned to the Secretary.

[(c)**] (D)** The Secretary is entitled to the salary provided in the State budget.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

May 27, 2022

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Mr. President and Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed Senate Bill 452 and House Bill 349 – *Small Claims – Examination in Aid of Enforcement and Interrogatories in Aid of Execution – Prohibition*.

Senate Bill 452 and House Bill 349 are troubling bills that will effectively eliminate the ability for a creditor or plaintiff to collect the money a court has determined they are entitled to by prohibiting the court from ordering the defendant to appear before court to answer questions about available assets that may be available to pay the judgment, as well as answering written interrogatories in aid of execution of the money judgment.

Currently, the onus to collect a money judgment is on the plaintiff or creditor. After granting a money judgment, the court does not collect the money. If a defendant does not voluntarily pay the judgment or provide information regarding their assets, the written interrogatories and oral examination in aid of execution are the remaining remedies to gather the information regarding the defendant's assets that, by law, the plaintiff is entitled to. Without these tools, the plaintiff or creditors may file inaccurate garnishment petitions based on their own limited knowledge, which may result in garnishments or levies

on property that cannot be completed, delayed collections of judgments, and additional petitions, all at the plaintiff's time and expense. Under this bill, the defendant has no incentive to pay the judgment or be cooperative because there are no repercussions, leaving the plaintiff with a piece of paper that is largely unenforceable. While this bill only applies to small claims where the maximum amount involved is $5,000, for some plaintiffs being unable to collect on a judgment would be a real hardship.

We share the goal of ensuring that failure to pay a debt does not result in egregious, punitive action; however, this legislation goes too far by leaving no tangible avenue for a plaintiff to collect money that the court has ordered the debtor to pay.

For these reasons, I have vetoed Senate Bill 452 and House Bill 349.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 349

AN ACT concerning

Small Claims – Examination in Aid of Enforcement *and Interrogatories in Aid of Execution* – Prohibition ~~on Arrest or Incarceration for Failure to Appear~~

FOR the purpose of prohibiting ~~an individual from being arrested or incarcerated for failure to respond to certain orders to appear in court relating to an examination in aid of enforcement of a money judgment entered in a small claim action in the District Court~~ *the court from ordering the appearance of an individual for an examination in aid of enforcement or ordering an individual to answer interrogatories in aid of execution*; and generally relating to enforcement of certain money judgments.

BY adding to
Article – Courts and Judicial Proceedings
Section 11–704
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

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

Article – Courts and Judicial Proceedings

11–704.

~~**AN INDIVIDUAL MAY NOT BE ARRESTED OR INCARCERATED FOR FAILURE TO RESPOND TO AN ORDER TO APPEAR IN COURT:**~~

~~(1) FOR AN EXAMINATION IN AID OF ENFORCEMENT OF A MONEY JUDGMENT ENTERED IN A SMALL CLAIM ACTION IN THE DISTRICT COURT; OR~~

~~(2) TO SHOW CAUSE WHY THE INDIVIDUAL SHOULD NOT BE FOUND IN CONTEMPT FOR FAILURE TO APPEAR IN COURT FOR AN EXAMINATION IN AID OF ENFORCEMENT OF A MONEY JUDGMENT ENTERED IN A SMALL CLAIM ACTION IN THE DISTRICT COURT.~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to:~~

~~(1) any order to appear for an examination in aid of enforcement of a money judgment entered in a small claim action in the District Court on or after the effective date of this Act; and~~

~~(2) any show cause order for contempt for failure to appear in court for an examination in aid of enforcement of a money judgment entered in a small claim action in the District Court on or after the effective date of this Act.~~ ***IN A SMALL CLAIMS ACTION WITHIN THE JURISDICTION OF THE DISTRICT COURT UNDER § 4–405 OF THIS ARTICLE, THE DISTRICT COURT MAY NOT:***

(1) ORDER THE APPEARANCE OF AN INDIVIDUAL FOR AN EXAMINATION IN AID OF ENFORCEMENT OF A MONEY JUDGMENT; OR

(2) ORDER AN INDIVIDUAL TO ANSWER INTERROGATORIES IN AID OF EXECUTION OF A MONEY JUDGMENT.

SECTION ~~3.~~ *2.* AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

May 27, 2022

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 366 – *Office of the Comptroller – Legal Division and Private Letter Ruling Procedures.*

This bill establishes a legal division in the Comptroller's Office to provide expanded and detailed tax guidance to taxpayers; and perform other duties relating to private letter rulings as assigned by the Comptroller. The Comptroller must issue specified private letter rulings on the written request of a person, except under specified circumstances; and when denying a request, must provide the requestor with written reasons within 60 days.

Senate Bill 477, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 366.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 366

AN ACT concerning

Office of the Comptroller – Legal Division and Private Letter Ruling Procedures

FOR the purpose of establishing a Legal Division in the Office of the Comptroller to provide certain guidance to taxpayers and perform other duties relating to private letter rulings as assigned by the Comptroller; requiring the Comptroller to issue certain private letter rulings on the request of a person, except under certain circumstances; authorizing the Comptroller to deny a private letter ruling request under certain circumstances and establishing procedures for the denial; authorizing a person to withdraw a private letter ruling request under certain circumstances; establishing, subject to certain exceptions, the circumstances under which a private letter ruling binds the Comptroller or may be relied on by a person; requiring the Comptroller to publish certain private letter rulings on the Comptroller's website in a certain manner under certain circumstances; and generally relating to the Office of the Comptroller and private letter rulings.

BY adding to
Article – Tax – General
Section 2–102.1; and 13–1A–01 through 13–1A–05 to be under the new subtitle "Subtitle 1A. Private Letter Rulings"
Annotated Code of Maryland
(2016 Replacement Volume and 2021 Supplement)

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

Article – Tax – General

2–102.1.

(A) THERE IS A LEGAL DIVISION IN THE OFFICE OF THE COMPTROLLER.

(B) (1) THE HEAD OF THE LEGAL DIVISION IS THE DIRECTOR.

(2) SUBJECT TO THE SUPERVISION OF THE COMPTROLLER, THE DIRECTOR HAS ADMINISTRATIVE CONTROL OF THE LEGAL DIVISION.

(C) (1) THE DIRECTOR SHALL APPOINT OTHER OFFICERS AND EMPLOYEES OF THE LEGAL DIVISION IN ACCORDANCE WITH THE PROVISIONS OF THE STATE PERSONNEL AND PENSIONS ARTICLE, INCLUDING A MINIMUM OF SIX ATTORNEYS.

(2) OFFICERS AND EMPLOYEES OF THE LEGAL DIVISION ARE ENTITLED TO A SALARY AS PROVIDED IN THE STATE BUDGET.

(D) THE LEGAL DIVISION SHALL:

(1) PROVIDE EXPANDED AND DETAILED TAX GUIDANCE TO TAXPAYERS, INCLUDING PRIVATE LETTER RULINGS; AND

(2) PERFORM OTHER RELATED DUTIES AS ASSIGNED BY THE COMPTROLLER IN ACCORDANCE WITH TITLE 13, SUBTITLE 1A OF THIS ARTICLE.

SUBTITLE 1A. PRIVATE LETTER RULINGS.

13–1A–01.

IN THIS SUBTITLE, "PRIVATE LETTER RULING" MEANS A WRITTEN DETERMINATION ISSUED BY THE COMPTROLLER ON THE APPLICATION OF TAX LAWS AND REGULATIONS UNDER THIS ARTICLE TO A SPECIFIC SET OF FACTS THAT IS INTENDED TO APPLY ONLY TO THAT SPECIFIC SET OF FACTS.

13–1A–02.

(A) (1) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE COMPTROLLER SHALL ISSUE A PRIVATE LETTER RULING ON THE WRITTEN REQUEST OF A PERSON AS SOON AS PRACTICABLE AFTER THE DATE ON WHICH THE COMPTROLLER RECEIVED THE WRITTEN REQUEST.

(2) (I) A PERSON REQUESTING A PRIVATE LETTER RULING SHALL INCLUDE IN THE WRITTEN REQUEST A STATEMENT AS TO WHETHER THE PERSON IS THE SUBJECT OF AN ONGOING TAXATION MATTER, INCLUDING AN AUDIT, A CLAIM

FOR REFUND, A TAX PROTEST, OR AN APPEAL TO THE TAX COURT OR ANY OTHER COURT WITH JURISDICTION OVER THE MATTER.

(II) IF THE PERSON IS THE SUBJECT OF AN ONGOING TAXATION MATTER, THE STATEMENT REQUIRED UNDER THIS PARAGRAPH SHALL INCLUDE ANY RELEVANT CASE NUMBERS OR OTHER IDENTIFYING INFORMATION.

(B) (1) THE COMPTROLLER, AS APPROPRIATE, MAY REQUEST ADDITIONAL INFORMATION FROM THE PERSON REQUESTING THE PRIVATE LETTER RULING.

(2) THE PERSON SHALL SUBMIT THE INFORMATION TO THE COMPTROLLER WITHIN 30 DAYS AFTER THE DATE ON WHICH THE PERSON RECEIVES THE COMPTROLLER'S REQUEST UNDER THIS SUBSECTION.

(C) (1) THE COMPTROLLER MAY DENY A REQUEST FOR A PRIVATE LETTER RULING FOR GOOD CAUSE, INCLUDING:

(I) THE ISSUE IS THE SUBJECT OF EXISTING GUIDANCE TO TAXPAYERS PUBLISHED BY THE COMPTROLLER;

(II) THE PERSON DID NOT TIMELY SUBMIT THE ADDITIONAL INFORMATION REQUESTED BY THE COMPTROLLER IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION;

(III) THE ISSUE IDENTIFIED IN THE REQUEST:

1. IS UNDER EXTENSIVE STUDY OR REVIEW; OR

2. IS CURRENTLY BEING CONSIDERED IN A RULEMAKING PROCEDURE, CONTESTED CASE, OR ANY OTHER AGENCY OR JUDICIAL PROCEEDING THAT MAY RESOLVE THE ISSUE;

(IV) THE REQUEST INVOLVES A HYPOTHETICAL SITUATION OR ALTERNATIVE PLANS;

(V) THE TRANSACTION FOR WHICH THE PRIVATE LETTER RULING IS REQUESTED IS DESIGNED TO AVOID TAXATION;

(VI) THE FACTS OR ISSUES IDENTIFIED IN THE REQUEST ARE UNCLEAR, OVERBROAD, INSUFFICIENT, OR OTHERWISE INAPPROPRIATE AS A BASIS ON WHICH TO ISSUE A PRIVATE LETTER RULING; ~~OR~~

(VII) THE REQUEST IS TO DETERMINE WHETHER A STATUTE IS CONSTITUTIONAL UNDER THE MARYLAND CONSTITUTION OR THE UNITED STATES CONSTITUTION;

(VIII) THE ISSUE IS CLEARLY AND ADEQUATELY ADDRESSED BY STATUTE, REGULATION, OR COURT DECISION; OR

(IX) THE ISSUE INVOLVES THE TAX CONSEQUENCE OF ANY PROPOSED BUT NOT YET ENACTED FEDERAL, STATE, OR LOCAL LEGISLATION.

(2) IF THE COMPTROLLER DENIES A REQUEST FOR A PRIVATE LETTER RULING UNDER THIS SECTION, THE COMPTROLLER SHALL NOTIFY THE PERSON IN WRITING:

(I) OF THE REASONS FOR THE DENIAL AND WHY THOSE REASONS CONSTITUTE GOOD CAUSE; AND

(II) WITHIN 60 DAYS AFTER THE DATE ON WHICH THE REQUEST WAS SUBMITTED TO THE COMPTROLLER.

(D) A PERSON MAY WITHDRAW, IN WRITING, THE REQUEST FOR A PRIVATE LETTER RULING AT ANY TIME BEFORE THE ISSUANCE OF THE PRIVATE LETTER RULING UNDER THIS SECTION.

13–1A–03.

(A) A PRIVATE LETTER RULING ISSUED UNDER THIS SUBTITLE MAY BE RELIED ON SOLELY AND PROSPECTIVELY BY THE PERSON FOR WHOM THE PRIVATE LETTER RULING IS REQUESTED UNLESS THERE IS AN INTERVENING STATUTORY OR REGULATORY CHANGE OR THE PRIVATE LETTER RULING IS REVOKED BY THE COMPTROLLER.

(B) A PRIVATE LETTER RULING IS BINDING ON THE COMPTROLLER FOR A PERIOD OF ~~3~~ 7 YEARS UNLESS:

(1) THERE HAS BEEN A MISSTATEMENT OR OMISSION OF MATERIAL FACTS IN THE REQUEST;

(2) THE ACTUAL FACTS ARE DETERMINED TO BE MATERIALLY DIFFERENT FROM THE FACTS ON WHICH THE PRIVATE LETTER RULING WAS BASED;

(3) THERE HAS BEEN A CHANGE IN LAW OR A FINAL DECISION IN A CONTESTED CASE THAT THE COMPTROLLER DETERMINES AFFECTS THE VALIDITY OF THE PRIVATE LETTER RULING; OR

(4) THE COMPTROLLER HAS MODIFIED OR REVOKED THE PRIVATE LETTER RULING.

(C) AN UNFAVORABLE PRIVATE LETTER RULING DOES NOT BIND THE PERSON FOR WHOM THE PRIVATE LETTER RULING WAS REQUESTED.

(D) THE MODIFICATION OR REVOCATION OF A PRIVATE LETTER RULING BY THE COMPTROLLER MAY NOT BE APPLIED RETROACTIVELY TO TAXABLE PERIODS OR TAXABLE YEARS BEFORE THE EFFECTIVE DATE OF THE MODIFICATION OR REVOCATION.

13–1A–04.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE COMPTROLLER SHALL PUBLISH PERIODICALLY ON THE COMPTROLLER'S WEBSITE COPIES OF PRIVATE LETTER RULINGS THAT THE COMPTROLLER DETERMINES TO BE OF INTEREST TO THE GENERAL PUBLIC.

(B) THE COMPTROLLER SHALL REDACT PERSONALLY IDENTIFIABLE INFORMATION IN A PUBLISHED PRIVATE LETTER RULING IN ORDER TO ENSURE THE CONFIDENTIALITY OF ANY PERSON THAT IS THE SUBJECT OF THE PRIVATE LETTER RULING.

13–1A–05.

THE COMPTROLLER SHALL ADOPT REGULATIONS NECESSARY TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE, INCLUDING REGULATIONS THAT ESTABLISH:

(1) THE PROCEDURE, FORM, AND TIME PERIODS FOR SUBMITTING A REQUEST FOR A PRIVATE LETTER RULING;

(2) THE TERMS AND CONDITIONS UNDER WHICH A PRIVATE LETTER RULING MAY BE REVOKED OR MODIFIED;

(3) THE LIMITATIONS ON THE APPLICABILITY OF A PRIVATE LETTER RULING TO SPECIFIC PERSONS, TRANSACTIONS, FACTUAL CIRCUMSTANCES, AND TIME PERIODS;

(4) THE CIRCUMSTANCES UNDER WHICH A REQUEST FOR A PRIVATE LETTER RULING MAY BE DENIED BY THE COMPTROLLER FOR GOOD CAUSE; AND

(5) GUIDELINES FOR THE PUBLICATION OF PRIVATE LETTER RULINGS.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

May 27, 2022

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 372 – *Baltimore City – Board of License Commissioners – Licensee Hours of Operation and Enforcement.*

This bill requires certain licensed establishments within a specified geographical area of Baltimore City to close by 10:00 p.m., unless a covered establishment meets specified conditions relating to security plans. The bill requires covered establishments to maintain and operate digital surveillance systems that are accessible by the city, as specified. In addition, the bill requires the Baltimore City Downtown Commercial District Management Authority to enter into a contract with the Baltimore Police Department to hire two officers to exclusively patrol a specified area during certain days and times.

Senate Bill 222, which was passed by the General Assembly and enacted without my signature, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 372.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 372

AN ACT concerning

Baltimore City – Board of License Commissioners – Licensee Hours of Operation and Enforcement

FOR the purpose of prohibiting a holder of a Class A license, a Class B–D–7 license, or an adult entertainment license issued by the Board of License Commissioners for Baltimore City from operating in a certain area in Baltimore City later than a certain

time unless the license holder takes certain security measures; requiring the Downtown Commercial District Authority to enter into a contract with the Baltimore Police Department for the hiring of certain police officers for a certain purpose; and generally relating to the hours of operation for alcoholic beverages and adult entertainment licensees in Baltimore City.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 12–102
Annotated Code of Maryland
(2016 Volume and 2021 Supplement)

BY adding to
Article – Alcoholic Beverages
Section 12–2009
Annotated Code of Maryland
(2016 Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,
The Charter of Baltimore City
Article II – General Powers
Section (61)(a)(1)
(2007 Replacement Volume, as amended)

BY repealing and reenacting, with amendments,
The Charter of Baltimore City
Article II – General Powers
Section (61)(b)
(2007 Replacement Volume, as amended)

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

Article – Alcoholic Beverages

12–102.

This title applies only in Baltimore City.

12–2009.

(A) IN THIS SECTION, "ADULT ENTERTAINMENT" HAS THE MEANING STATED IN ARTICLE 15, § 1–1 OF THE BALTIMORE CITY CODE.

(B) THIS SECTION APPLIES ONLY TO:

(1) A HOLDER OF A CLASS A LICENSE;

(2) A HOLDER OF A CLASS B–D–7 LICENSE; AND

(3) A HOLDER OF AN ADULT ENTERTAINMENT LICENSE ISSUED BY THE BOARD UNDER § 12–2102 OF THIS TITLE AND ARTICLE 15, SUBTITLE 1 OF THE BALTIMORE CITY CODE.

(C) ~~THE~~ EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE HOLDER OF A LICENSE DESCRIBED IN SUBSECTION (B) OF THIS SECTION MAY NOT OPERATE AN ESTABLISHMENT LATER THAN 10 P.M. IF THE ESTABLISHMENT IS IN AN AREA BOUNDED AS FOLLOWS: FROM THE INTERSECTION OF HOLLIDAY STREET AND EAST FAYETTE STREET, EAST ON EAST FAYETTE STREET TO THE INTERSECTION WITH NORTH GAY STREET, SOUTH ON NORTH GAY STREET TO THE INTERSECTION WITH EAST BALTIMORE STREET, SOUTH ON SOUTH GAY STREET TO THE INTERSECTION WITH WATER STREET, WEST ON WATER STREET TO THE INTERSECTION WITH COMMERCE STREET, NORTH ON COMMERCE STREET TO THE INTERSECTION WITH EAST BALTIMORE STREET, THEN NORTH ON HOLLIDAY STREET BACK TO THE INTERSECTION OF HOLLIDAY STREET AND EAST FAYETTE STREET.

(D) (1) THE HOLDER OF A LICENSE DESCRIBED IN SUBSECTION (B) OF THIS SECTION THAT OPERATES AN ESTABLISHMENT BOUNDED IN THE AREA DESCRIBED IN SUBSECTION (C) OF THIS SECTION MAY OPERATE THE ESTABLISHMENT WITHIN THE HOURS OF OPERATION AUTHORIZED BY THE LICENSE IF THE HOLDER SUBMITS TO THE BOARD A SECURITY PLAN THAT IS APPROVED BY THE BOARD AFTER CONSULTATION WITH THE BALTIMORE POLICE DEPARTMENT.

(2) THE SECURITY PLAN REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) THE HIRING OF SECURITY PERSONNEL TO BE PRESENT AT THE LICENSED PREMISES DURING ALL HOURS OF OPERATION;

(II) THE PLACEMENT OF SECURITY PERSONNEL INSIDE AND IMMEDIATELY OUTSIDE THE LICENSED PREMISES;

(III) PROCEDURES FOR SECURING THE ESTABLISHMENT AND EACH ENTRYWAY INTO THE ESTABLISHMENT, INCLUDING THE CONSISTENT USE OF METAL DETECTORS, AND THE AREA IMMEDIATELY AROUND THE ESTABLISHMENT;

(IV) A PLAN FOR COMMUNICATION BETWEEN SECURITY AND THE BALTIMORE POLICE DEPARTMENT;

(V) A PLAN FOR NOT EXCEEDING A CAPACITY LIMIT FOR THE LICENSED PREMISES DETERMINED BY THE BALTIMORE CITY FIRE MARSHAL; AND

(VI) THE NAME OF AND DIRECT CONTACT INFORMATION FOR THE OWNER AND MANAGER OF THE LICENSED PREMISES.

(3) THE HOLDER OF A LICENSE UNDER THIS SUBSECTION SHALL, FOR SECURITY PERSONNEL HIRED IN ACCORDANCE WITH PARAGRAPH (2)(I) OF THIS SUBSECTION:

(I) PROVIDE THE IDENTIFYING INFORMATION, INCLUDING NAME, BIRTH DATE, HOME ADDRESS, AND TELEPHONE NUMBER, OF SECURITY PERSONNEL WHO ARE REGULAR OR PART–TIME EMPLOYEES, INCLUDING TEMPORARY EMPLOYEES DURING THE PRECEDING QUARTER, OF THE LICENSED PREMISES TO THE BALTIMORE POLICE DEPARTMENT ON A QUARTERLY BASIS; AND

(II) ENSURE THAT A SECURITY GUARD WHO WORKS FOR A THIRD–PARTY SECURITY CONTRACTOR CARRIES DOCUMENTATION SHOWING THEIR SECURITY GUARD CERTIFICATION WITH THE MARYLAND STATE POLICE WHILE THEY ARE WORKING.

(4) (I) THE HOLDER OF A LICENSE UNDER THIS SUBSECTION SHALL SUBMIT AN UPDATED SECURITY PLAN TO THE BOARD EACH YEAR WITH AN APPLICATION FOR LICENSE RENEWAL UNDER § 12–1802 OF THIS TITLE.

(II) THE BOARD, IN CONSULTATION WITH THE BALTIMORE POLICE DEPARTMENT, SHALL CONSIDER THE LICENSE HOLDER'S COMPLIANCE WITH THE PREVIOUS YEAR'S SECURITY PLAN BEFORE DETERMINING WHETHER TO APPROVE THE LICENSE HOLDER'S UPDATED SECURITY PLAN.

(E) (1) THE HOLDER OF A LICENSE DESCRIBED IN SUBSECTION (B) OF THIS SECTION THAT OPERATES AN ESTABLISHMENT BOUNDED IN THE AREA DESCRIBED IN SUBSECTION (C) OF THIS SECTION SHALL MAINTAIN AND OPERATE A DIGITAL SURVEILLANCE SYSTEM ON THE EXTERIOR OF THE LICENSED PREMISES.

(2) THE DIGITAL SURVEILLANCE SYSTEM UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) BE EQUIPPED WITH HIGH–DEFINITION CAMERAS THAT PROVIDE CONTINUOUS, 24–HOUR VIDEO MONITORING WITHOUT AUDIO RECORDING CAPACITY PLACED OUTSIDE THE LICENSED PREMISES IN SUCH A WAY THAT THE EXTERIOR OF EACH ENTRYWAY INTO AND EXIT AWAY FROM THE LICENSED PREMISES IS MONITORED;

(II) RETAIN VIDEO RECORDED FROM THE SURVEILLANCE SYSTEM FOR NOT LESS THAN 14 DAYS; AND

(III) BE REGISTERED WITH AND ACCESSIBLE BY THE BALTIMORE CITY INTELLIGENCE CENTER.

(3) THE LICENSE HOLDER SHALL, ON REQUEST, PROVIDE A RECORDING CREATED BY THE DIGITAL SURVEILLANCE SYSTEM IN THIS SUBSECTION TO THE BALTIMORE POLICE DEPARTMENT.

(F) THE BOARD, AFTER CONSULTATION WITH THE BALTIMORE POLICE DEPARTMENT, MAY AUTHORIZE AN EXEMPTION FROM THE PROVISIONS OF SUBSECTION (D) OF THIS SECTION FOR AN ESTABLISHMENT OPERATING UNDER A CLASS A LICENSE.

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

The Charter of Baltimore City

Article II – General Powers

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

(61)

(a) (1) To establish a Downtown Commercial District Management Authority within the City of Baltimore to do any or all of the following: promote or market the district; provide supplementary security and maintenance services; and provide amenities in public areas.

(b) **(1) AS PROVIDED BY ORDINANCE, THE AUTHORITY SHALL ENTER INTO A CONTRACT WITH THE BALTIMORE POLICE DEPARTMENT TO HIRE TWO OFFICERS OF THE BALTIMORE POLICE DEPARTMENT TO EXCLUSIVELY PATROL THE 400 UNIT BLOCK OF BALTIMORE STREET AND THE UNIT BLOCK OF CUSTOM HOUSE AVENUE BETWEEN THE HOURS OF 10 P.M. AND 3 A.M. ON THE THURSDAY, FRIDAY, AND SATURDAY OF EACH WEEK.**

(2) As provided by ordinance, the Authority may have the power:

[(1)**]** **(I)** to be a special tax district or special benefits assessment district and to conduct the functions which are assigned to it by the City.

[(2)**]** **(II)** to acquire, hold and use property necessary to achieve its purposes.

[(3)**]** **(III)** to make contracts; to sue and be sued.

[(4)**]** **(IV)** to accept grants.

[(5)**]** **(V)** to borrow for purposes consistent with the public purposes of the Authority.

[(6)**]** **(VI)** to propose in its annual budget the taxes or charges on properties within the district. No such amounts shall be levied against residential property with fewer than four dwelling units. Property which is exempt under State law from ordinary property taxes shall be exempt from assessments by the district. Before adopting its proposed budget and before making its recommendation to the City, the Authority shall hold a public hearing on taxes or charges proposed for the district. The Authority shall publish notice of the hearing in a newspaper of general circulation in Baltimore City at least once a week for three consecutive weeks before the hearing.

[(7)**]** **(VII)** to do all things necessary or convenient to carry out its powers.

[(8)**]** **(VIII)** to adopt, amend and modify by–laws, all of which shall be subject to the approval of the Board of Estimates.

[(9)**]** **(IX)** to establish and elect officers and provide for their terms and duties.

[(10)**]** **(X)** to contract for and purchase goods and services, not subject to the City requirements regarding wage scales, competitive bidding or other local procurement laws; however the Authority shall be subject to City ordinances and City policy requiring achievement of goals regarding minority and women's business enterprises.

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act ~~is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted~~ shall take effect July 1, 2022. Section 2 of this Act shall remain effective for a period of 5 years and, at the end of June 30, 2027, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

May 27, 2022

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 375 – *Open Meetings Act – Application and Enhanced Requirements (Maryland State Agency Transparency Act of 2022).*

This bill repeals exemptions from Open Meetings Act requirements for specified independent and regional development units; recodifies existing enhanced open meetings requirements that apply to specified public bodies; and expands the application of enhanced open meeting requirements to include certain boards of directors. For entities specified in the bill, a project site visit or educational field tour may not be considered a meeting of the body if no organizational business is conducted.

Senate Bill 269, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 375.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 375

AN ACT concerning

Open Meetings Act – Application and Enhanced Requirements (Maryland State Agency Transparency Act of 2022)

FOR the purpose of repealing exemptions from the Open Meetings Act for certain independent and regional development units; establishing enhanced requirements under the Open Meetings Act for specified public bodies; providing that a project site visit or educational field tour is not a meeting for purposes of the Open Meetings Act for certain public bodies; and generally relating to the Open Meetings Act.

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 10–105(a), 10–401(a) and (c), 10–504(a), 10–604(a), 10–806(a), and 11–402(a)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 10–111(a), 10–407, 10–508(b), 10–607(a), 10–814(a) and (b), and 11–408(a) and (b)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 24–501
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 24–512(b)(3)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,
Article – Election Law
Section 2–101(a)
Annotated Code of Maryland
(2017 Replacement Volume and 2021 Supplement)

BY repealing
Article – Election Law
Section 2–102(d)
Annotated Code of Maryland
(2017 Replacement Volume and 2021 Supplement)

BY adding to
Article – Election Law
Section 2–102(d)
Annotated Code of Maryland
(2017 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,
Article – General Provisions
Section 3–101(a), (d), and (h)(1), 3–204(a), and 3–501
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

BY adding to
Article – General Provisions
Section 3–307

Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

BY repealing
Article – Natural Resources
Section 3–103.4(g)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 3–103.4(h)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 1–305(a)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 1–305(e)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Utilities
Section 2–101(a)
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utilities
Section 2–108(b)
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 4–201
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY repealing
Article – Transportation

Section 4–211
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY adding to
Article – Transportation
Section 4–211
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

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

Article – Economic Development

10–105.

(a) There is a Maryland Economic Development Corporation.

10–111.

(a) (1) Except as otherwise provided in this section, in exercising its powers, the Corporation:

(i) may carry out its corporate purposes without the consent of any State unit; and

(ii) is not subject to:

1. Title 12, Subtitles 1 through 3 of this article;

2. the following provisions of the Local Government Article:

A. Title 18, Subtitle 1 (Parking Authorities Act); and

B. Title 18, Subtitle 2 (Ocean City Convention Center);

3. the following provisions of the State Finance and Procurement Article:

A. Title 2, Subtitles 2 (Gifts and Grants), 4 (Water and Sewerage Systems), and 5 (Facilities for the Handicapped);

B. Title 3 (Budget and Management);

C. Title 4 (Department of General Services);

D. Title 5A (Division of Historical and Cultural Programs);

E. Title 6, Subtitle 1 (Studies and Estimates);

F. Title 7, Subtitles 1 (State Operating Budget), 2 (Disbursements and Expenditures), and 3 (Unspent Balances);

G. §§ 8–127, 8–128, and 8–129 (certain restrictions on State general obligation bonds);

H. Title 8, Subtitle 1, Part V (State Revenue Anticipation Notes);

I. Title 10 (Board of Public Works – Miscellaneous Provisions); and

J. Division II (General Procurement Law);

4. the following provisions of the State Government Article:

A. Title 9, Subtitles 10 (State Archives and Artistic Property) and 17 (Maryland State Employees Surety Bond Committee); and

B. Title 11 (Consolidated Procedures for Development Permits); **AND**

5. Article 41 of the Code**[**; and

6. §§ 3–301 and 3–303 of the General Provisions Article (certain open meetings provisions)**]**.

(2) **(I)** The Corporation is subject to**:**

~~(I)~~ **1.** the Public Information Act**; AND**

~~(II)~~ **2.** **THE OPEN MEETINGS ACT**.

(II) FOR PURPOSES OF THE OPEN MEETINGS ACT, A PROJECT SITE VISIT OR EDUCATIONAL FIELD TOUR ~~SHALL~~ *MAY* NOT BE CONSIDERED A MEETING OF THE CORPORATION IF NO ORGANIZATIONAL BUSINESS IS CONDUCTED.

10–401.

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

(c) "Corporation" means the Maryland Technology Development Corporation.

10–407.

(a) Except as provided in subsections (b), (c), and (e) of this section, the Corporation is exempt from**[**:

(1)**]** Title 10 and Division II of the State Finance and Procurement Article**[**; and

(2) §§ 3–301 and 3–303 of the General Provisions Article**]**.

(b) The Corporation is subject to the Public Information Act.

(c) The Board, the officers and employees of the Corporation, members of the investment committee, and members of any advisory committee appointed are subject to the Public Ethics Law.

(d) The officers and employees of the Corporation are not subject to the provisions of Division I of the State Personnel and Pensions Article that govern the State Personnel Management System.

(e) (1) The Corporation, its Board, and employees are subject to Title 12, Subtitle 4 of the State Finance and Procurement Article.

(2) The Board, the officers and employees of the Corporation, the members of the investment committee, and the members of any advisory committee appointed shall disclose to the State Ethics Commission whether they are employed by or have a financial interest in an entity that currently has or will apply for funds or an investment in a program administered by the Corporation.

(F) FOR PURPOSES OF THE OPEN MEETINGS ACT, A PROJECT SITE VISIT OR EDUCATIONAL FIELD TOUR ~~SHALL~~ *MAY* NOT BE CONSIDERED A MEETING OF THE CORPORATION IF NO ORGANIZATIONAL BUSINESS IS CONDUCTED.

10–504.

(a) There is a Maryland Agricultural and Resource–Based Industry Development Corporation.

10–508.

(b) (1) The Corporation is subject to**:**

(I) the Public Information Act**; AND**

(II) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE OPEN MEETINGS ACT.

(2) **[**The Corporation is exempt from the Open Meetings Act.**]** **FOR PURPOSES OF THE OPEN MEETINGS ACT, A PROJECT SITE VISIT OR EDUCATIONAL FIELD TOUR ~~SHALL~~ *MAY* NOT BE CONSIDERED A MEETING OF THE ~~BOARD~~ CORPORATION IF NO ORGANIZATIONAL BUSINESS IS CONDUCTED.**

10–604.

(a) There is a Maryland Stadium Authority.

10–607.

(a) ~~[~~(1)~~]~~ The Authority shall determine the times and places of its meetings.

[(2) The Authority shall make publicly available on its website:

(i) each open meeting agenda:

1. at least 48 hours in advance of each meeting; or

2. if the meeting is being held due to an emergency, a natural disaster, or any other unanticipated situation, as far in advance of the meeting as practicable;

(ii) meeting minutes from the portions of a meeting that were held in open session, not more than 2 business days after the minutes are approved; and

(iii) except as provided in paragraph (3) of this subsection, live video streaming of each portion of a meeting that is held in open session.

(3) If the Authority meets by telephone conference, the Authority shall make publicly available on its website live audio streaming of each portion of the meeting that is held in open session.

(4) The Authority shall maintain on its website:

(i) meeting minutes made available under paragraph (2) of this subsection for a minimum of 5 years after the date of the meeting;

(ii) a complete and unedited archived video recording of each open meeting for which live video streaming was made available under paragraph (2) of this subsection for a minimum of 1 year after the date of the meeting; and

(iii) a complete and unedited archived audio recording of each open meeting for which live audio streaming was made available under paragraph (3) of this subsection for a minimum of 1 year after the date of the meeting.**]**

(2) FOR PURPOSES OF THE OPEN MEETINGS ACT, A PROJECT SITE VISIT OR EDUCATIONAL FIELD TOUR ~~SHALL~~ *MAY* NOT BE CONSIDERED A MEETING OF THE AUTHORITY IF NO ORGANIZATIONAL BUSINESS IS CONDUCTED.

10–806.

(a) There is a Maryland Clean Energy Center.

10–814.

(a) Except as provided in subsections (b), (c), and (e) of this section, the Center is exempt from**[**:

(1)**]** Title 10 and Division II of the State Finance and Procurement Article**[**; and

(2) §§ 3–301 and 3–303 of the General Provisions Article**]**.

(b) **(1)** The Center is subject to**:**

~~(1)~~ (I) the Public Information Act**; AND**

~~(2)~~ (II) THE OPEN MEETINGS ACT.

(2) FOR PURPOSES OF THE OPEN MEETINGS ACT, A PROJECT SITE VISIT OR EDUCATIONAL FIELD TOUR ~~SHALL~~ *MAY* NOT BE CONSIDERED A MEETING OF THE CENTER IF NO ORGANIZATIONAL BUSINESS IS CONDUCTED.

11–402.

(a) There is a Bainbridge Development Corporation.

11–408.

(a) Except as otherwise provided in this section, in exercising its corporate powers, the Corporation:

(1) may carry out its corporate purposes without obtaining the consent of any other State unit; and

(2) is not subject to:

(i) **[**§§ 3–301 and 3–303 of the General Provisions Article (Open Meetings);

(ii)**]** Title 11 of the State Government Article (Consolidated Procedures for Development Permits); and

[(iii)**] (II)** the following provisions of the State Finance and Procurement Article:

1. Title 2, Subtitles 2 (Gifts and Grants), 4 (Facsimile Signatures and Seals), and 5 (Facilities for Handicapped);

2. Title 3 (Budget and Management);

3. Title 4 (Department of General Services);

4. § 5A–304 (Maryland Historical Trust Property Acquisition);

5. Title 6, Subtitle 1 (Revenues: Studies and Estimates);

6. Title 7, Subtitles 1 (State Operating Budget), 2 (Disbursements and Expenditures), and 3 (Unspent Balances);

7. Title 8, Subtitle 1 (General Obligation Debt);

8. Title 10 (Board of Public Works – Miscellaneous Provisions); and

9. Division II (General Procurement Law).

(b) **(1)** The Corporation is subject to**:**

~~(1)~~ (I) the Public Information Act**; AND**

~~(2)~~ (II) THE OPEN MEETINGS ACT.

(2) FOR PURPOSES OF THE OPEN MEETINGS ACT, A PROJECT SITE VISIT OR EDUCATIONAL FIELD TOUR ~~SHALL~~ *MAY* NOT BE CONSIDERED A MEETING OF THE CORPORATION IF NO ORGANIZATIONAL BUSINESS IS CONDUCTED.

Article – Education

24–501.

There is a Historic St. Mary's City Commission.

24–512.

(b) (3) The Commission and its officers and employees are subject ***[****to the Public Ethics Law, the Public Information Act, and the Open Meetings Law****]*** ***TO:***

(I) THE MARYLAND PUBLIC ETHICS LAW ESTABLISHED IN TITLE 5 OF THE GENERAL PROVISIONS ARTICLE;

(II) THE PUBLIC INFORMATION ACT ESTABLISHED IN TITLE 4 OF THE GENERAL PROVISIONS ARTICLE; AND

(III) THE OPEN MEETINGS ACT ESTABLISHED IN TITLE 3 OF THE GENERAL PROVISIONS ARTICLE.

Article – Election Law

2–101.

(a) There is a State Board of Elections consisting of five members.

2–102.

[(d) (1) The State Board shall make publicly available on its website:

(i) each open meeting agenda:

1. at least 48 hours in advance of each meeting; or

2. if the meeting is being held due to an emergency, a natural disaster, or any other unanticipated situation, as far in advance of the meeting as practicable;

(ii) meeting minutes from the portions of a meeting that were held in open session, not more than 2 business days after the minutes are approved; and

(iii) live video streaming of each portion of a meeting that is held in open session.

(2) The State Board shall maintain on its website:

(i) meeting minutes made available under paragraph (1)(ii) of this subsection for a minimum of 5 years after the date of the meeting; and

(ii) a complete and unedited archived video recording of each open meeting for which live video streaming was made available under paragraph (1)(iii) of this subsection for a minimum of 1 year after the date of the meeting.

(3) The Department of Information Technology shall provide to the State Board the technical staff, support, and equipment necessary to stream live video of the open meetings of the State Board.**]**

(D) FOR PURPOSES OF THE OPEN MEETINGS ACT, A PROJECT SITE VISIT OR EDUCATIONAL FIELD TOUR ~~SHALL~~ *MAY* NOT BE CONSIDERED A MEETING OF THE STATE BOARD IF NO ORGANIZATIONAL BUSINESS IS CONDUCTED.

Article – General Provisions

3–101.

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

(d) "Board" means the State Open Meetings Law Compliance Board.

(h) (1) "Public body" means an entity that:

(i) consists of at least two individuals; and

(ii) is created by:

1. the Maryland Constitution;

2. a State statute;

3. a county or municipal charter;

4. a memorandum of understanding or a master agreement to which a majority of the county boards of education and the State Department of Education are signatories;

5. an ordinance;

6. a rule, resolution, or bylaw;

7. an executive order of the Governor; or

8. an executive order of the chief executive authority of a political subdivision of the State.

3–204.

(a) The Board shall:

(1) receive, review, and, subject to § 3–207 of this subtitle, resolve complaints from any person alleging a violation of this title; and

(2) issue a written opinion as to whether a violation has occurred.

3–307.

(A) THIS SECTION APPLIES ONLY TO THE FOLLOWING PUBLIC BODIES:

(1) THE BOARD OF DIRECTORS OF THE BAINBRIDGE DEVELOPMENT CORPORATION;

(2) THE CANAL PLACE PRESERVATION AND DEVELOPMENT AUTHORITY;

(3) THE MARYLAND 9–1–1 BOARD;

(4) THE BOARD OF DIRECTORS OF THE MARYLAND AGRICULTURAL AND RESOURCE–BASED INDUSTRY CORPORATION;

~~**(5) THE BOARD OF TRUSTEES OF THE MARYLAND AUTOMOBILE INSURANCE FUND;**~~

~~**(6)**~~ **(5) THE BOARD OF DIRECTORS OF THE MARYLAND CLEAN ENERGY CENTER;**

~~**(7)**~~ **(6) THE BOARD OF DIRECTORS OF THE MARYLAND ECONOMIC DEVELOPMENT CORPORATION;**

~~**(8)**~~ **(7) THE BOARD OF DIRECTORS OF THE MARYLAND ENVIRONMENTAL SERVICE;**

~~**(9)**~~ **(8) THE MARYLAND FOOD CENTER AUTHORITY;**

~~**(10)**~~ **(9) THE MARYLAND HEALTH AND HIGHER EDUCATIONAL FACILITIES AUTHORITY;**

~~**(11)**~~ **(10) THE MARYLAND INDUSTRIAL DEVELOPMENT FINANCING AUTHORITY;**

~~**(12)**~~ **(11) THE MARYLAND STADIUM AUTHORITY;**

~~**(13)**~~ **(12) THE MARYLAND TRANSPORTATION AUTHORITY;**

~~(14)~~ (13) THE NORTHEAST MARYLAND WASTE DISPOSAL AUTHORITY;

~~(15)~~ (14) THE PUBLIC SERVICE COMMISSION; ~~AND~~

~~(16)~~ (15) THE STATE BOARD OF ELECTIONS~~.~~; ~~AND~~

(16) THE MARYLAND TECHNOLOGY DEVELOPMENT CORPORATION*; AND*

(17) THE HISTORIC ST. MARY'S CITY COMMISSION.

(B) A PUBLIC BODY SPECIFIED IN SUBSECTION (A) OF THIS SECTION SHALL MAKE PUBLICLY AVAILABLE ON ITS WEBSITE:

~~(1) EACH OPEN MEETING AGENDA, TOGETHER WITH ANY DOCUMENTS, TESTIMONY, MINUTES FROM PREVIOUS MEETINGS, AND OTHER MATERIALS THAT WILL BE CONSIDERED AT THE OPEN MEETING:~~

(1) EACH OPEN MEETING AGENDA, TOGETHER WITH A SUMMARY OF ANY FINALIZED DOCUMENTS, WRITTEN TESTIMONY FROM THE PUBLIC, AND OTHER MATERIALS THAT THE PUBLIC BODY WILL VOTE ON AT THE OPEN MEETING:

(I) AT LEAST 48 HOURS IN ADVANCE OF EACH MEETING; OR

(II) IF THE MEETING IS BEING HELD DUE TO AN EMERGENCY, A NATURAL DISASTER, OR ANY OTHER UNANTICIPATED SITUATION, AS FAR IN ADVANCE OF THE MEETING AS PRACTICABLE;

(2) MEETING MINUTES FROM THE PORTIONS OF A MEETING THAT WERE HELD IN OPEN SESSION, NOT MORE THAN 2 BUSINESS DAYS AFTER THE MINUTES ARE APPROVED; AND

(3) SUBJECT TO SUBSECTIONS (F) AND (G) OF THIS SECTION, LIVE VIDEO STREAMING OF EACH PORTION OF A MEETING THAT IS HELD IN OPEN SESSION.

(C) TO THE EXTENT PRACTICABLE, EACH OPEN MEETING AGENDA SHALL INDICATE:

(1) WHETHER THE PUBLIC BODY INTENDS TO ADJOURN THE OPEN SESSION TO A CLOSED SESSION; AND

(2) IF APPLICABLE, THE EXPECTED TIME AT WHICH THE PUBLIC BODY INTENDS TO ADJOURN THE OPEN SESSION TO A CLOSED SESSION.

(D) (1) THE PUBLIC BODY SHALL APPROVE MEETING MINUTES IN A TIMELY MANNER.

(2) EACH OPEN MEETING AGENDA SHALL INCLUDE CONSIDERATION OF THE MEETING MINUTES FROM THE MOST RECENT MEETING.

(3) THE REQUIREMENT UNDER PARAGRAPH (2) OF THIS SUBSECTION DOES NOT APPLY TO THE AGENDA OF AN EMERGENCY MEETING OF A PUBLIC BODY IF CONSIDERATION OF THE MEETING MINUTES FROM THE MOST RECENT MEETING IS NOT PRACTICABLE BECAUSE OF THE NEED TO HOLD AN EMERGENCY MEETING.

(E) THE PUBLIC BODY SHALL MAINTAIN ON ITS WEBSITE:

(1) MEETING MINUTES MADE AVAILABLE UNDER SUBSECTION (B) OF THIS SECTION FOR A MINIMUM OF 5 YEARS AFTER THE DATE OF THE MEETING; AND

(2) EXCEPT AS PROVIDED IN SUBSECTIONS (F) AND (G) OF THIS SECTION, A COMPLETE AND UNEDITED ARCHIVED VIDEO RECORDING OF EACH OPEN MEETING FOR WHICH LIVE VIDEO STREAMING WAS MADE AVAILABLE UNDER SUBSECTION (B) OF THIS SECTION FOR A MINIMUM OF 1 YEAR AFTER THE DATE OF THE MEETING.

(F) (1) THIS SUBSECTION APPLIES ONLY TO THE MARYLAND STADIUM AUTHORITY.

(2) IF THE MARYLAND STADIUM AUTHORITY MEETS BY TELEPHONE CONFERENCE, THE AUTHORITY SHALL:

(I) MAKE PUBLICLY AVAILABLE ON ITS WEBSITE LIVE AUDIO STREAMING OF EACH PORTION OF THE MEETING THAT IS HELD IN OPEN SESSION; AND

(II) MAINTAIN ON ITS WEBSITE A COMPLETE AND UNEDITED ARCHIVED AUDIO RECORDING OF EACH MEETING FOR WHICH LIVE AUDIO STREAMING WAS MADE AVAILABLE FOR A MINIMUM OF 1 YEAR AFTER THE DATE OF THE MEETING.

(G) (1) THIS SUBSECTION APPLIES ONLY TO THE MARYLAND TRANSPORTATION AUTHORITY.

(2) THE MARYLAND TRANSPORTATION AUTHORITY IS REQUIRED TO PROVIDE LIVE VIDEO STREAMING OF A MEETING ONLY IF THE MEETING IS HELD AT:

(I) THE HEADQUARTERS OF THE MARYLAND TRANSPORTATION AUTHORITY; OR

(II) A LOCATION WHERE THE MARYLAND TRANSPORTATION AUTHORITY HELD AT LEAST 10 MEETINGS DURING THE IMMEDIATELY PRECEDING CALENDAR YEAR.

(H) THE DEPARTMENT OF INFORMATION TECHNOLOGY SHALL PROVIDE THE TECHNICAL STAFF, SUPPORT, AND EQUIPMENT NECESSARY TO LIVESTREAM THE OPEN MEETINGS OF:

(1) THE MARYLAND TRANSPORTATION AUTHORITY; AND

(2) THE STATE BOARD OF ELECTIONS.

(I) FOR PURPOSES OF THIS TITLE, A PROJECT SITE VISIT OR EDUCATIONAL FIELD TOUR MAY NOT BE CONSIDERED A MEETING OF A PUBLIC BODY LISTED UNDER SUBSECTION (A) OF THIS SECTION IF NO ORGANIZATIONAL BUSINESS IS CONDUCTED.

(J) NOTHING IN THIS SECTION MAY BE CONSTRUED TO PREVENT A PUBLIC BODY FROM ALTERING THE AGENDA OF A MEETING AFTER THE AGENDA HAS BEEN MADE AVAILABLE TO THE PUBLIC.

~~(I)~~ *(K)* THE REQUIREMENTS OF THIS SECTION ARE IN addition TO THE OTHER REQUIREMENTS OF THIS SUBTITLE.

3–501.

This title may be cited as the Open Meetings Act.

Article – Natural Resources

3–103.4.

[(g) (1) The Board shall make publicly available on the Service's website:

(i) Each open meeting agenda:

1. At least 48 hours in advance of each meeting; or

2. If the meeting is being held due to an emergency, a natural disaster, or any other unanticipated situation, as far in advance of the meeting as practicable;

(ii) Meeting minutes from the portions of a meeting that were held in open session, not more than 2 business days after the minutes are approved; and

(iii) Live video streaming of each portion of a meeting that is held in open session.

(2) The Service shall maintain on its website:

(i) Meeting minutes made available under paragraph (1) of this subsection for a minimum of 5 years after the date of the meeting; and

(ii) A complete and unedited archived video recording of each open meeting for which live video streaming was made available under paragraph (1) of this subsection for a minimum of 1 year after the date of the meeting.**]**

[(h)**] (G)** This section may be cited as the Maryland Environmental Service Reform Act of 2021.

Article – Public Safety

1–305.

(a) There is a Maryland 9–1–1 Board in the Maryland Department of Emergency Management.

(e) **[**(1)**]** The Board shall meet as necessary, but at least once each quarter.

[(2) The Board shall make publicly available on its website:

(i) each open meeting agenda:

1. at least 48 hours in advance of each meeting; or

2. if the meeting is being held due to an emergency, a natural disaster, or any other unanticipated situation, as far in advance of the meeting as practicable;

(ii) meeting minutes from the portions of a meeting that were held in open session, not more than 2 business days after the minutes are approved; and

(iii) live video streaming of each portion of a meeting that is held in open session.

(3) The Board shall maintain on its website:

(i) meeting minutes made available under paragraph (2) of this subsection for a minimum of 5 years after the date of the meeting; and

(ii) a complete and unedited archived video recording of each open meeting for which live video streaming was made available under paragraph (2) of this subsection for a minimum of 1 year after the date of the meeting.**]**

(2) FOR PURPOSES OF THE OPEN MEETINGS ACT, A PROJECT SITE VISIT OR EDUCATIONAL FIELD TOUR ~~SHALL~~ *MAY* NOT BE CONSIDERED A MEETING OF THE BOARD IF NO ORGANIZATIONAL BUSINESS IS CONDUCTED.

Article – Public Utilities

2–101.

(a) There is a Public Service Commission.

2–108.

(b) **~~[~~**(1)**~~]~~** The Commission shall meet at the times and places in the State as the Commission considers necessary.

[(2) The Commission shall make publicly available on its website:

(i) each open meeting agenda:

1. at least 48 hours in advance of each meeting; or

2. if the meeting is being held due to an emergency, a natural disaster, or any other unanticipated situation, as far in advance of the meeting as practicable;

(ii) meeting minutes from the portions of a meeting that were held in open session, not more than 2 business days after the minutes are approved; and

(iii) live video streaming of each portion of a meeting that is held in open session.

(3) The Commission shall maintain on its website:

(i) meeting minutes made available under paragraph (2) of this subsection for a minimum of 5 years after the date of the meeting; and

(ii) a complete and unedited archived video recording of each open meeting for which live video streaming was made available under paragraph (2) of this subsection for a minimum of 1 year after the date of the meeting.**]**

(2) FOR PURPOSES OF THE OPEN MEETINGS ACT, A PROJECT SITE VISIT OR EDUCATIONAL FIELD TOUR ~~SHALL~~ *MAY* NOT BE CONSIDERED A MEETING OF THE COMMISSION IF NO ORGANIZATIONAL BUSINESS IS CONDUCTED.

Article – Transportation

4–201.

There is a Maryland Transportation Authority.

[4–211.

(a) The Authority shall make publicly available on its website:

(1) Each open meeting agenda:

(i) At least 48 hours in advance of each meeting; or

(ii) If the meeting is being held due to an emergency, a natural disaster, or any other unanticipated situation, as far in advance of the meeting as practicable;

(2) Meeting minutes from the portions of a meeting that were held in open session, not more than 2 business days after the minutes are approved;

(3) Live video streaming of each open meeting of the Authority that is held at:

(i) The headquarters of the Authority; or

(ii) Any other location where the Authority held at least 10 meetings during the immediately preceding calendar year; and

(4) A complete and unedited archived video recording of each open meeting for which live video streaming was made available under item (3) of this subsection for a minimum of 5 years after the date of the meeting.

(b) The Department of Information Technology shall provide to the Authority the technical staff, support, and equipment necessary to livestream the open meetings of the Authority.**]**

4–211.

FOR PURPOSES OF THE OPEN MEETINGS ACT, A PROJECT SITE VISIT OR EDUCATIONAL FIELD TOUR ~~SHALL~~ *MAY* NOT BE CONSIDERED A MEETING OF THE AUTHORITY IF NO ORGANIZATIONAL BUSINESS IS CONDUCTED.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the requirement for publication of documents, testimony from the public, and other materials in advance of an open meeting in accordance with § 3–307 of the General Provisions Article, as enacted by Section 1 of this Act, may not be construed to limit the discussions and deliberations of the public body to*:*

(1) matters referenced in the materials published prior to the meeting*; or*

(2) require the disclosure of documents or material that would be exempt from public inspection under Title 4 of the General Provisions Article.

SECTION ~~2.~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

May 27, 2022

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 377 – *Maryland Automobile Insurance Fund – Installment Payment Plans*.

This bill expands the authority of the Maryland Automobile Insurance Fund to collect premiums for its private passenger motor vehicle insurance policies on an installment basis, and applies existing requirements for insurers that accept premiums on an installment basis.

Senate Bill 278, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 377.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 377

AN ACT concerning

Maryland Automobile Insurance Fund – Installment Payment Plans

FOR the purpose of altering certain restrictions and requirements related to the authority of the Maryland Automobile Insurance Fund to accept premiums on an installment payment basis for motor vehicle liability insurance policies; authorizing the Fund to charge and collect, if approved by the Maryland Insurance Commissioner, reasonable installment fees or reasonable fees for late payment of premiums by policyholders; and generally relating to the Maryland Automobile Insurance Fund and installment payment plans.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 20–507 and 27–216(b)
Annotated Code of Maryland
(2017 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,
Article – Insurance
Section 27–216(a) and (c)
Annotated Code of Maryland
(2017 Replacement Volume and 2021 Supplement)

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

Article – Insurance

20–507.

(a) Subject to the authority of the Commissioner to determine whether rates are excessive, inadequate, or unfairly discriminatory, as provided in Title 11, Subtitle 3 of this article, the Executive Director shall determine the premiums to be charged on policies issued by the Fund.

(b) (1) Except as provided in subsection (c) of this section, the provisions of Title 11, Subtitle 3 of this article apply to the determination of premiums by the Executive Director and the filing of rates with the Commissioner.

(2) Notwithstanding Title 11, Subtitle 3 of this article or any other provision of this title, the Executive Director may base premiums on one or both of the following items:

(i) the number of points accumulated by an insured or applicant for insurance under the point system provided for in Title 16, Subtitle 4 of the Transportation Article; or

(ii) the prior claims experience of an insured or applicant for insurance.

(c) (1) Premiums for all commercial coverage shall be determined in accordance with this section and § 20–508 of this subtitle.

(2) Notwithstanding paragraph (1) of this subsection, the rating principles under subsection (d) of this section may not be used to determine the premium for commercial coverage.

(d) In reviewing rates filed by the Fund, the Commissioner shall consider not only the rating principles under Title 11, Subtitle 3 of this article but also the statutory purpose of the Fund under § 20–301 of this title.

(e) (1) The Motor Vehicle Administration and Executive Director may arrange for the Motor Vehicle Administration to collect premiums on policies issued by the Fund when the Motor Vehicle Administration issues a driver's license or certificate of registration.

(2) A premium collected under this subsection shall be paid to the State Treasurer for the account of the Fund.

(f) (1) The Fund may not**[**:

(i)**]** provide directly or indirectly for the financing of premiums**[**; or

(ii) except as provided in subsection (g) of this section, accept premiums on an installment basis**]**.

(2) A premium may be financed only by a premium finance company registered with the Commissioner in accordance with § 23–201 of this article.

(3) If a prospective insured's initial payment to the Fund, a fund producer, or premium finance company is not honored, a policy or endorsement issued in reliance on that payment is void.

(g) (1) (i) Subject to the approval of the Commissioner and in accordance with this subsection, the Fund may accept premiums on an installment payment basis **[**only on 12–month personal lines policies**]**.

(ii) In approving the Fund's plan for accepting premiums on an installment payment basis, the Commissioner shall**:**

1. CONSIDER AS FACTORS:

A. THE PERCENTAGE OF THE INITIAL PREMIUM PAYMENT IN COMPARISON TO THE TOTAL PREMIUM UNDER THE POLICY;

B. THE NUMBER OF INSTALLMENT PREMIUM PAYMENTS ACCEPTED ON A POLICY UNDER THE INSTALLMENT PAYMENT PLAN; AND

C. THE OVERALL AFFORDABILITY OF THE INSTALLMENT PAYMENT PLAN IN COMPARISON TO OTHER PAYMENT OPTIONS AVAILABLE TO THE POLICYHOLDER; AND

2. ensure that the Fund's installment payment plan**[**:

1. requires an insured's initial premium payment to be no less than:

A. for a total annual premium of less than $3,000, 25% of the total annual premium; and

B. for a total annual premium of $3,000 or more, 20% of the total annual premium;

2. adjusts the amount of the total annual premium used to determine the initial premium payment under item 1 of this subparagraph on October 1 of each year using data from the U.S. Government Bureau of Labor Statistics motor vehicle insurance expenditure category of the Consumer Price Index for all urban consumers;

3. is structured and administered to ensure that the Fund at no time provides insurance coverage to an insured for a period during which the Fund has not received the actuarially justified premium payment;

4. offers no more than:

A. for a policy under item 1A of this subparagraph, six installment payments on the 12–month policy; and

B. for a policy under item 1B of this subparagraph, eight installment payments on the 12–month policy;

5. allows insureds to make an initial premium payment and installment payments in any commercially acceptable form; and

6. allows the Fund to impose an administrative processing fee on insureds participating in the installment plan of no more than $8 per installment

payment**] MEETS THE REQUIREMENTS OF § 27–216 OF THIS ARTICLE**.

(2) The Fund may not discriminate among insureds by charging different premiums to insureds who select, as a payment option, the Fund's installment payment plan instead of a premium finance agreement.

(3) In determining commissions paid to a fund producer, the Fund may not consider whether the fund producer placed an insured in an installment payment plan.

(4) (i) In accordance with this paragraph, written and electronic communications, including the Fund's Web site, affecting the placement of coverage by the Fund or a fund producer shall include a statement, on a form approved by the Commissioner, advising an applicant or an insured of the payment options available to the applicant or insured.

(ii) The statement shall state that the applicant or insured has the following payment options:

1. the Fund's installment payment plan;

2. a premium finance agreement; or

3. payment of the policy in full.

(iii) The statement shall be included on written or electronic communications at the time the applicant or insured:

1. is issued a new policy; or

2. is issued a reissuance, rewrite, or renewal of an existing policy.

(iv) The statement shall state that the applicant or insured should consult a fund producer who will fully describe the terms of each payment option.

(H) (1) IF THE FUND MAKES A CHANGE TO ITS PLAN FOR ACCEPTING PREMIUMS ON AN INSTALLMENT PAYMENT BASIS, WITHIN 90 DAYS AFTER THE CHANGE, THE COMMISSIONER SHALL SUBMIT A REPORT TO THE GENERAL ASSEMBLY PROVIDING THE REASON FOR THE CHANGE.

(2) THE REPORT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) INCLUDE THE EFFECT THE CHANGE WILL HAVE ON THE REQUIRED FACTORS FOR CONSIDERATION UNDER (G)(1)(II)1 OF THIS SECTION; AND

(II) BE SUBMITTED IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE.

27–216.

(a) A person may not willfully collect a premium or charge for insurance if the insurance is not then provided, or is not in due course to be provided subject to acceptance of the risk by the insurer, in a policy issued by an insurer as authorized by this article.

(b) (1) A person may not willfully collect a premium or charge for insurance that:

(i) exceeds or is less than the premium or charge applicable to that insurance under the applicable classifications and rates as filed with and approved by the Commissioner; or

(ii) if classifications, premiums, or rates are not required by this article to be filed with and approved by the Commissioner, exceeds or is less than the premium or charge specified in the policy and set by the insurer.

(2) Paragraph (1) of this subsection does not prohibit:

(i) a surplus lines broker that holds a certificate of qualification under Title 3, Subtitle 3 of this article from charging and collecting applicable State and federal taxes in addition to the required premium;

(ii) a life insurer from charging and collecting the amount actually expended for a medical examination of an applicant for life insurance or reinstatement of a policy of life insurance;

(iii) an insurance producer from charging a fee, not exceeding 15% of the premium, for services rendered in placing insurance in an insurer if commissions are not payable by the insurer;

(iv) an insurer from paying commissions to licensed insurance producers on a variable basis on policies issued to qualified exempt commercial policyholders, as defined in § 11–206 of this article, if:

1. the payment of the commission to the insurance producer on a variable basis results in a lower total cost of the policy to the qualified exempt policyholder; and

2. the insurance producer receiving the commission has agreed to the specific level of commission to be paid on the policy; or

(v) a fund producer from charging and collecting, as actual expenses incurred in placing automobile insurance with the Maryland Automobile Insurance Fund:

1. a maximum charge of $25 plus $1 more than the actual charge by the Motor Vehicle Administration for a driving record required to be presented with the application, unless otherwise provided by the Fund; or

2. the amount provided in subsection (e) of this section.

(3) (i) Subject to subparagraphs (ii), (iii), (iv), and (v) of this paragraph, paragraph (1) of this subsection does not prohibit an authorized insurer **OR THE MARYLAND AUTOMOBILE INSURANCE FUND** from charging and collecting, if approved by the Commissioner, reasonable installment fees or reasonable fees for late payment of premiums by policyholders or both.

(ii) The Commissioner:

1. shall review administrative expenses submitted by an authorized insurer **OR THE MARYLAND AUTOMOBILE INSURANCE FUND** that are associated with late payments or installment payments, including the cost incurred by an authorized insurer or a vendor of the authorized insurer to accept late payments or installment payments by credit card, debit card, electronic funds transfer, or electronic check payment; and

2. may approve a late fee or installment fee not to exceed $10.

(iii) A late fee may not be imposed:

1. during any grace period required by law or regulation on a policy of insurance; or

2. if no grace period is required by law or regulation on a policy of insurance, until 2 business days after the date the payment amount becomes due.

(iv) An authorized insurer **OR THE MARYLAND AUTOMOBILE INSURANCE FUND** shall credit each payment received from an insured to the premium owed by the insured before crediting the payment to a late fee or installment fee owed by the insured.

(v) A policy of insurance may not be canceled for the failure to pay a single late fee or single installment fee.

(4) (i) Subject to subparagraphs (ii) and (iii) of this paragraph, paragraph (1) of this subsection does not prohibit an insurance producer from charging and collecting from an insured actual expenses incurred by the insurance producer for payment of the premium for a policy by use of a credit card.

(ii) Any point of service credit card expenses may not be considered

premium for any purpose under this paragraph.

(iii) An insurance producer that accepts alternative payment methods for premiums shall disclose fully to the insured or prospective insured:

1. the availability of all payment methods accepted by the insurer or insurance producer; and

2. any charge for actual expenses incurred by the insurance producer for payment of a premium by use of a credit card.

(5) (i) Paragraph (1) of this subsection does not prohibit an authorized motor vehicle insurer or the Maryland Automobile Insurance Fund from charging and collecting a reasonable fee approved by the Commissioner under subparagraph (iii) of this paragraph for the reinstatement of a private passenger motor vehicle liability insurance policy in accordance with § 19–519 of this article.

(ii) Paragraph (1) of this subsection does not prohibit a licensed insurance producer or a fund producer from charging and collecting a reasonable fee approved by the Commissioner under subparagraph (iii) of this paragraph for the reinstatement of a private passenger motor vehicle liability insurance policy in accordance with § 19–519 of this article.

(iii) The Commissioner:

1. shall review the administrative expenses submitted by an authorized motor vehicle insurer or the Maryland Automobile Insurance Fund that are associated with reinstatements under § 19–519 of this article; and

2. may approve a reinstatement fee not to exceed:

A. $10 to be charged and collected by the insurer or the Fund; and

B. $15 to be charged and collected by the insurance producer or the fund producer.

(c) An insurer may not raise the policy limits of coverage, if the effect could be an increase in the premium without the prior consent of the insured.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

May 27, 2022

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Mr. President and Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 433 and Senate Bill 157 – *Baltimore City Board of School Commissioners – Student Members and Task Force to Study Compensation and Student Members.*

A strong education system depends on vibrant input and engagement from the students and families it serves. Student board members play a valuable role in the process, but this bill overreaches by proposing to include those members in matters relating to capital and operating budgets. This proposed delegation of responsibility jeopardizes the fiduciary responsibility to exercise due care and judgment in the expenditures of a budget that exceeds $1 billion in state tax dollars. Even the most business–savvy board members will require several years of experience working with the school budget in order to deal with a basic level of competency on a budget of such complexity. We cannot expect that a high school senior, serving a one–year term, would be capable of providing a level of meaningful budget oversight that our citizens rightfully expect.

Board members, who must deal with potential manipulation and influence in their handling of the budget, are also legally accountable, to include potential incarceration, for any malfeasance. I cannot in good conscience allow a young 17– or 18–year–old student to be at risk of such a level of culpability. We should be actively looking for ways to ensure students a greater voice in the process, but this measure is not well thought out.

For these reasons, I have vetoed House Bill 433 and Senate Bill 157.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 433

AN ACT concerning

Baltimore City Board of School Commissioners – Student Members and Task Force to Study Compensation and Student Members

FOR the purpose of altering ~~the number of,~~ the voting rights of~~,~~ and the process for selecting a student ~~members~~ member of the Baltimore City Board of School Commissioners; establishing the Task Force to Study Compensation ~~for~~ and Student Members of the Baltimore City Board of School Commissioners; and generally relating to the Baltimore City Board of School Commissioners.

BY repealing and reenacting, without amendments,
Article – Education
Section 3–108.1(c) and (n)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Education
Section 3–108.1(d) and (m)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

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

Article – Education

3–108.1.

(c) There is a Baltimore City Board of School Commissioners of the Baltimore City Public School System.

(d) (1) The board consists of:

(i) Except as provided in paragraph (2) of this subsection, nine voting members appointed by the Mayor from a list of qualified individuals submitted to the Mayor by the panel;

(ii) Two elected voting members; and

(iii) **~~[~~**One**~~]~~** ~~**TWO**~~ voting student **[**member appointed**]** ~~**MEMBERS**~~ **MEMBER ELECTED** as provided in subsection (m) of this section.

(2) If the Mayor elects not to appoint a member from a list submitted by the panel under paragraph (1)(i) of this subsection, the Mayor shall reconvene the panel to submit additional names of qualified candidates.

(m) (1) ~~(I)~~ The student ~~[~~member~~]~~ ~~MEMBERS~~ shall be ~~[~~a student~~]~~ **REGULARLY** enrolled ~~STUDENTS~~ **IN THEIR JUNIOR OR SENIOR YEAR OF HIGH SCHOOL** in the Baltimore City Public School System who shall be **[**selected by the Associated Student Congress of Baltimore City**]** **ELECTED BY THE MIDDLE AND HIGH SCHOOL STUDENTS OF THE CITY, IN ACCORDANCE WITH ~~THIS~~ ~~PARAGRAPH~~ PROCEDURES ESTABLISHED BY THE BOARD IN COLLABORATION WITH THE ASSOCIATED STUDENT CONGRESS OF BALTIMORE CITY**.

~~(II) 1. THE NOMINATION AND ELECTION PROCESS FOR THE STUDENT MEMBERS SHALL:~~

~~A. BE AS AGREED ON BY THE BOARD AND THE ASSOCIATED STUDENT CONGRESS OF BALTIMORE CITY; AND~~

~~B. INCLUDE A PROCESS TO REPLACE ONE OF THE FINAL CANDIDATES IF THEY ARE UNABLE TO PROCEED IN THE ELECTION.~~

~~2. ANY STUDENT ENROLLED IN A MIDDLE OR HIGH SCHOOL IN THE BALTIMORE CITY PUBLIC SCHOOL SYSTEM MAY:~~

~~A. NOMINATE A STUDENT MEMBER CANDIDATE;~~

~~B. VOTE FOR DELEGATES FROM THE STUDENT'S SCHOOL, WHO IN TURN VOTE IN A NOMINATING CONVENTION TO REDUCE TO FOUR THE NUMBER OF CANDIDATES FOR STUDENT MEMBER IF THERE ARE FIVE OR MORE CANDIDATES; AND~~

~~C. VOTE DIRECTLY FOR TWO OF THE REMAINING STUDENT MEMBER CANDIDATES.~~

~~3. THE CANDIDATES RECEIVING THE THIRD AND FOURTH HIGHEST NUMBER OF VOTES IN THE DIRECT ELECTION SHALL BECOME THE ALTERNATE STUDENT MEMBERS AND SHALL SERVE IF A STUDENT MEMBER IS UNABLE TO COMPLETE THEIR ELECTED TERM.~~

(2) The term of a student member is 1 year.

(3) A student member may not serve more than two consecutive full terms.

(4) The student ~~[~~member~~]~~ ~~MEMBERS~~ may vote on ~~all~~ matters before the board **[**except**]** **INCLUDING** those relating to:

~~(i) Personnel;~~

~~(ii)~~ **(I)** Capital and operating budgets;

~~(iii)~~ **(II)** School closings, reopenings, and boundaries; **AND**

~~(iv) Collective bargaining decisions;~~

~~(v)~~ **(III)** Student disciplinary matters~~; and~~

~~(vi) Appeals to the board as provided under §§ 4–205 and 6–202 of this article~~.

(5) **THE STUDENT MEMBER MAY NOT VOTE ON MATTERS BEFORE THE BOARD RELATING TO PERSONNEL AND COLLECTIVE BARGAINING DECISIONS.**

(6) The student **[**member**]** ~~**MEMBERS**~~ may **[**not**]** attend or participate in an executive or special session of the board.

(n) Any action by the board shall require:

(1) A quorum of a majority of the voting members then serving; and

(2) The affirmative vote of a majority of the voting members then serving.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) There is a Task Force to Study Compensation ~~for~~ and Student Members of the Baltimore City Board of School Commissioners.

(b) The Task Force consists of the following members:

(1) one member of the Baltimore City Senate Delegation, appointed by the President of the Senate;

(2) one member of the Baltimore City House Delegation, appointed by the Speaker of the House;

(3) ~~five~~ three members, appointed by the Mayor of Baltimore City, of which~~:~~

~~(i) not more than two may be members of the Baltimore City Board of School Commissioners; and~~

~~(ii)~~ one member shall be a resident of Baltimore City who is not employed by the City, State, or federal government; ~~and~~

~~(2)~~ (4) two members, appointed by the Chair of the Baltimore City Board of School Commissioners; and

(5) ~~four~~ two members, appointed by the President of the City Council of Baltimore City, of which one member shall be a resident of Baltimore City who is not employed by the City, State, or federal government.

(c) The Mayor of Baltimore City shall designate the chair of the Task Force.

(d) The Office of the Mayor of Baltimore City shall provide staff for the Task Force.

(e) A member of the Task Force:

(1) may not receive compensation as a member of the Task Force; but

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

(f) The Task Force shall:

(1) study the compensation of members of the Baltimore City Board of School Commissioners, including the student members; ~~and~~

(2) study the possibility and effect of adding a second student member to the Baltimore City Board of School Commissioners; and

~~(2)~~ (3) make recommendations regarding the amount of and revenue stream for any proposed compensation to begin with the Baltimore City budget for fiscal year 2024.

(g) On or before April 1, 2023, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall remain effective for a period of 1 year and, at the end of June 30, 2023, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

May 27, 2022

The Honorable Adrienne A. Jones

Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 496 – *Labor and Employment – Family and Medical Leave Insurance Program – Establishment (Time to Care Act 2022).*

This bill establishes the Family and Medical Leave Insurance (FAMLI) Program and FAMLI Fund to provide up to 12 weeks of benefits to a covered individual taking leave from employment due to specified personal and family circumstances. The weekly benefit is based on the individual's average weekly wage, subject to a cap. The FAMLI Fund consists of contributions from employees and employers of at least 15 employees and pays for benefits, a public education program, and implementation and administrative costs.

Senate Bill 275, which was passed by the General Assembly and vetoed by me, accomplishes the same purpose.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 496

AN ACT concerning

~~Labor and Employment – Commission on the Establishment of a~~ *Labor and Employment* – Family and Medical Leave Insurance Program – *Establishment* – ~~Establishment~~
(Time to Care Act 2022)

FOR the purpose of establishing ~~the Commission on~~ the ~~Establishment of a~~ Family and Medical Leave Insurance Program *in the Maryland Department of Labor to provide certain benefits to individuals who take leave from employment for certain purposes; establishing the Family and Medical Leave Insurance Fund as a special, nonlapsing fund; requiring, beginning on a certain date, certain employees, employers, and self–employed individuals to contribute to the Fund in a certain manner; requiring the Secretary to establish the total rate of contribution and the percentages of the total rate of contribution to be paid by certain employees and employers; requiring the Secretary of Labor to establish a system of appeals for certain covered individuals; requiring that certain judicial review be allowed after a certain aggrieved party has exhausted certain administrative remedies; requiring interest earnings of the Fund to be credited to the Fund; and generally relating to the Family and Medical Leave Insurance Program.* ~~in the Maryland Department of Labor to provide certain benefits~~

~~to individuals who take leave from employment for certain purposes; establishing the Division of Family and Medical Leave Insurance in the Department to administer the Program; establishing the Family and Medical Leave Insurance Fund as a special, nonlapsing fund; requiring, beginning on a certain date, certain employees, employers, and self–employed individuals to contribute to the Fund in a certain manner; requiring the Division, under certain circumstances, to deduct and withhold a certain amount from benefits paid; authorizing certain employees to bring a certain action against certain employers for certain violations of this Act under certain circumstances; requiring the Secretary of Labor to establish a system of appeals for certain covered individuals; requiring that certain judicial review be allowed after a certain aggrieved party has exhausted certain administrative remedies; requiring interest earnings of the Fund to be credited to the Fund;~~ to study and make recommendations for establishing a Family Medical Leave and Insurance Program in the State; providing that the intent of the General Assembly is to establish a certain statutory framework for a family medical leave and insurance program in the State that is effective not later than a certain date; and generally relating to the Family and Medical Leave Insurance Program a State family and medical leave insurance program.

BY adding to
Article – Labor and Employment
Section 8.3–101 through 8.3–1001 to be under the new title "Title 8.3. Family and Medical Leave Insurance Program"
Annotated Code of Maryland
(2016 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2021 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)144. and 145.
Annotated Code of Maryland
(2021 Replacement Volume)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)146.
Annotated Code of Maryland
(2021 Replacement Volume)

~~BY adding to~~
~~Article – Labor and Employment~~

~~Section 8.3–101 through 8.3–1001 to be under the new title "Title 8.3. Family and Medical Leave Insurance Program"~~
~~Annotated Code of Maryland~~
~~(2016 Replacement Volume and 2021 Supplement)~~

~~BY repealing and reenacting, without amendments,~~
~~Article – State Finance and Procurement~~
~~Section 6–226(a)(2)(i)~~
~~Annotated Code of Maryland~~
~~(2021 Replacement Volume)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – State Finance and Procurement~~
~~Section 6–226(a)(2)(ii)144. and 145.~~
~~Annotated Code of Maryland~~
~~(2021 Replacement Volume)~~

~~BY adding to~~
~~Article – State Finance and Procurement~~
~~Section 6–226(a)(2)(ii)146.~~
~~Annotated Code of Maryland~~
~~(2021 Replacement Volume)~~

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

Article – Labor and Employment

TITLE 8.3. FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM.

SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.

8.3–101.

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

(B) "APPLICATION YEAR" MEANS THE 12–MONTH PERIOD BEGINNING ON THE FIRST DAY OF THE CALENDAR WEEK IN WHICH A COVERED INDIVIDUAL FILES AN APPLICATION FOR BENEFITS.

(C) "BENEFITS" MEANS THE MONEY PAYABLE UNDER THIS TITLE TO A COVERED INDIVIDUAL.

(D) "COVERED EMPLOYEE" MEANS AN EMPLOYEE WHO HAS WORKED AT LEAST 680 HOURS OVER THE 12–MONTH PERIOD IMMEDIATELY PRECEDING THE DATE ON WHICH LEAVE IS TO BEGIN.

(E) "COVERED INDIVIDUAL" MEANS A COVERED EMPLOYEE OR A SELF–EMPLOYED INDIVIDUAL WHO ELECTS TO PARTICIPATE IN THE PROGRAM UNDER § 8.3–201 OF THIS TITLE.

(F) "DEPARTMENT" MEANS THE MARYLAND DEPARTMENT OF LABOR.

(G) "DEPLOYMENT" MEANS A SERVICE MEMBER ACTING UNDER OFFICIAL ORDERS WHO, ON ANY DAY, IS PERFORMING SERVICE IN A TRAINING EXERCISE OR OPERATION AT A LOCATION OR UNDER CIRCUMSTANCES THAT MAKE IT IMPOSSIBLE OR INFEASIBLE FOR THE SERVICE MEMBER TO SPEND OFF–DUTY TIME IN THE HOUSING IN WHICH THE SERVICE MEMBER RESIDES WHEN ON GARRISON DUTY AT THE SERVICE MEMBER'S PERMANENT DUTY STATION OR HOMEPORT.

(H) (1) "EMPLOYER" MEANS A PERSON OR GOVERNMENTAL ENTITY THAT EMPLOYS AT LEAST ONE INDIVIDUAL IN THE STATE.

(2) "EMPLOYER" DOES NOT INCLUDE AN INDIVIDUAL WHO:

(I) IS THE SOLE OWNER OF A SOLE PROPRIETORSHIP, LIMITED LIABILITY COMPANY, C CORPORATION, OR S CORPORATION; AND

(II) IS THE ONLY INDIVIDUAL EMPLOYED BY THE SOLE PROPRIETORSHIP, LIMITED LIABILITY COMPANY, C CORPORATION, OR S CORPORATION.

(I) "FAMILY MEMBER" MEANS:

(1) A BIOLOGICAL CHILD, AN ADOPTED CHILD, A FOSTER CHILD, OR A STEPCHILD OF THE COVERED INDIVIDUAL;

(2) A CHILD FOR WHOM THE COVERED INDIVIDUAL HAS LEGAL OR PHYSICAL CUSTODY OR GUARDIANSHIP;

(3) A CHILD FOR WHOM THE COVERED INDIVIDUAL STANDS IN LOCO PARENTIS, REGARDLESS OF THE CHILD'S AGE;

(4) A BIOLOGICAL PARENT, AN ADOPTIVE PARENT, A FOSTER PARENT, OR A STEPPARENT OF THE COVERED INDIVIDUAL OR OF THE COVERED INDIVIDUAL'S SPOUSE;

(5) THE LEGAL GUARDIAN OF THE COVERED INDIVIDUAL OR THE WARD OF THE COVERED INDIVIDUAL OR OF THE COVERED INDIVIDUAL'S SPOUSE;

(6) AN INDIVIDUAL WHO ACTED AS A PARENT OR STOOD IN LOCO PARENTIS TO THE COVERED INDIVIDUAL OR THE COVERED INDIVIDUAL'S SPOUSE WHEN THE COVERED INDIVIDUAL OR THE COVERED INDIVIDUAL'S SPOUSE WAS A MINOR;

(7) THE SPOUSE OF THE COVERED INDIVIDUAL;

(8) A BIOLOGICAL GRANDPARENT, AN ADOPTED GRANDPARENT, A FOSTER GRANDPARENT, OR A STEPGRANDPARENT OF THE COVERED INDIVIDUAL;

(9) A BIOLOGICAL GRANDCHILD, AN ADOPTED GRANDCHILD, A FOSTER GRANDCHILD, OR A STEPGRANDCHILD OF THE COVERED INDIVIDUAL; OR

(10) A BIOLOGICAL SIBLING, AN ADOPTED SIBLING, A FOSTER SIBLING, OR A STEPSIBLING OF THE COVERED INDIVIDUAL.

(J) "FUND" MEANS THE FAMILY AND MEDICAL LEAVE INSURANCE FUND ESTABLISHED UNDER § 8.3–501 OF THIS TITLE.

(K) "GOVERNMENTAL ENTITY" HAS THE MEANING STATED IN § 8–101 OF THIS ARTICLE.

(L) "PROGRAM" MEANS THE FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM ESTABLISHED UNDER § 8.3–301 OF THIS TITLE.

(M) "QUALIFYING EXIGENCY" MEANS ANY OF THE FOLLOWING REASONS FOR WHICH LEAVE MAY BE NEEDED BY A FAMILY MEMBER OF A SERVICE MEMBER:

(1) BECAUSE THE SERVICE MEMBER HAS RECEIVED NOTICE OF DEPLOYMENT WITHIN 7 DAYS BEFORE THE DEPLOYMENT IS TO BEGIN;

(2) TO ATTEND MILITARY EVENTS AND RELATED ACTIVITIES INCLUDING FAMILY SUPPORT PROGRAMS RELATED TO THE ACTIVE DUTY OF THE SERVICE MEMBER;

(3) TO ARRANGE, PROVIDE, OR ATTEND CHILD CARE OR SCHOOL ACTIVITIES ONLY WHEN THE SERVICE MEMBER IS ON ACTIVE DUTY CALL OR ACTIVE DUTY STATUS;

(4) TO MAKE FINANCIAL AND LEGAL ARRANGEMENTS FOR THE SERVICE MEMBER'S ABSENCE OR BECAUSE OF THE ABSENCE;

(5) TO ATTEND COUNSELING THAT:

(I) IS NEEDED DUE TO THE ACTIVE DUTY OR CALL TO ACTIVE DUTY STATUS OF THE SERVICE MEMBER; AND

(II) IS PROVIDED BY AN INDIVIDUAL WHO IS NOT A LICENSED HEALTH CARE PROVIDER;

(6) TO SPEND UP TO 15 CALENDAR DAYS WITH A SERVICE MEMBER WHO IS ON SHORT–TERM TEMPORARY REST AND RECUPERATION LEAVE DURING THE PERIOD OF DEPLOYMENT;

(7) TO ATTEND POSTDEPLOYMENT ACTIVITIES INCLUDING REINTEGRATION SERVICES FOR A PERIOD OF 90 DAYS IMMEDIATELY FOLLOWING THE TERMINATION OF ACTIVE STATUS;

(8) TO ATTEND TO MATTERS RELATED TO THE DEATH OF THE SERVICE MEMBER WHILE ON ACTIVE DUTY STATUS;

(9) TO ARRANGE FOR OR PROVIDE ALTERNATIVE CARE FOR A PARENT OF THE SERVICE MEMBER WHEN THE PARENT IS INCAPABLE OF SELF–CARE AND THE COVERED ACTIVE DUTY OR CALL TO ACTIVE DUTY NECESSITATES A CHANGE; OR

(10) BECAUSE OF ANY OTHER ISSUES THAT ARISE OUT OF ACTIVE DUTY OR A CALL TO ACTIVE DUTY THAT AN EMPLOYER AND COVERED EMPLOYEE AGREE SHOULD BE COVERED.

(N) "SECRETARY" MEANS THE SECRETARY OF LABOR.

(O) (1) "SERIOUS HEALTH CONDITION" MEANS AN ILLNESS, AN INJURY, AN IMPAIRMENT, OR A PHYSICAL OR MENTAL CONDITION THAT INVOLVES:

(I) INPATIENT CARE IN A HOSPITAL, HOSPICE, OR RESIDENTIAL HEALTH CARE FACILITY;

(II) CONTINUED TREATMENT BY A LICENSED HEALTH CARE PROVIDER; OR

(III) CONTINUED TREATMENT OR SUPERVISION AT HOME BY A LICENSED HEALTH CARE PROVIDER OR OTHER COMPETENT INDIVIDUAL UNDER THE SUPERVISION OF A LICENSED HEALTH CARE PROVIDER.

(2) "SERIOUS HEALTH CONDITION" INCLUDES AN ILLNESS, AN INJURY, AN IMPAIRMENT, OR A PHYSICAL OR MENTAL CONDITION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION THAT CONTINUES OVER AN EXTENDED PERIOD OF TIME AND REQUIRES INTERMITTENT TREATMENT.

(P) "SERVICE MEMBER" MEANS AN INDIVIDUAL WHO IS AN ACTIVE DUTY OR FORMER MEMBER OF:

(1) THE UNITED STATES ARMED FORCES;

(2) A RESERVE COMPONENT OF THE UNITED STATES ARMED FORCES; OR

(3) THE NATIONAL GUARD OF ANY STATE.

(Q) "TREATMENT" INCLUDES:

(1) EXAMINATIONS OR TESTING TO DETERMINE THE EXTENT TO WHICH A SERIOUS HEALTH CONDITION EXISTS OR PERSISTS;

(2) ONGOING OR PERIODIC EVALUATIONS OF THE SERIOUS HEALTH CONDITION; AND

(3) ACTUAL TREATMENT BY A HEALTH CARE PROVIDER.

8.3–102.

(A) (1) THIS SUBSECTION DOES NOT APPLY TO THE DISCLOSURE OF INFORMATION TO:

(I) A PUBLIC EMPLOYEE IN THE PERFORMANCE OF THE PUBLIC EMPLOYEE'S OFFICIAL DUTIES;

(II) THE INDIVIDUAL TO WHOM THE INFORMATION RELATES; OR

(III) IF AN AUTHORIZED REPRESENTATIVE HAS THE SIGNED AUTHORIZATION OF THE INDIVIDUAL TO WHOM THE INFORMATION RELATES, THE AUTHORIZED REPRESENTATIVE.

(2) AN EMPLOYEE OF THE DEPARTMENT MAY NOT DISCLOSE INFORMATION RELATING TO AN INDIVIDUAL WHO HAS APPLIED FOR OR RECEIVED BENEFITS UNDER THIS TITLE.

(B) THIS TITLE PREEMPTS THE AUTHORITY OF A LOCAL JURISDICTION TO ENACT A LAW ON OR AFTER JUNE 1, 2022, THAT ESTABLISHES A PAID FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM FOR EMPLOYEES OF AN EMPLOYER OTHER THAN THE LOCAL JURISDICTION.

SUBTITLE 2. SCOPE OF TITLE.

8.3–201.

(A) IN THIS SECTION, "SELF–EMPLOYED INDIVIDUAL" INCLUDES AN INDIVIDUAL THAT:

(1) IS THE SOLE OWNER OF A SOLE PROPRIETORSHIP, LIMITED LIABILITY COMPANY, C CORPORATION, OR S CORPORATION; AND

(2) IS THE ONLY INDIVIDUAL EMPLOYED BY THE SOLE PROPRIETORSHIP, LIMITED LIABILITY COMPANY, C CORPORATION, OR S CORPORATION.

(B) (1) A SELF–EMPLOYED INDIVIDUAL MAY ELECT TO PARTICIPATE IN THE PROGRAM BY FILING A WRITTEN NOTICE OF ELECTION WITH THE SECRETARY IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY.

(2) AN ELECTION MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION BECOMES EFFECTIVE ON THE DATE THE WRITTEN NOTICE IS FILED.

(C) (1) IF A SELF–EMPLOYED INDIVIDUAL ELECTS TO PARTICIPATE IN THE PROGRAM UNDER SUBSECTION (B) OF THIS SECTION, THE INDIVIDUAL SHALL PARTICIPATE FOR AN INITIAL PERIOD OF NOT LESS THAN 3 YEARS.

(2) ONCE THE INITIAL PARTICIPATION PERIOD EXPIRES, THE SELF–EMPLOYED INDIVIDUAL MAY RENEW PARTICIPATION IN THE PROGRAM FOR A PERIOD OF NOT LESS THAN 1 YEAR.

(3) IF THE SELF–EMPLOYED INDIVIDUAL DOES NOT WISH TO RENEW PARTICIPATION IN THE PROGRAM UNDER PARAGRAPH (2) OF THIS SUBSECTION, WITHIN 30 DAYS BEFORE THE PARTICIPATION PERIOD EXPIRES, THE SELF–EMPLOYED INDIVIDUAL SHALL NOTIFY THE SECRETARY IN WRITING OF THE SELF–EMPLOYED INDIVIDUAL'S WITHDRAWAL FROM THE PROGRAM.

(D) DURING THE PERIOD A SELF–EMPLOYED INDIVIDUAL PARTICIPATES IN THE PROGRAM, THE SELF–EMPLOYED INDIVIDUAL SHALL PAY THE CONTRIBUTION REQUIRED UNDER § 8.3–601 OF THIS TITLE.

8.3–202.

THIS TITLE MAY NOT BE CONSTRUED TO DIMINISH AN EMPLOYER'S OBLIGATION TO COMPLY WITH A COLLECTIVE BARGAINING AGREEMENT OR AN EMPLOYER POLICY THAT ALLOWS AN EMPLOYEE TO TAKE LEAVE FOR A LONGER PERIOD OF TIME THAN THE EMPLOYEE WOULD BE ABLE TO RECEIVE BENEFITS UNDER THIS TITLE.

8.3–203.

(A) AN EMPLOYEE'S RIGHT TO BENEFITS UNDER THIS TITLE MAY NOT BE DIMINISHED BY A COLLECTIVE BARGAINING AGREEMENT OR BY AN EMPLOYER POLICY.

(B) AN AGREEMENT TO WAIVE THE EMPLOYEE'S RIGHTS UNDER THIS TITLE IS VOID AS AGAINST PUBLIC POLICY.

SUBTITLE 3. ESTABLISHMENT OF PROGRAM.

8.3–301.

THERE IS A FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM IN THE DEPARTMENT.

8.3–302.

THE PURPOSE OF THE PROGRAM IS TO PROVIDE TEMPORARY BENEFITS TO A COVERED INDIVIDUAL WHO IS TAKING LEAVE FROM EMPLOYMENT:

(1) TO CARE FOR A CHILD DURING THE FIRST YEAR AFTER THE CHILD'S BIRTH OR AFTER THE PLACEMENT OF THE CHILD THROUGH FOSTER CARE, KINSHIP CARE, OR ADOPTION;

(2) TO CARE FOR A FAMILY MEMBER WITH A SERIOUS HEALTH CONDITION;

(3) BECAUSE THE COVERED INDIVIDUAL HAS A SERIOUS HEALTH CONDITION THAT RESULTS IN THE COVERED INDIVIDUAL BEING UNABLE TO PERFORM THE FUNCTIONS OF THE COVERED INDIVIDUAL'S POSITION;

(4) TO CARE FOR A SERVICE MEMBER WHO IS THE COVERED INDIVIDUAL'S NEXT OF KIN; OR

(5) BECAUSE THE COVERED INDIVIDUAL HAS A QUALIFYING EXIGENCY ARISING OUT OF THE DEPLOYMENT OF A SERVICE MEMBER WHO IS A FAMILY MEMBER OF THE COVERED INDIVIDUAL.

SUBTITLE 4. ADMINISTRATION.

8.3–401.

THIS TITLE SHALL BE ADMINISTERED UNDER THE SUPERVISION OF THE SECRETARY.

8.3–402.

THE SECRETARY MAY DELEGATE TO AN EMPLOYEE OF THE DEPARTMENT ANY POWER OR DUTY THAT IS REASONABLE AND PROPER FOR THE ADMINISTRATION OF THIS TITLE.

8.3–403.

(A) THE SECRETARY, IN CONSULTATION WITH OTHER STATE AGENCIES AND RELEVANT STAKEHOLDERS, SHALL:

(1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, ADOPT REGULATIONS NECESSARY TO CARRY OUT THIS TITLE;

(2) ESTABLISH PROCEDURES AND FORMS FOR FILING CLAIMS FOR BENEFITS, INCLUDING:

(I) PROCEDURES FOR NOTIFYING AN EMPLOYER WITHIN 5 BUSINESS DAYS AFTER AN EMPLOYEE OF THE EMPLOYER FILES A CLAIM FOR BENEFITS UNDER THIS TITLE; AND

(II) NOTICES OF ELECTIONS BY SELF–EMPLOYED INDIVIDUALS FOR BENEFITS UNDER § 8.3–201 OF THIS TITLE;

(3) USE INFORMATION–SHARING AND INTEGRATION TECHNOLOGY TO FACILITATE THE DISCLOSURE OF RELEVANT INFORMATION OR RECORDS NEEDED FOR THE ADMINISTRATION OF THIS TITLE; AND

(4) SUBJECT TO SUBSECTION (D) OF THIS SECTION, CARRY OUT A PUBLIC EDUCATION PROGRAM.

(B) THE REGULATIONS ADOPTED UNDER SUBSECTION (A)(1) OF THIS SECTION SHALL BE CONSISTENT WITH REGULATIONS ADOPTED TO IMPLEMENT THE

FEDERAL FAMILY AND MEDICAL LEAVE ACT AND ANY RELEVANT STATE LAWS TO THE EXTENT THAT THE ADOPTED REGULATIONS DO NOT CONFLICT WITH THIS TITLE.

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A COVERED INDIVIDUAL UNDER § 8.3–302(2), (3), (4), OR (5) OF THIS TITLE SHALL PROVIDE CERTIFICATION FOR A CLAIM FOR BENEFITS UNDER THIS TITLE.

(2) A CERTIFICATION FOR A CLAIM FOR BENEFITS FOR A COVERED INDIVIDUAL UNDER § 8.3–302(2), (3), OR (4) OF THIS TITLE SHALL INCLUDE:

(I) THE DATE ON WHICH THE SERIOUS HEALTH CONDITION OF THE FAMILY MEMBER, COVERED INDIVIDUAL, OR SERVICE MEMBER COMMENCED;

(II) THE PROBABLE DURATION OF THE SERIOUS HEALTH CONDITION;

(III) THE APPROPRIATE FACTS RELATED TO THE SERIOUS HEALTH CONDITION WITHIN THE KNOWLEDGE OF THE LICENSED HEALTH CARE PROVIDER;

(IV) 1. FOR A CLAIM FOR BENEFITS UNDER § 8.3–302(2) OF THIS TITLE, A STATEMENT THAT THE COVERED INDIVIDUAL NEEDS TO CARE FOR A FAMILY MEMBER AND AN ESTIMATE OF THE AMOUNT OF TIME REQUIRED TO PROVIDE THE CARE; OR

2. FOR A CLAIM FOR BENEFITS UNDER § 8.3–302(3) OF THIS TITLE, A STATEMENT THAT THE COVERED INDIVIDUAL IS UNABLE TO PERFORM THE FUNCTIONS OF THE COVERED INDIVIDUAL'S POSITION; AND

(V) 1. FOR A CERTIFICATION FOR INTERMITTENT LEAVE UNDER § 8.3–302(2) OR (4) OF THIS TITLE, A STATEMENT THAT THE COVERED INDIVIDUAL NEEDS TO CARE FOR A FAMILY MEMBER OR SERVICE MEMBER AND THE EXPECTED DURATION OF THE INTERMITTENT LEAVE; OR

2. FOR A CERTIFICATION OF INTERMITTENT LEAVE UNDER § 8.3–302(3) OF THIS TITLE, A STATEMENT THAT THE COVERED INDIVIDUAL IS UNABLE TO PERFORM THE FUNCTIONS OF THE COVERED INDIVIDUAL'S POSITION AND THE EXPECTED DURATION OF THE INTERMITTENT LEAVE.

(3) THE SECRETARY SHALL ESTABLISH:

(I) STANDARDS IN REGULATION FOR THE CERTIFICATION OF CLAIMS FOR BENEFITS UNDER § 8.3–302(5) OF THIS TITLE;

(II) STANDARDS FOR VERIFYING THE IDENTITY OF A FAMILY MEMBER FOR A CLAIM FOR BENEFITS UNDER § 8.3–302(2) OF THIS TITLE; AND

(III) PROCEDURES FOR AN EMPLOYER TO PROVIDE EVIDENCE OF SUSPECTED FRAUD TO THE SECRETARY.

(D) (1) THE SECRETARY MAY USE A PORTION OF THE FUNDS PAID UNDER § 8.3–601 OF THIS TITLE OR OTHER AVAILABLE FUNDING TO PAY FOR AND CARRY OUT THE REQUIREMENTS UNDER SUBSECTION (A)(4) OF THIS SECTION.

(2) MATERIALS USED IN THE PUBLIC EDUCATION PROGRAM REQUIRED UNDER SUBSECTION (A)(4) OF THIS SECTION SHALL BE MADE AVAILABLE IN ENGLISH AND SPANISH.

8.3–404.

(A) SUBJECT TO § 8.3–905 OF THIS TITLE, TO ENFORCE THIS TITLE, THE SECRETARY MAY:

(1) CONDUCT AN INVESTIGATION UNDER THIS TITLE, ON THE SECRETARY'S OWN INITIATIVE OR ON RECEIPT OF A WRITTEN COMPLAINT;

(2) ADMINISTER AN OATH;

(3) CERTIFY TO AN OFFICIAL ACT;

(4) TAKE A DEPOSITION;

(5) ISSUE A SUBPOENA FOR THE ATTENDANCE OF A WITNESS TO TESTIFY OR THE PRODUCTION OF BOOKS, CORRESPONDENCE, MEMORANDA, PAPERS, OR OTHER RECORDS; AND

(6) BRING A CIVIL ACTION IN THE COUNTY WHERE THE VIOLATION ALLEGEDLY OCCURRED.

(B) (1) A SUBPOENA ISSUED UNDER SUBSECTION (A)(5) OF THIS SECTION SHALL BE SERVED IN ANY MANNER IN WHICH A SUBPOENA OF A COURT MAY BE SERVED.

(2) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER SUBSECTION (A)(5) OF THIS SECTION ON A COMPLAINT FILED BY THE SECRETARY, THE CIRCUIT COURT FOR THE COUNTY WHERE THE INVESTIGATION IS BEING CONDUCTED OR WHERE THE PERSON RESIDES, IS PRESENT, OR TRANSACTS

BUSINESS MAY ISSUE AN ORDER DIRECTING COMPLIANCE WITH THE SUBPOENA OR COMPELLING TESTIMONY.

(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A PERSON MAY NOT BE EXCUSED FROM COMPLYING WITH A SUBPOENA ISSUED UNDER SUBSECTION (A)(5) OF THIS SECTION ON THE GROUND THAT THE EVIDENCE OR TESTIMONY REQUIRED MAY TEND TO INCRIMINATE THE PERSON OR SUBJECT THE PERSON TO A FORFEITURE OR PENALTY.

(II) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, AFTER CLAIMING THE PRIVILEGE AGAINST SELF–INCRIMINATION, A PERSON MAY NOT BE PROSECUTED OR SUBJECTED TO ANY FORFEITURE OR PENALTY BECAUSE OF ANY MATTER, THING, OR TRANSACTION ABOUT WHICH THE PERSON IS COMPELLED TO PRODUCE EVIDENCE OR TESTIFY.

2. IF THE PERSON COMMITS PERJURY WHILE GIVING TESTIMONY, THE PERSON IS SUBJECT TO PROSECUTION FOR THAT OFFENSE.

8.3–405.

SUBJECT TO § 8.3–905 OF THIS TITLE, IN A CIVIL ACTION TO ENFORCE THIS TITLE, THE SECRETARY AND THE STATE MAY BE REPRESENTED BY:

(1) THE ATTORNEY GENERAL; OR

(2) ANY QUALIFIED ATTORNEY WHO:

(I) IS A SALARIED EMPLOYEE OF THE SECRETARY; AND

(II) ON RECOMMENDATION OF THE ATTORNEY GENERAL, IS DESIGNATED TO REPRESENT THE SECRETARY OR THE BOARD OF APPEALS AND THE STATE.

8.3–406.

(A) ON OR BEFORE SEPTEMBER 1 EACH YEAR, THE SECRETARY SHALL SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY AN ANNUAL REPORT ON THE ADMINISTRATION AND OPERATION OF THIS TITLE DURING THE IMMEDIATELY PRECEDING FISCAL YEAR.

(B) THE ANNUAL REPORT SHALL INCLUDE INFORMATION REGARDING:

(1) PROJECTED AND ACTUAL PROGRAM PARTICIPATION RATES;

(2) CONTRIBUTION RATES;

(3) PROJECTED AND ACTUAL FUND BALANCES;

(4) PUBLIC OUTREACH AND TECHNICAL ASSISTANCE EFFORTS;

(5) ALL ENFORCEMENT EFFORTS;

(6) THE NUMBER AND STATUS OF COMPLAINTS UNDER SUBTITLE 9 OF THIS TITLE;

(7) THE COSTS OF ADMINISTERING THE PROGRAM ATTRIBUTABLE TO EACH OF THE FOLLOWING:

(I) EMPLOYERS;

(II) EMPLOYEES OF EMPLOYERS;

(III) SELF–EMPLOYED INDIVIDUALS; AND

(IV) THE STATE;

(8) THE STATE AGENCIES AND RELEVANT STAKEHOLDERS THAT WERE CONSULTED AS REQUIRED UNDER THIS TITLE; AND

(9) THE CAPABILITY AND CAPACITY OF THE DEPARTMENT TO ADMINISTER THE PROGRAM AS COMPARED TO THE FINDINGS AND RECOMMENDATIONS OF THE CAPABILITY AND CAPACITY STUDY COMPLETED UNDER § 5 OF CHAPTER _____ (H.B. 496) OF THE ACTS OF THE GENERAL ASSEMBLY OF 2022.

SUBTITLE 5. THE FAMILY AND MEDICAL LEAVE INSURANCE FUND.

8.3–501.

THERE IS A FAMILY AND MEDICAL LEAVE INSURANCE FUND.

8.3–502.

(A) THE SECRETARY SHALL ADMINISTER THE FUND.

(B) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

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

8.3–503.

(A) THE FUND CONSISTS OF:

(1) EMPLOYEE CONTRIBUTIONS;

(2) SELF–EMPLOYED INDIVIDUAL CONTRIBUTIONS;

(3) EMPLOYER CONTRIBUTIONS;

(4) MONEY PAID TO THE FUND FOR THE PURPOSE OF REIMBURSING THE SECRETARY UNDER § 8.3–902 OF THIS TITLE FOR BENEFITS PAID IN ERROR;

(5) INTEREST EARNED ON MONEY IN THE FUND; AND

(6) MONEY RECEIVED FOR THE FUND FROM ANY OTHER SOURCE.

(B) MONEY IN THE FUND MAY BE COMMINGLED.

(C) THE FUND MAY BE USED ONLY FOR THE PURPOSES OF THIS TITLE.

8.3–504.

(A) (1) THE STATE TREASURER IS CUSTODIAN OF THE FUND.

(2) THE STATE TREASURER SHALL MANAGE THE FUND IN ACCORDANCE WITH REGULATIONS THAT THE SECRETARY ADOPTS.

(B) UNDER THE DIRECTION OF THE SECRETARY, THE STATE TREASURER SHALL ESTABLISH THE FUND ACCOUNT IN ANY FINANCIAL INSTITUTION IN WHICH THE GENERAL FUND OF THE STATE MAY BE DEPOSITED.

(C) ON RECEIPT OF ANY MONEY PAYABLE TO THE FUND, THE SECRETARY SHALL ENSURE IMMEDIATE DEPOSIT OF THE MONEY INTO THE FUND ACCOUNT AS REQUIRED BY THE STATE TREASURER.

(D) IN ACCORDANCE WITH REGULATIONS THAT THE SECRETARY ADOPTS, MONEY IN THE FUND ACCOUNT:

(1) SHALL BE USED TO PAY BENEFITS UNDER THIS TITLE; AND

(2) MAY BE USED TO PAY FOR:

(I) THE PUBLIC EDUCATION PROGRAM; AND

(II) ANY COSTS ASSOCIATED WITH THE INITIAL IMPLEMENTATION AND ONGOING ADMINISTRATION OF THIS TITLE.

8.3–505.

A CHECK THAT THE STATE TREASURER ISSUES TO PAY BENEFITS OR REFUNDS SHALL:

(1) BE ISSUED ONLY ON A WARRANT SIGNED BY THE SECRETARY;

(2) BEAR THE SIGNATURE OF THE STATE TREASURER; AND

(3) BE COUNTERSIGNED BY AN AUTHORIZED AGENT.

8.3–506.

THIS TITLE DOES NOT GRANT AN EMPLOYEE ANY PRIOR CLAIM OR RIGHT TO MONEY THE EMPLOYEE PAYS INTO THE FUND.

SUBTITLE 6. CONTRIBUTIONS.

8.3–601.

(A) BEGINNING OCTOBER 1, 2023, EACH EMPLOYEE OF AN EMPLOYER, EACH EMPLOYER WITH 15 OR MORE EMPLOYEES, AND EACH SELF–EMPLOYED INDIVIDUAL PARTICIPATING IN THE PROGRAM SHALL CONTRIBUTE TO THE FUND.

(B) ON OR BEFORE DECEMBER 1 EVERY 2 YEARS, BEGINNING IN 2025, THE SECRETARY, IN CONSULTATION WITH STATE AGENCIES AND RELEVANT STAKEHOLDERS, SHALL CONDUCT A COST ANALYSIS OF THE PROGRAM THAT IS FOCUSED ON THE COST OF MAINTAINING SOLVENCY AND PAYING BENEFITS TO COVERED INDIVIDUALS.

(C) (1) ONCE EVERY 2 YEARS, BEGINNING IN 2025, THE SECRETARY, IN CONSULTATION WITH STATE AGENCIES AND RELEVANT STAKEHOLDERS, SHALL STUDY AND MAKE RECOMMENDATIONS REGARDING THE FOLLOWING:

(I) THE APPROPRIATE TOTAL RATE OF CONTRIBUTION;

(II) THE APPROPRIATE COST–SHARING FORMULA BETWEEN EMPLOYERS AND EMPLOYEES FOR MAKING CONTRIBUTIONS TO FUND THE PROGRAM, INCLUDING VARIOUS FORMULAS THAT RANGE BETWEEN A COST SHARE OF:

1. A. 75% PAID BY EMPLOYERS; AND

B. 25% PAID BY EMPLOYEES; AND

2. A. 25% PAID BY EMPLOYERS; AND

B. 75% PAID BY EMPLOYEES;

(III) THE COST EFFICIENCY AND BENEFITS OF THE DEPARTMENT ISSUING A REQUEST FOR PROPOSALS SEEKING THE SERVICES OF AN OUTSIDE CONTRACTOR FOR THE FOLLOWING:

1. PREMIUM COLLECTION;

2. CLAIMS ADMINISTRATION;

3. DATA MANAGEMENT;

4. FRAUD CONTROL;

5. MARKETING AND ADVERTISING; OR

6. IMPLEMENTING ANY OTHER ELEMENTS OF THE PROGRAM.

(2) ON OR BEFORE APRIL 1 EACH YEAR A STUDY IS CONDUCTED UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE SECRETARY SHALL REPORT THE FINDINGS AND RECOMMENDATIONS TO THE SENATE FINANCE COMMITTEE, THE HOUSE ECONOMIC MATTERS COMMITTEE, AND THE JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ON OR BEFORE JUNE 1 EVERY 2 YEARS, BEGINNING IN 2025, THE SECRETARY SHALL SET THE TOTAL RATE OF CONTRIBUTION AND THE PERCENTAGE OF THE TOTAL RATE OF CONTRIBUTION TO BE PAID BY EMPLOYEES OF EMPLOYERS AND EMPLOYERS WITH 15 OR MORE EMPLOYEES THAT WILL BE IN EFFECT FOR THE 24–MONTH PERIOD BEGINNING ON THE IMMEDIATELY FOLLOWING JANUARY 1.

(2) THE RATE AND PERCENTAGES SET UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE BASED ON THE STUDY REQUIRED UNDER SUBSECTION (C) OF THIS SECTION.

(3) THE TOTAL RATE OF CONTRIBUTION SHALL BE APPLIED TO ALL WAGES UP TO AND INCLUDING THE SOCIAL SECURITY WAGE BASE.

(4) THE PERCENTAGES SET UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT VARY BETWEEN EMPLOYEES OR EMPLOYERS.

(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE EMPLOYER OF THE EMPLOYEE SHALL DEDUCT THE EMPLOYEE'S REQUIRED CONTRIBUTION FROM THE WAGES OF THE EMPLOYEE.

(2) IF THE EMPLOYER OF AN EMPLOYEE ELECTS TO PAY A PORTION OF THE EMPLOYEE'S REQUIRED CONTRIBUTION, THE EMPLOYER MAY DEDUCT AN AMOUNT THAT IS LESS THAN 75% OF THE RATE OF CONTRIBUTION REQUIRED FROM THE WAGES OF THE EMPLOYEE.

(F) EACH SELF–EMPLOYED INDIVIDUAL PARTICIPATING IN THE PROGRAM SHALL:

(1) PAY CONTRIBUTIONS DURING EACH YEAR THAT THE SELF–EMPLOYED INDIVIDUAL PARTICIPATES IN THE PROGRAM; AND

(2) CONTRIBUTE AN AMOUNT EQUAL TO THE TOTAL RATE OF CONTRIBUTION SET UNDER SUBSECTION (D) OF THIS SECTION.

SUBTITLE 7. BENEFITS.

8.3–701.

(A) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, BEGINNING JANUARY 1, 2025, A COVERED INDIVIDUAL TAKING LEAVE FROM EMPLOYMENT MAY SUBMIT A CLAIM FOR BENEFITS TO:

(I) CARE FOR A NEWBORN CHILD OR A CHILD NEWLY PLACED FOR ADOPTION, FOSTER CARE, OR KINSHIP CARE WITH THE COVERED INDIVIDUAL DURING THE FIRST YEAR AFTER THE BIRTH, ADOPTION, OR PLACEMENT;

(II) CARE FOR A FAMILY MEMBER WITH A SERIOUS HEALTH CONDITION;

(III) ATTEND TO A SERIOUS HEALTH CONDITION THAT RESULTS IN THE COVERED INDIVIDUAL BEING UNABLE TO PERFORM THE FUNCTIONS OF THE COVERED INDIVIDUAL'S POSITION;

(IV) CARE FOR A SERVICE MEMBER WITH A SERIOUS HEALTH CONDITION RESULTING FROM MILITARY SERVICE WHO IS THE COVERED INDIVIDUAL'S NEXT OF KIN; OR

(V) ATTEND TO A QUALIFYING EXIGENCY ARISING OUT OF THE DEPLOYMENT OF A SERVICE MEMBER WHO IS A FAMILY MEMBER OF THE COVERED INDIVIDUAL.

(2) (I) EXCEPT AS PROVIDED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, IF THE NEED TO USE LEAVE IS FORESEEABLE, AN EMPLOYER MAY REQUIRE A COVERED EMPLOYEE TAKING LEAVE UNDER THIS TITLE TO PROVIDE THE EMPLOYER WITH WRITTEN NOTICE OF THE COVERED EMPLOYEE'S INTENTION TO TAKE LEAVE AT LEAST 30 DAYS BEFORE COMMENCING THE LEAVE.

(II) IF THE NEED TO USE LEAVE IS NOT FORESEEABLE, THE COVERED EMPLOYEE SHALL:

1. PROVIDE NOTICE TO THE EMPLOYER AS SOON AS PRACTICABLE; AND

2. GENERALLY COMPLY WITH THE EMPLOYER'S NOTICE OR PROCEDURAL REQUIREMENTS FOR REQUESTING OR REPORTING OTHER LEAVE, IF THOSE REQUIREMENTS DO NOT INTERFERE WITH THE COVERED EMPLOYEE'S ABILITY TO USE LEAVE FOR WHICH BENEFITS MAY BE PAID UNDER THIS TITLE.

(B) (1) SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, A COVERED INDIVIDUAL MAY TAKE THE LEAVE FOR WHICH THE INDIVIDUAL IS ELIGIBLE FOR BENEFITS UNDER SUBSECTION (A) OF THIS SECTION ON AN INTERMITTENT LEAVE SCHEDULE.

(2) IF LEAVE IS TAKEN ON AN INTERMITTENT LEAVE SCHEDULE, THE COVERED INDIVIDUAL SHALL:

(I) MAKE A REASONABLE EFFORT TO SCHEDULE THE INTERMITTENT LEAVE IN A MANNER THAT DOES NOT UNDULY DISRUPT THE OPERATIONS OF THE EMPLOYER; AND

(II) PROVIDE THE EMPLOYER WITH REASONABLE AND PRACTICABLE PRIOR NOTICE OF THE REASON FOR WHICH THE INTERMITTENT LEAVE IS NECESSARY.

(3) A COVERED EMPLOYEE MAY NOT TAKE INTERMITTENT LEAVE IN AN INCREMENT OF LESS THAN 4 HOURS.

(4) IF LEAVE IS TAKEN ON AN INTERMITTENT LEAVE SCHEDULE, AN EMPLOYER MAY NOT REDUCE THE TOTAL AMOUNT OF LEAVE TO WHICH THE COVERED INDIVIDUAL IS ENTITLED BEYOND THE AMOUNT OF LEAVE ACTUALLY TAKEN.

8.3–702.

(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A COVERED INDIVIDUAL MAY NOT RECEIVE MORE THAN 12 WEEKS OF BENEFITS IN AN APPLICATION YEAR.

(2) A COVERED INDIVIDUAL MAY RECEIVE AN ADDITIONAL 12 WEEKS OF BENEFITS IF THE COVERED INDIVIDUAL DURING THE SAME APPLICATION YEAR:

(I) 1. RECEIVED BENEFITS BECAUSE THE COVERED INDIVIDUAL WAS ELIGIBLE FOR BENEFITS UNDER § 8.3–701(A)(1)(I) OF THIS SUBTITLE; AND

2. BECOMES ELIGIBLE FOR BENEFITS UNDER § 8.3–701(A)(1)(III) OF THIS SUBTITLE; OR

(II) 1. RECEIVED BENEFITS BECAUSE THE COVERED INDIVIDUAL WAS ELIGIBLE FOR BENEFITS UNDER § 8.3–701(A)(1)(III) OF THIS SUBTITLE; AND

2. BECOMES ELIGIBLE FOR BENEFITS UNDER § 8.3–701(A)(1)(I) OF THIS SUBTITLE.

(B) IF A COVERED INDIVIDUAL TAKES LEAVE FOR WHICH THE COVERED INDIVIDUAL IS RECEIVING BENEFITS UNDER THIS TITLE, THE LEAVE SHALL RUN CONCURRENTLY WITH ELIGIBLE LEAVE THAT MAY BE TAKEN BY THE COVERED INDIVIDUAL UNDER THE FEDERAL FAMILY AND MEDICAL LEAVE ACT.

(C) (1) A COVERED INDIVIDUAL SHALL EXHAUST ALL EMPLOYER–PROVIDED LEAVE THAT IS NOT REQUIRED TO BE PROVIDED UNDER LAW BEFORE RECEIVING BENEFITS UNDER THIS TITLE.

(2) FOR THE PURPOSES OF §§ 8.3–706 AND 8.3–707 OF THIS SUBTITLE AND §§ 8.3–904 AND 8.3–905 OF THIS TITLE, EMPLOYER–PROVIDED LEAVE THAT IS BEING EXHAUSTED AS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION

SHALL BE TREATED THE SAME AS LEAVE FROM WORK FOR WHICH BENEFITS MAY BE PAID UNDER THIS TITLE.

(3) THIS SUBSECTION MAY NOT BE CONSTRUED TO REDUCE ANY WEEKS OF LEAVE FOR WHICH BENEFITS MAY BE PAID UNDER THIS TITLE.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN INDIVIDUAL RECEIVING BENEFITS UNDER TITLE 8 OF THIS ARTICLE OR WAGE REPLACEMENT BENEFITS UNDER TITLE 9 OF THIS ARTICLE IS NOT ELIGIBLE TO RECEIVE BENEFITS UNDER THIS TITLE.

(2) AN INDIVIDUAL RECEIVING COMPENSATION FOR A PERMANENT PARTIAL DISABILITY UNDER TITLE 9 OF THIS ARTICLE MAY BE ELIGIBLE FOR BENEFITS UNDER THIS TITLE.

8.3–703.

(A) FOR THE PURPOSES OF THIS SECTION:

(1) THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE SHALL BE CALCULATED AS THE TOTAL WAGES RECEIVED BY THE COVERED INDIVIDUAL OVER THE LAST 680 HOURS FOR WHICH THE COVERED INDIVIDUAL WAS PAID DIVIDED BY THE NUMBER OF WEEKS WORKED; AND

(2) THE STATE AVERAGE WEEKLY WAGE SHALL BE THE WAGE CALCULATED UNDER § 9–603 OF THIS ARTICLE.

(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE WEEKLY BENEFIT AMOUNT PAYABLE TO A COVERED INDIVIDUAL UNDER THIS TITLE SHALL BE:

(I) IF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE IS 65% OR LESS OF THE STATE AVERAGE WEEKLY WAGE, 90% OF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE;

(II) IF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE IS GREATER THAN 65% OF THE STATE AVERAGE WEEKLY WAGE, THE SUM OF:

1. 90% OF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE UP TO 65% OF THE STATE AVERAGE WEEKLY WAGE; AND

2. 50% OF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE THAT IS GREATER THAN 65% OF THE STATE AVERAGE WEEKLY WAGE; OR

(III) IF THE COVERED INDIVIDUAL IS TAKING PARTIALLY PAID LEAVE, THE LESSER OF:

1. THE AMOUNT REQUIRED TO MAKE UP THE DIFFERENCE BETWEEN THE WAGES PAID TO THE COVERED INDIVIDUAL WHILE THE COVERED INDIVIDUAL IS TAKING PARTIALLY PAID LEAVE AND THE FULL WAGES NORMALLY PAID TO THE COVERED INDIVIDUAL; AND

2. IF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE IS GREATER THAN 65% OF THE STATE AVERAGE WEEKLY WAGE, THE SUM OF:

A. 90% OF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE UP TO 65% OF THE STATE AVERAGE WEEKLY WAGE; AND

B. 50% OF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE THAT IS GREATER THAN 65% OF THE STATE AVERAGE WEEKLY WAGE.

(2) THE WEEKLY BENEFIT AMOUNT PAYABLE UNDER PARAGRAPH (1) OF THIS SUBSECTION:

(I) SHALL BE AT LEAST $50; AND

(II) MAY NOT EXCEED:

1. FOR THE 12–MONTH PERIOD BEGINNING JANUARY 1, 2025, $1,000; AND

2. FOR THE 12–MONTH PERIOD BEGINNING JANUARY 1, 2026, AND EACH SUBSEQUENT 12–MONTH PERIOD, THE AMOUNT DETERMINED AND ANNOUNCED BY THE SECRETARY UNDER PARAGRAPH (3) OF THIS SUBSECTION.

(3) (I) IN THIS PARAGRAPH, "CONSUMER PRICE INDEX" MEANS THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FOR THE WASHINGTON–ARLINGTON–ALEXANDRIA, DC–VA–MD–WV METROPOLITAN AREA OR A SUCCESSOR INDEX PUBLISHED BY THE FEDERAL BUREAU OF LABOR STATISTICS.

(II) SUBJECT TO SUBSECTION (E) OF THIS SECTION, FOR THE 12–MONTH PERIOD BEGINNING JANUARY 1, 2026, AND EACH SUBSEQUENT 12–MONTH PERIOD, THE MAXIMUM WEEKLY BENEFIT AMOUNT SHALL BE INCREASED BY THE AMOUNT, ROUNDED TO THE NEAREST CENT, THAT EQUALS THE PRODUCT OF:

1. THE MAXIMUM WEEKLY BENEFIT AMOUNT IN EFFECT FOR THE IMMEDIATELY PRECEDING 12–MONTH PERIOD; AND

2. THE ANNUAL PERCENTAGE GROWTH IN THE CONSUMER PRICE INDEX FOR THE IMMEDIATELY PRECEDING 12–MONTH PERIOD, AS DETERMINED BY THE SECRETARY UNDER SUBPARAGRAPH (III)1 OF THIS PARAGRAPH.

(III) BEGINNING SEPTEMBER 1, 2025, AND ON EACH SUBSEQUENT SEPTEMBER 1, THE SECRETARY SHALL DETERMINE AND ANNOUNCE:

1. THE ANNUAL PERCENTAGE GROWTH, IF ANY, IN THE CONSUMER PRICE INDEX BASED ON THE MOST RECENT 12–MONTH PERIOD FOR WHICH DATA ARE AVAILABLE ON SEPTEMBER 1; AND

2. THE MAXIMUM WEEKLY BENEFIT AMOUNT EFFECTIVE FOR THE 12–MONTH PERIOD BEGINNING THE IMMEDIATELY FOLLOWING JANUARY 1.

(C) AN INCREASE IN THE WEEKLY BENEFIT AMOUNT UNDER SUBSECTION (B)(3) OF THIS SECTION APPLIES ONLY TO A CLAIM FOR BENEFITS FILED AFTER THE DATE THE INCREASE BECOMES EFFECTIVE.

(D) THE DEPARTMENT SHALL:

(1) NOTIFY THE EMPLOYER OF A COVERED INDIVIDUAL WITHIN 5 BUSINESS DAYS AFTER THE COVERED INDIVIDUAL FILES A CLAIM FOR BENEFITS UNDER THIS TITLE;

(2) APPROVE OR DENY THE CLAIM AND NOTIFY THE COVERED INDIVIDUAL AND THE COVERED INDIVIDUAL'S EMPLOYER WITHIN 10 BUSINESS DAYS AFTER THE COVERED INDIVIDUAL FILES THE CLAIM;

(3) MAKE THE FIRST PAYMENT OF BENEFITS TO A COVERED INDIVIDUAL WITHIN 5 BUSINESS DAYS AFTER THE CLAIM IS APPROVED; AND

(4) MAKE SUBSEQUENT PAYMENTS EVERY 2 WEEKS UNTIL THE BENEFIT PERIOD ENDS.

(E) (1) IN THIS SUBSECTION, "BOARD" MEANS THE BOARD OF PUBLIC WORKS.

(2) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ON OR BEFORE SEPTEMBER 1 EACH YEAR, BEGINNING IN 2025, THE BOARD SHALL DETERMINE

WHETHER THE SEASONALLY ADJUSTED TOTAL EMPLOYMENT FROM THE CURRENT EMPLOYMENT STATISTICS SERIES AS REPORTED BY THE U.S. BUREAU OF LABOR STATISTICS FOR THE MOST RECENT 6–MONTH PERIOD IS NEGATIVE AS COMPARED WITH THE IMMEDIATELY PRECEDING 6–MONTH PERIOD.

(3) (I) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE BOARD MAY TEMPORARILY SUSPEND AN INCREASE IN THE MAXIMUM WEEKLY BENEFIT SPECIFIED UNDER SUBSECTION (B)(2)(II) OF THIS SECTION IF THE BOARD DETERMINED UNDER PARAGRAPH (2) OF THIS SUBSECTION THAT THE SEASONALLY ADJUSTED TOTAL EMPLOYMENT IS NEGATIVE.

(II) IF THE SEASONALLY ADJUSTED TOTAL EMPLOYMENT IS NEGATIVE, THE BOARD MAY CONSIDER THE PERFORMANCE OF STATE REVENUES IN THE IMMEDIATELY PRECEDING 6 MONTHS, AS REPORTED BY THE OFFICE OF THE COMPTROLLER, IN DETERMINING WHETHER TO TEMPORARILY SUSPEND AN INCREASE TO THE MAXIMUM WEEKLY BENEFIT SPECIFIED UNDER SUBSECTION (B)(2)(II) OF THIS SECTION.

(4) IF THE BOARD TEMPORARILY SUSPENDS AN INCREASE TO THE MAXIMUM WEEKLY BENEFIT SPECIFIED UNDER SUBSECTION (B)(2)(II)2 OF THIS SECTION:

(I) THE MAXIMUM WEEKLY BENEFIT IN EFFECT FOR THE PERIOD BEGINNING THE FOLLOWING JANUARY 1 SHALL REMAIN THE SAME AS THE RATE THAT WAS IN EFFECT FOR THE IMMEDIATELY PRECEDING 12–MONTH PERIOD; AND

(II) THE BOARD SHALL NOTIFY THE SECRETARY THAT THE MAXIMUM WEEKLY BENEFIT INCREASE FOR THE PERIOD BEGINNING THE FOLLOWING JANUARY 1 IS SUSPENDED FOR 1 YEAR.

(F) THE DEPARTMENT SHALL NOTIFY EACH EMPLOYER OF THE INCREASE TO THE MAXIMUM WEEKLY BENEFIT SPECIFIED UNDER SUBSECTION (B)(2)(II) OF THIS SECTION.

8.3–704.

(A) IF THE INTERNAL REVENUE SERVICE DETERMINES THAT BENEFITS PAID UNDER THIS SUBTITLE ARE SUBJECT TO FEDERAL INCOME TAX, AT THE TIME A COVERED INDIVIDUAL FILES A NEW CLAIM FOR BENEFITS, THE DEPARTMENT SHALL NOTIFY THE COVERED INDIVIDUAL THAT:

(1) THE INTERNAL REVENUE SERVICE HAS DETERMINED THAT THE BENEFITS ARE SUBJECT TO FEDERAL INCOME TAX;

(2) THERE ARE REQUIREMENTS REGARDING ESTIMATED TAX PAYMENTS;

(3) THE COVERED INDIVIDUAL MAY ELECT TO HAVE FEDERAL INCOME TAX DEDUCTED AND WITHHELD FROM THE BENEFITS THAT THE COVERED INDIVIDUAL RECEIVES UNDER THIS TITLE AT THE RATE SPECIFIED IN THE INTERNAL REVENUE CODE; AND

(4) THE COVERED INDIVIDUAL IS ALLOWED TO CHANGE A PREVIOUSLY ELECTED WITHHOLDING STATUS.

(B) (1) IF A COVERED INDIVIDUAL ELECTS TO HAVE FEDERAL INCOME TAX DEDUCTED AND WITHHELD UNDER SUBSECTION (A)(3) OF THIS SECTION, THE DEPARTMENT SHALL DEDUCT AND WITHHOLD AN AMOUNT AT THE RATE SPECIFIED IN THE INTERNAL REVENUE CODE IN A MANNER REQUIRED BY THE INTERNAL REVENUE SERVICE.

(2) IF THE DEPARTMENT DEDUCTS AND WITHHOLDS FEDERAL INCOME TAX UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE AMOUNT DEDUCTED AND WITHHELD SHALL REMAIN IN THE FUND UNTIL IT IS TRANSFERRED TO THE INTERNAL REVENUE SERVICE AS A PAYMENT OF INCOME TAX.

8.3–705.

(A) AN EMPLOYER MAY SATISFY THE REQUIREMENTS OF THIS TITLE THROUGH A PRIVATE EMPLOYER PLAN CONSISTING OF EMPLOYER–PROVIDED BENEFITS, INSURANCE, OR A COMBINATION OF BOTH IF THE PRIVATE EMPLOYER PLAN IS OFFERED TO ALL OF THE EMPLOYER'S ELIGIBLE EMPLOYEES AND MEETS OR EXCEEDS THE RIGHTS, PROTECTIONS, AND BENEFITS PROVIDED TO A COVERED EMPLOYEE UNDER THIS TITLE.

(B) A PRIVATE EMPLOYER PLAN SHALL BE FILED WITH THE DEPARTMENT FOR APPROVAL.

(C) AN EMPLOYER THAT PROVIDES COVERED EMPLOYEES WITH A PRIVATE EMPLOYER PLAN AND AN EMPLOYEE THAT IS COVERED BY A PRIVATE EMPLOYER PLAN ARE EXEMPT FROM THE CONTRIBUTIONS REQUIRED UNDER SUBTITLE 6 OF THIS TITLE.

8.3–706.

(A) THIS SECTION DOES NOT APPLY TO AN EMPLOYER WHO IS AN INDIVIDUAL WITH A DEVELOPMENTAL DISABILITY, AND WHO SELF–DIRECTS

SERVICES UNDER THE MARYLAND MEDICAID HOME– AND COMMUNITY–BASED SERVICES WAIVER PROGRAM.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C)(2) OF THIS SECTION, IF A COVERED INDIVIDUAL RECEIVES BENEFITS UNDER THIS TITLE OR TAKES LEAVE FROM WORK FOR WHICH BENEFITS MAY BE PAID UNDER THIS TITLE, THE EMPLOYER OF THE COVERED INDIVIDUAL SHALL, ON THE EXPIRATION OF THE LEAVE, RESTORE THE COVERED INDIVIDUAL TO AN EQUIVALENT POSITION OF EMPLOYMENT.

(C) AN EMPLOYER MAY:

(1) DURING A PERIOD OF LEAVE FROM WORK FOR WHICH BENEFITS MAY BE PAID UNDER THIS TITLE, TERMINATE EMPLOYMENT OF THE COVERED INDIVIDUAL TAKING THE LEAVE ONLY FOR CAUSE; AND

(2) DENY RESTORATION OF A COVERED INDIVIDUAL'S POSITION OF EMPLOYMENT UNDER SUBSECTION (B) OF THIS SECTION IF:

(I) THE DENIAL IS NECESSARY TO PREVENT SUBSTANTIAL AND GRIEVOUS ECONOMIC INJURY TO THE OPERATIONS OF THE EMPLOYER;

(II) THE EMPLOYER NOTIFIES THE COVERED INDIVIDUAL OF THE INTENT OF THE EMPLOYER TO DENY RESTORATION OF THE COVERED INDIVIDUAL'S POSITION OF EMPLOYMENT AT THE TIME THE EMPLOYER DETERMINES THE ECONOMIC INJURY WOULD OCCUR; AND

(III) IF THE LEAVE HAS ALREADY BEGUN IN A CASE OF LEAVE FROM WORK FOR WHICH BENEFITS MAY BE PAID UNDER THIS TITLE, THE COVERED INDIVIDUAL ELECTS NOT TO RETURN TO EMPLOYMENT AFTER RECEIVING NOTICE OF THE EMPLOYER'S INTENTION TO DENY RESTORATION OF THE COVERED INDIVIDUAL'S POSITION OF EMPLOYMENT.

8.3–707.

IF A COVERED INDIVIDUAL IS RECEIVING BENEFITS UNDER THIS TITLE OR IS TAKING LEAVE FOR WHICH BENEFITS MAY BE PAID UNDER THIS TITLE, THE EMPLOYER OF THE COVERED INDIVIDUAL SHALL CONTINUE ANY EMPLOYMENT HEALTH BENEFITS IN THE SAME MANNER AS REQUIRED UNDER MAINTENANCE OF HEALTH BENEFITS IN THE FEDERAL FAMILY AND MEDICAL LEAVE ACT FOR THE TIME PERIOD THAT THE COVERED INDIVIDUAL IS ABSENT FROM WORK OR RECEIVING BENEFITS UNDER THIS TITLE.

SUBTITLE 8. NOTICE TO EMPLOYEES.

8.3–801.

(A) AN EMPLOYER SHALL PROVIDE WRITTEN NOTICE TO EACH EMPLOYEE OF THE RIGHTS AND DUTIES OF AN EMPLOYEE UNDER THIS TITLE AT THE TIME OF HIRE AND ANNUALLY THEREAFTER.

(B) (1) WHEN AN EMPLOYEE REQUESTS LEAVE UNDER THIS TITLE, OR WHEN AN EMPLOYER KNOWS THAT AN EMPLOYEE'S LEAVE MAY BE FOR A REASON UNDER § 8.3–302 OF THIS TITLE, THE EMPLOYER SHALL NOTIFY THE EMPLOYEE OF THE EMPLOYEE'S ELIGIBILITY TO TAKE LEAVE FOR WHICH BENEFITS MAY BE PAID UNDER THIS TITLE WITHIN 5 BUSINESS DAYS.

(2) THE NOTICE PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) THE RIGHT OF AN ELIGIBLE EMPLOYEE TO RECEIVE PROGRAM BENEFITS UNDER THIS TITLE;

(II) THE PROCEDURE FOR FILING A CLAIM FOR BENEFITS;

(III) AN ELIGIBLE EMPLOYEE'S RESPONSIBILITIES WITH RESPECT TO PROVIDING NOTIFICATION PRIOR TO THE COMMENCEMENT OF LEAVE AND ANY PENALTIES FOR FAILING TO DO SO;

(IV) THE RIGHT OF AN EMPLOYEE TO FILE A COMPLAINT FOR ALLEGED VIOLATIONS OF THIS TITLE;

(V) THE RIGHT OF AN ELIGIBLE EMPLOYEE TO JOB PROTECTION; AND

(VI) A DESCRIPTION OF THE PROHIBITED ACTS, PENALTIES, AND COMPLAINT PROCEDURES UNDER SUBTITLE 9 OF THIS TITLE.

(C) (1) THE DEPARTMENT SHALL DEVELOP STANDARD NOTICES FOR AN EMPLOYER TO USE UNDER THIS SUBTITLE.

(2) THE NOTICES REQUIRED UNDER THIS SUBTITLE SHALL BE PROVIDED IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY.

SUBTITLE 9. PROHIBITED ACTS; PENALTIES.

8.3–901.

(A) IF AN INDIVIDUAL WILLFULLY MAKES A FALSE STATEMENT OR MISREPRESENTATION REGARDING A MATERIAL FACT OR WILLFULLY FAILS TO REPORT A MATERIAL FACT TO OBTAIN BENEFITS UNDER THIS TITLE, THE INDIVIDUAL IS DISQUALIFIED FROM RECEIVING BENEFITS FOR 1 YEAR.

(B) IF AN EMPLOYER WILLFULLY MAKES OR CAUSES TO BE MADE A FALSE STATEMENT OR WILLFULLY FAILS TO REPORT A MATERIAL FACT REGARDING A CLAIM FOR BENEFITS BY AN EMPLOYEE, THE EMPLOYER IS SUBJECT TO A CIVIL PENALTY OF UP TO $1,000 FOR EACH OCCURRENCE.

(C) AN EMPLOYER MAY NOT WILLFULLY:

(1) FAIL OR REFUSE TO PAY CONTRIBUTIONS TO THE FUND; OR

(2) TAKE DEDUCTIONS FROM THE WAGES OF AN EMPLOYEE TO PAY ANY PORTION OF THE EMPLOYER CONTRIBUTIONS DUE FROM THE EMPLOYER.

8.3–902.

(A) THE DEPARTMENT MAY SEEK REPAYMENT OF BENEFITS FROM AN INDIVIDUAL WHO RECEIVED BENEFITS UNDER THIS TITLE IF:

(1) THE BENEFITS WERE PAID ERRONEOUSLY OR AS A RESULT OF WILLFUL MISREPRESENTATION BY THE INDIVIDUAL; OR

(2) A CLAIM FOR BENEFITS UNDER THIS TITLE IS REJECTED AFTER THE BENEFITS WERE PAID.

(B) THE SECRETARY MAY WAIVE IN WHOLE OR IN PART THE REPAYMENT OF BENEFITS UNDER SUBSECTION (A) OF THIS SECTION IF:

(1) THE ERROR IN PAYMENT WAS NOT DUE TO ANY FALSE STATEMENT, NONDISCLOSURE OF MATERIAL FACT, OR MISREPRESENTATION BY A COVERED INDIVIDUAL; OR

(2) THE REPAYMENT WOULD BE AGAINST EQUITY AND GOOD CONSCIENCE OR ADMINISTRATIVE EFFICIENCY.

8.3–903.

IF AN EMPLOYER FAILS TO PAY THE CONTRIBUTIONS DUE TO THE FUND, THE SECRETARY MAY, IN ACCORDANCE WITH § 8.3–404 OF THIS TITLE:

(1) ASSESS THE AMOUNT OF CONTRIBUTIONS AND INTEREST DUE;

(2) MAKE AN ADDITIONAL ASSESSMENT IN AN AMOUNT NOT TO EXCEED TWO TIMES THE CONTRIBUTIONS WITHHELD, AS A PENALTY FOR FAILURE TO PAY THE CONTRIBUTIONS DUE; AND

(3) ORDER AN AUDIT OF THE EMPLOYER FOR THE IMMEDIATELY FOLLOWING FISCAL YEAR TO INVESTIGATE AND DETERMINE COMPLIANCE WITH THIS TITLE AND TITLES 3, 8, AND 9 OF THIS ARTICLE.

8.3–904.

A PERSON MAY NOT DISCHARGE, DEMOTE, OR OTHERWISE DISCRIMINATE OR TAKE ADVERSE ACTION AGAINST A COVERED INDIVIDUAL BECAUSE THE COVERED INDIVIDUAL HAS:

(1) FILED FOR, APPLIED FOR, OR RECEIVED BENEFITS, OR TAKEN FAMILY OR MEDICAL LEAVE FOR WHICH BENEFITS MAY BE PAID UNDER THIS TITLE;

(2) INQUIRED ABOUT THE RIGHTS AND RESPONSIBILITIES UNDER THIS TITLE;

(3) COMMUNICATED TO THE PERSON AN INTENT TO FILE A CLAIM, A COMPLAINT, OR AN APPEAL UNDER THIS TITLE; OR

(4) TESTIFIED OR INTENDS TO TESTIFY OR OTHERWISE HAS ASSISTED IN A PROCEEDING UNDER THIS TITLE.

8.3–905.

(A) IF AN EMPLOYEE BELIEVES THAT AN EMPLOYER HAS VIOLATED THIS TITLE, THE EMPLOYEE MAY FILE A WRITTEN COMPLAINT WITH THE SECRETARY.

(B) (1) WITHIN 90 DAYS AFTER THE RECEIPT OF A WRITTEN COMPLAINT, THE SECRETARY SHALL CONDUCT AN INVESTIGATION AND ATTEMPT TO RESOLVE THE ISSUE INFORMALLY THROUGH MEDIATION.

(2) (I) IF THE SECRETARY IS UNABLE TO RESOLVE AN ISSUE THROUGH MEDIATION DURING THE PERIOD STATED IN PARAGRAPH (1) OF THIS SUBSECTION AND THE SECRETARY DETERMINES THAT AN EMPLOYER HAS VIOLATED THIS SUBTITLE, THE SECRETARY SHALL ISSUE AN ORDER.

(II) AN ORDER ISSUED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH:

1. SHALL DESCRIBE THE VIOLATION;

2. SHALL DIRECT, IF APPROPRIATE, THE RECOVERY OF LOST WAGES AND DAMAGES EQUAL TO THE AMOUNT OF WAGES, SALARY, EMPLOYMENT BENEFITS, OR OTHER COMPENSATION DENIED OR LOST, AND ANY ACTUAL ECONOMIC DAMAGES;

3. MAY, IN THE SECRETARY'S DISCRETION, SEEK REINSTATEMENT OR THE HIRING OF EMPLOYEES WITH OR WITHOUT BACK PAY; AND

4. MAY, IN THE COMMISSIONER'S DISCRETION, ASSESS A CIVIL PENALTY OF UP TO $1,000 FOR EACH EMPLOYEE FOR WHOM THE EMPLOYER IS NOT IN COMPLIANCE WITH THIS TITLE.

(3) THE ACTIONS TAKEN UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION ARE SUBJECT TO THE HEARING AND NOTICE REQUIREMENTS OF TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(C) (1) WITHIN 30 DAYS AFTER THE SECRETARY ISSUES AN ORDER, AN EMPLOYER SHALL COMPLY WITH THE ORDER.

(2) IF AN EMPLOYER DOES NOT COMPLY WITH AN ORDER WITHIN THE TIME PERIOD STATED IN PARAGRAPH (1) OF THIS SUBSECTION:

(I) THE SECRETARY MAY:

1. WITH THE WRITTEN CONSENT OF THE EMPLOYEE, ASK THE ATTORNEY GENERAL TO BRING AN ACTION ON BEHALF OF THE EMPLOYEE IN THE COUNTY WHERE THE EMPLOYER IS LOCATED; OR

2. BRING AN ACTION TO ENFORCE THE ORDER FOR THE CIVIL PENALTY IN THE COUNTY WHERE THE EMPLOYER IS LOCATED; AND

(II) WITHIN 3 YEARS AFTER THE DATE OF THE ORDER, AN EMPLOYEE MAY BRING A CIVIL ACTION TO ENFORCE THE ORDER IN THE COUNTY WHERE THE EMPLOYER IS LOCATED.

(3) IF AN EMPLOYEE PREVAILS IN AN ACTION BROUGHT UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION TO ENFORCE AN ORDER, THE COURT MAY AWARD:

(I) THREE TIMES THE VALUE OF THE EMPLOYEE'S LOST WAGES AND DAMAGES EQUAL TO THE AMOUNT OF WAGES, SALARY, EMPLOYMENT BENEFITS, OR OTHER COMPENSATION DENIED OR LOST;

(II) PUNITIVE DAMAGES IN AN AMOUNT TO BE DETERMINED BY THE COURT;

(III) REASONABLE COUNSEL FEES AND OTHER COSTS;

(IV) INJUNCTIVE RELIEF, IF APPROPRIATE; AND

(V) ANY OTHER RELIEF THAT THE COURT DEEMS APPROPRIATE.

8.3–906.

(A) (1) THE SECRETARY SHALL ESTABLISH A SYSTEM FOR APPEALS BY COVERED INDIVIDUALS IN THE CASE OF DENIAL OF BENEFITS UNDER THIS TITLE.

(2) THE SECRETARY MAY USE THE PROCEDURES UNDER § 8–806 OF THIS ARTICLE FOR THE SYSTEM REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(B) JUDICIAL REVIEW OF ANY DECISION WITH RESPECT TO BENEFITS UNDER THIS TITLE SHALL BE ALLOWED IN A COURT OF COMPETENT JURISDICTION AFTER AN AGGRIEVED PARTY HAS EXHAUSTED ALL ADMINISTRATIVE REMEDIES ESTABLISHED BY THE SECRETARY UNDER THIS TITLE.

(C) THE SECRETARY SHALL IMPLEMENT PROCEDURES TO ENSURE CONFIDENTIALITY OF ALL INFORMATION RELATED TO ANY CLAIMS FILED OR APPEALS TAKEN TO THE MAXIMUM EXTENT ALLOWED BY LAW.

SUBTITLE 10. SHORT TITLE.

8.3–1001.

THIS TITLE MAY BE CITED AS THE MARYLAND FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM.

Article – State Finance and Procurement

6–226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

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

144. the Health Equity Resource Community Reserve Fund; ***[****and****]***

*145. the Access to Counsel in Evictions Special Fund****;*** ***AND***

146. THE FAMILY AND MEDICAL LEAVE INSURANCE FUND.

~~(a) There is a Commission on the Establishment of a Family Medical Leave and Insurance Program.~~

~~(b) The purpose of the Commission is to study and make recommendations for establishing a Family Medical Leave and Insurance Program in the State.~~

~~(c) The Commission consists of the following members:~~

~~(1) two members of the Senate, appointed by the President of the Senate;~~

~~(2) two 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 State Treasurer, or the State Treasurer's designee;~~

~~(5) the Comptroller, or the Comptroller's designee;~~

~~(6) one representative of the National Federation of Independent Business, designated by the President of the National Federation of Independent Business;~~

~~(7) one representative of the Maryland Chamber of Commerce, designated by the President of the Maryland Chamber of Commerce;~~

~~(8) one representative of the Maryland Retailers Association, designated by the President of the Maryland Retailers Association; and~~

~~(9) the following members, appointed jointly by the President of the Senate and the Speaker of the House of Delegates:~~

~~(i) one representative from a national organization with expertise in the implementation of family medical and leave insurance programs in other states;~~

~~(ii) one representative from a private sector labor union;~~

~~(iii) one representative of a community organization that advocates for working families; and~~

~~(iv) one economist.~~

~~(d) The President of the Senate and the Speaker of the House of Delegates shall appoint cochairs of the Commission from among its members as follows:~~

~~(i) one cochair from the Senate, appointed by the President of the Senate; and~~

~~(ii) one cochair from the House of Delegates, appointed by the Speaker of the House of Delegates.~~

~~(e) The Maryland Department of Labor and the Department of Legislative Services jointly shall provide staff for the Commission.~~

~~(f) A member of the Commission:~~

~~(1) may not receive compensation as a member of the Commission; but~~

~~(2) is entitled to reimbursement of expenses under the Standard State Travel Regulations, as provided in the State budget.~~

~~(g) The Commission shall study and make recommendations on establishing a Family Medical Leave and Insurance Program in the State, including recommendations regarding:~~

~~(1) when employers and employees should begin making contributions to fund the Program so that benefits under the Program are able to begin being paid not later than January 1, 2024;~~

~~(2) the appropriate cost sharing formula between employers and employees for making contributions to fund the Program, including various formulas that range between a cost share of:~~

~~(i) 1. 75% paid by employers; and~~

~~2. 25% paid by employees; and~~

~~(ii) 1. 25% paid by employers; and~~

~~2. 75% paid by employees;~~

~~(3) to what extent, if any, the cost shared between employers and employees should affect or determine the leave benefits provided to employees under the~~

~~Program, including whether the proportion of the cost shared should impact who approves employees to take leave under the Program;~~

~~(4) any oversight mechanisms for the Program;~~

~~(5) the appropriate eligibility criteria for an individual to qualify for leave benefits under the Program;~~

~~(6) the appropriate duration for which an individual may receive leave benefits under the Program;~~

~~(7) the cost, efficiency, and benefits of the Maryland Department of Labor issuing a request for proposals seeking the services of an outside contractor for the following:~~

~~(i) premium collection;~~

~~(ii) claims administration;~~

~~(iii) data management;~~

~~(iv) fraud control;~~

~~(v) marketing and advertising; or~~

~~(vi) implementing any other elements of the Program;~~

~~(8) the minimum time an individual should be employed with the individual's employer before qualifying for leave benefits under the Program; and~~

~~(9) any other relevant aspects of family medical and leave insurance programs as determined by the Commission.~~

~~(h) In conducting the study and making recommendations under subsection (g) of this section, the Commission shall consider:~~

~~(1) how other states have established family medical leave and insurance programs; and~~

~~(2) the results from an actuarial analysis regarding sustainable funding levels.~~

~~(i) The Commission shall contract with any consultants necessary to carry out this section.~~

~~(j) On or before December 1, 2022, the Commission shall report its findings and recommendations to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.~~

~~Article – Labor and Employment~~

~~TITLE 8.3. FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM.~~

~~SUBTITLE 1. DEFINITIONS; GENERAL PROVISIONS.~~

~~8.3–101.~~

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

~~(B) "APPLICATION YEAR" MEANS THE 12–MONTH PERIOD BEGINNING ON THE FIRST DAY OF THE CALENDAR WEEK IN WHICH A COVERED INDIVIDUAL FILES AN APPLICATION FOR BENEFITS.~~

~~(C) "BENEFITS" MEANS THE MONEY PAYABLE UNDER THIS TITLE TO A COVERED INDIVIDUAL.~~

~~(D) "COVERED EMPLOYEE" MEANS AN EMPLOYEE WHO HAS WORKED AT LEAST 680 HOURS OVER THE 12–MONTH PERIOD IMMEDIATELY PRECEDING THE DATE ON WHICH LEAVE IS TO BEGIN.~~

~~(E) "COVERED INDIVIDUAL" MEANS A COVERED EMPLOYEE OR A SELF–EMPLOYED INDIVIDUAL WHO ELECTS TO PARTICIPATE IN THE PROGRAM UNDER § 8.3–201 OF THIS TITLE.~~

~~(F) "DEPARTMENT" MEANS THE MARYLAND DEPARTMENT OF LABOR.~~

~~(G) "DIVISION" MEANS THE DIVISION OF FAMILY AND MEDICAL LEAVE INSURANCE.~~

~~(H) "EMPLOYER" MEANS A PERSON OR GOVERNMENTAL ENTITY THAT EMPLOYS AT LEAST ONE INDIVIDUAL IN THE STATE.~~

~~(I) "FAMILY MEMBER" MEANS:~~

~~(1) A BIOLOGICAL CHILD, AN ADOPTED CHILD, A FOSTER CHILD, OR A STEPCHILD OF THE COVERED INDIVIDUAL;~~

~~(2) A CHILD FOR WHOM THE COVERED INDIVIDUAL HAS LEGAL OR PHYSICAL CUSTODY OR GUARDIANSHIP;~~

~~(3) A CHILD FOR WHOM THE COVERED INDIVIDUAL STANDS IN LOCO PARENTIS, REGARDLESS OF THE CHILD'S AGE;~~

~~(4) A BIOLOGICAL PARENT, AN ADOPTIVE PARENT, A FOSTER PARENT, OR A STEPPARENT OF THE COVERED INDIVIDUAL OR OF THE COVERED INDIVIDUAL'S SPOUSE;~~

~~(5) THE LEGAL GUARDIAN OF THE COVERED INDIVIDUAL OR THE WARD OF THE COVERED INDIVIDUAL OR OF THE COVERED INDIVIDUAL'S SPOUSE;~~

~~(6) AN INDIVIDUAL WHO ACTED AS A PARENT OR STOOD IN LOCO PARENTIS TO THE COVERED INDIVIDUAL OR THE COVERED INDIVIDUAL'S SPOUSE WHEN THE COVERED INDIVIDUAL OR THE COVERED INDIVIDUAL'S SPOUSE WAS A MINOR;~~

~~(7) THE SPOUSE OF THE COVERED INDIVIDUAL;~~

~~(8) A BIOLOGICAL GRANDPARENT, AN ADOPTED GRANDPARENT, A FOSTER GRANDPARENT, OR A STEPGRANDPARENT OF THE COVERED INDIVIDUAL;~~

~~(9) A BIOLOGICAL GRANDCHILD, AN ADOPTED GRANDCHILD, A FOSTER GRANDCHILD, OR A STEPGRANDCHILD OF THE COVERED INDIVIDUAL; OR~~

~~(10) A BIOLOGICAL SIBLING, AN ADOPTED SIBLING, A FOSTER SIBLING, OR A STEPSIBLING OF THE COVERED INDIVIDUAL.~~

~~(J) "FUND" MEANS THE FAMILY AND MEDICAL LEAVE INSURANCE FUND ESTABLISHED UNDER § 8.3–501 OF THIS TITLE.~~

~~(K) "GOVERNMENTAL ENTITY" HAS THE MEANING STATED IN § 8–101 OF THIS ARTICLE.~~

~~(L) "NEXT OF KIN" MEANS THE NEAREST BLOOD RELATIVE.~~

~~(M) "PROGRAM" MEANS THE FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM ESTABLISHED UNDER § 8.3–301 OF THIS TITLE.~~

~~(N) "QUALIFYING EXIGENCY" MEANS ANY OF THE FOLLOWING REASONS FOR WHICH LEAVE MAY BE NEEDED BY A FAMILY MEMBER OF A SERVICE MEMBER:~~

~~(1) BECAUSE THE SERVICE MEMBER HAS RECEIVED NOTICE OF DEPLOYMENT WITHIN 7 DAYS BEFORE THE DEPLOYMENT IS TO BEGIN;~~

~~(2) TO ATTEND MILITARY EVENTS AND RELATED ACTIVITIES INCLUDING FAMILY SUPPORT PROGRAMS RELATED TO THE ACTIVE DUTY OF THE SERVICE MEMBER;~~

~~(3) TO ARRANGE, PROVIDE, OR ATTEND CHILD CARE OR SCHOOL ACTIVITIES ONLY WHEN THE SERVICE MEMBER IS ON ACTIVE DUTY CALL OR ACTIVE DUTY STATUS;~~

~~(4) TO MAKE FINANCIAL AND LEGAL ARRANGEMENTS FOR THE SERVICE MEMBER'S ABSENCE OR BECAUSE OF THE ABSENCE;~~

~~(5) TO ATTEND COUNSELING THAT:~~

~~(I) IS NEEDED DUE TO THE ACTIVE DUTY OR CALL TO ACTIVE DUTY STATUS OF THE SERVICE MEMBER; AND~~

~~(II) IS PROVIDED BY AN INDIVIDUAL WHO IS NOT A LICENSED HEALTH CARE PROVIDER;~~

~~(6) TO SPEND UP TO 15 CALENDAR DAYS WITH A SERVICE MEMBER WHO IS ON SHORT–TERM TEMPORARY REST AND RECUPERATION LEAVE DURING THE PERIOD OF DEPLOYMENT;~~

~~(7) TO ATTEND POSTDEPLOYMENT ACTIVITIES INCLUDING REINTEGRATION SERVICES FOR A PERIOD OF 90 DAYS IMMEDIATELY FOLLOWING THE TERMINATION OF ACTIVE STATUS;~~

~~(8) TO ATTEND TO MATTERS RELATED TO THE DEATH OF THE SERVICE MEMBER WHILE ON ACTIVE DUTY STATUS;~~

~~(9) TO ARRANGE FOR OR PROVIDE ALTERNATIVE CARE FOR A PARENT OF THE SERVICE MEMBER WHEN THE PARENT IS INCAPABLE OF SELF–CARE AND THE COVERED ACTIVE DUTY OR CALL TO ACTIVE DUTY NECESSITATES A CHANGE; OR~~

~~(10) BECAUSE OF ANY OTHER ISSUES THAT ARISE OUT OF ACTIVE DUTY OR A CALL TO ACTIVE DUTY THAT AN EMPLOYER AND COVERED EMPLOYEE AGREE SHOULD BE COVERED.~~

~~(O) "SECRETARY" MEANS THE SECRETARY OF LABOR.~~

~~(P) (1) "SERIOUS HEALTH CONDITION" MEANS AN ILLNESS, AN INJURY, AN IMPAIRMENT, OR A PHYSICAL OR MENTAL CONDITION THAT INVOLVES:~~

~~(I) INPATIENT CARE IN A HOSPITAL, HOSPICE, OR RESIDENTIAL HEALTH CARE FACILITY;~~

~~(II) CONTINUED TREATMENT BY A LICENSED HEALTH CARE PROVIDER; OR~~

~~(III) CONTINUED TREATMENT OR SUPERVISION AT HOME BY A LICENSED HEALTH CARE PROVIDER OR OTHER COMPETENT INDIVIDUAL UNDER THE SUPERVISION OF A LICENSED HEALTH CARE PROVIDER.~~

~~(2) "SERIOUS HEALTH CONDITION" INCLUDES AN ILLNESS, AN INJURY, AN IMPAIRMENT, OR A PHYSICAL OR MENTAL CONDITION DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION THAT CONTINUES OVER AN EXTENDED PERIOD OF TIME AND REQUIRES INTERMITTENT TREATMENT.~~

~~(Q) "SERVICE MEMBER" MEANS AN INDIVIDUAL WHO IS AN ACTIVE DUTY OR FORMER MEMBER OF:~~

~~(1) THE UNITED STATES ARMED FORCES;~~

~~(2) A RESERVE COMPONENT OF THE UNITED STATES ARMED FORCES; OR~~

~~(3) THE NATIONAL GUARD OF ANY STATE.~~

~~(R) "TREATMENT" INCLUDES:~~

~~(1) EXAMINATIONS OR TESTING TO DETERMINE THE EXTENT TO WHICH A SERIOUS HEALTH CONDITION EXISTS OR PERSISTS;~~

~~(2) ONGOING OR PERIODIC EVALUATIONS OF THE SERIOUS HEALTH CONDITION; AND~~

~~(3) ACTUAL TREATMENT BY A HEALTH CARE PROVIDER.~~

~~8.3–102.~~

~~(A) THIS SECTION DOES NOT APPLY TO THE DISCLOSURE OF INFORMATION TO:~~

~~(1) A PUBLIC EMPLOYEE IN THE PERFORMANCE OF THE PUBLIC EMPLOYEE'S OFFICIAL DUTIES;~~

~~(2) THE INDIVIDUAL TO WHOM THE INFORMATION RELATES; OR~~

~~(3) IF AN AUTHORIZED REPRESENTATIVE HAS THE SIGNED AUTHORIZATION OF THE INDIVIDUAL TO WHOM THE INFORMATION RELATES, THE AUTHORIZED REPRESENTATIVE.~~

~~(B) AN EMPLOYEE OF THE DEPARTMENT MAY NOT DISCLOSE INFORMATION RELATING TO AN INDIVIDUAL WHO HAS APPLIED FOR OR RECEIVED BENEFITS UNDER THIS TITLE.~~

~~SUBTITLE 2. SCOPE OF TITLE.~~

~~8.3–201.~~

~~(A) (1) A SELF–EMPLOYED INDIVIDUAL MAY ELECT TO PARTICIPATE IN THE PROGRAM BY FILING A WRITTEN NOTICE OF ELECTION WITH THE SECRETARY IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY.~~

~~(2) AN ELECTION MADE UNDER PARAGRAPH (1) OF THIS SUBSECTION BECOMES EFFECTIVE ON THE DATE THE WRITTEN NOTICE IS FILED.~~

~~(B) (1) IF A SELF–EMPLOYED INDIVIDUAL ELECTS TO PARTICIPATE IN THE PROGRAM UNDER SUBSECTION (A) OF THIS SECTION, THE INDIVIDUAL SHALL PARTICIPATE FOR AN INITIAL PERIOD OF NOT LESS THAN 3 YEARS.~~

~~(2) ONCE THE INITIAL PARTICIPATION PERIOD EXPIRES, THE SELF–EMPLOYED INDIVIDUAL MAY RENEW PARTICIPATION IN THE PROGRAM FOR A PERIOD OF NOT LESS THAN 1 YEAR.~~

~~(3) IF THE SELF–EMPLOYED INDIVIDUAL DOES NOT WISH TO RENEW PARTICIPATION IN THE PROGRAM UNDER PARAGRAPH (2) OF THIS SUBSECTION, WITHIN 30 DAYS BEFORE THE PARTICIPATION PERIOD EXPIRES, THE SELF–EMPLOYED INDIVIDUAL SHALL NOTIFY THE SECRETARY IN WRITING OF THE SELF–EMPLOYED INDIVIDUAL'S WITHDRAWAL FROM THE PROGRAM.~~

~~(C) DURING THE PERIOD A SELF–EMPLOYED INDIVIDUAL PARTICIPATES IN THE PROGRAM, THE SELF–EMPLOYED INDIVIDUAL SHALL PAY THE CONTRIBUTION REQUIRED UNDER § 8.3–601 OF THIS TITLE.~~

~~8.3–202.~~

~~THIS TITLE MAY NOT BE CONSTRUED TO DIMINISH AN EMPLOYER'S OBLIGATION TO COMPLY WITH A COLLECTIVE BARGAINING AGREEMENT OR AN EMPLOYER POLICY THAT ALLOWS AN EMPLOYEE TO TAKE LEAVE FOR A LONGER~~

~~PERIOD OF TIME THAN THE EMPLOYEE WOULD BE ABLE TO RECEIVE BENEFITS UNDER THIS TITLE.~~

~~8.3–203.~~

~~(A) AN EMPLOYEE'S RIGHT TO BENEFITS UNDER THIS TITLE MAY NOT BE DIMINISHED BY A COLLECTIVE BARGAINING AGREEMENT ENTERED INTO OR RENEWED OR BY AN EMPLOYER POLICY ADOPTED OR RETAINED ON OR AFTER JUNE 1, 2021.~~

~~(B) AN AGREEMENT TO WAIVE THE EMPLOYEE'S RIGHTS UNDER THIS TITLE IS VOID AS AGAINST PUBLIC POLICY.~~

~~SUBTITLE 3. ESTABLISHMENT OF THE DIVISION AND PROGRAM.~~

~~8.3–301.~~

~~(A) THERE IS A DIVISION OF FAMILY AND MEDICAL LEAVE INSURANCE IN THE DEPARTMENT.~~

~~(B) THE DIVISION OF FAMILY AND MEDICAL LEAVE INSURANCE SHALL PERFORM ANY FUNCTIONS THAT THE SECRETARY ASSIGNS TO IT TO CARRY OUT THIS TITLE.~~

~~(C) (1) (I) IN ACCORDANCE WITH THE PROVISIONS OF THE STATE PERSONNEL AND PENSIONS ARTICLE, THE SECRETARY MAY EMPLOY THE STAFF NECESSARY TO CARRY OUT THIS TITLE.~~

~~(II) IN ACCORDANCE WITH THE STATE BUDGET, THE SECRETARY MAY SET THE COMPENSATION OF AN EMPLOYEE UNDER THIS SUBSECTION IN A POSITION THAT:~~

~~1. IS UNIQUE TO THE DEPARTMENT;~~

~~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.~~

~~(III) THE SECRETARY OF BUDGET AND MANAGEMENT, IN CONSULTATION WITH THE SECRETARY, SHALL DETERMINE THE POSITIONS FOR~~

~~WHICH THE SECRETARY MAY SET COMPENSATION UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH.~~

~~(IV) SUBJECT TO OTHER APPLICABLE PROVISIONS OF THIS TITLE, THE SECRETARY MAY APPOINT EMPLOYEES AND SET THEIR POWERS AND DUTIES AS NECESSARY TO CARRY OUT THIS TITLE.~~

~~(2) THE SECRETARY SHALL DETERMINE WHETHER AN EMPLOYEE WHO HANDLES MONEY FOR THE DEPARTMENT UNDER THIS TITLE SHOULD BE COVERED UNDER A BOND.~~

~~(3) (I) THE SECRETARY SHALL PRINT:~~

~~1. THIS TITLE;~~

~~2. EACH ANNUAL REPORT THAT THE SECRETARY SUBMITS TO THE GOVERNOR; AND~~

~~3. ANY OTHER MATERIAL THAT THE SECRETARY CONSIDERS RELEVANT AND SUITABLE.~~

~~(II) ON REQUEST BY ANY PERSON, THE SECRETARY SHALL GIVE THE PERSON A COPY OF:~~

~~1. ANY MATERIAL THAT THE SECRETARY PRINTS UNDER THIS SUBSECTION; AND~~

~~2. THE CURRENT REGULATIONS ADOPTED TO CARRY OUT THIS TITLE.~~

~~8.3–302.~~

~~(A) THERE IS A FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM.~~

~~(B) THE PURPOSE OF THE PROGRAM IS TO PROVIDE TEMPORARY BENEFITS TO A COVERED INDIVIDUAL WHO IS TAKING LEAVE FROM EMPLOYMENT:~~

~~(1) TO CARE FOR A CHILD DURING THE FIRST YEAR AFTER THE CHILD'S BIRTH OR AFTER THE PLACEMENT OF THE CHILD THROUGH FOSTER CARE, KINSHIP CARE, OR ADOPTION;~~

~~(2) TO CARE FOR A FAMILY MEMBER WITH A SERIOUS HEALTH CONDITION;~~

~~(3) BECAUSE THE COVERED INDIVIDUAL HAS A SERIOUS HEALTH CONDITION THAT RESULTS IN THE COVERED INDIVIDUAL BEING UNABLE TO PERFORM THE FUNCTIONS OF THE COVERED INDIVIDUAL'S POSITION;~~

~~(4) TO CARE FOR A SERVICE MEMBER WHO IS THE COVERED INDIVIDUAL'S NEXT OF KIN; OR~~

~~(5) BECAUSE THE COVERED INDIVIDUAL HAS A QUALIFYING EXIGENCY ARISING OUT OF THE DEPLOYMENT OF A SERVICE MEMBER WHO IS A FAMILY MEMBER OF THE COVERED INDIVIDUAL.~~

~~SUBTITLE 4. ADMINISTRATION.~~

~~8.3–401.~~

~~THIS TITLE SHALL BE ADMINISTERED UNDER THE SUPERVISION OF THE SECRETARY BY THE DIVISION OF FAMILY AND MEDICAL LEAVE INSURANCE ESTABLISHED UNDER § 8.3–201 OF THIS TITLE.~~

~~8.3–402.~~

~~THE SECRETARY MAY DELEGATE TO AN EMPLOYEE OF THE DEPARTMENT ANY POWER OR DUTY THAT IS REASONABLE AND PROPER FOR THE ADMINISTRATION OF THIS TITLE.~~

~~8.3–403.~~

~~(A) THE SECRETARY SHALL:~~

~~(1) SUBJECT TO SUBSECTION (B) OF THIS SECTION, ADOPT REGULATIONS NECESSARY TO CARRY OUT THIS TITLE;~~

~~(2) ESTABLISH PROCEDURES AND FORMS FOR FILING CLAIMS FOR BENEFITS, INCLUDING:~~

~~(I) PROCEDURES FOR NOTIFYING AN EMPLOYER WITHIN 5 BUSINESS DAYS AFTER AN EMPLOYEE OF THE EMPLOYER FILES A CLAIM FOR BENEFITS UNDER THIS TITLE; AND~~

~~(II) NOTICES OF ELECTIONS BY SELF–EMPLOYED INDIVIDUALS FOR BENEFITS UNDER § 8.3–201 OF THIS TITLE;~~

~~(3) USE INFORMATION–SHARING AND INTEGRATION TECHNOLOGY TO FACILITATE THE DISCLOSURE OF RELEVANT INFORMATION OR RECORDS NEEDED FOR THE ADMINISTRATION OF THIS TITLE; AND~~

~~(4) SUBJECT TO SUBSECTION (D) OF THIS SECTION, CARRY OUT A PUBLIC EDUCATION PROGRAM.~~

~~(B) THE REGULATIONS ADOPTED UNDER SUBSECTION (A)(1) OF THIS SECTION SHALL BE CONSISTENT WITH REGULATIONS ADOPTED TO IMPLEMENT THE FEDERAL FAMILY AND MEDICAL LEAVE ACT AND ANY RELEVANT STATE LAWS TO THE EXTENT THAT THE ADOPTED REGULATIONS DO NOT CONFLICT WITH THIS TITLE.~~

~~(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A COVERED INDIVIDUAL UNDER § 8.3–302(B)(2), (3), (4), OR (5) OF THIS TITLE SHALL PROVIDE CERTIFICATION FOR A CLAIM FOR BENEFITS UNDER THIS TITLE.~~

~~(2) A CERTIFICATION FOR A CLAIM FOR BENEFITS FOR A COVERED INDIVIDUAL UNDER § 8.3–302(B)(2), (3), OR (4) OF THIS TITLE SHALL INCLUDE:~~

~~(I) THE DATE ON WHICH THE SERIOUS HEALTH CONDITION OF THE FAMILY MEMBER, COVERED INDIVIDUAL, OR SERVICE MEMBER COMMENCED;~~

~~(II) THE PROBABLE DURATION OF THE SERIOUS HEALTH CONDITION;~~

~~(III) THE APPROPRIATE FACTS RELATED TO THE SERIOUS HEALTH CONDITION WITHIN THE KNOWLEDGE OF THE LICENSED HEALTH CARE PROVIDER;~~

~~(IV) 1. FOR A CLAIM FOR BENEFITS UNDER § 8.3–302(B)(2) OF THIS TITLE, A STATEMENT THAT THE COVERED INDIVIDUAL NEEDS TO CARE FOR A FAMILY MEMBER AND AN ESTIMATE OF THE AMOUNT OF TIME REQUIRED TO PROVIDE THE CARE; OR~~

~~2. FOR A CLAIM FOR BENEFITS UNDER § 8.3–302(B)(3) OF THIS TITLE, A STATEMENT THAT THE COVERED INDIVIDUAL IS UNABLE TO PERFORM THE FUNCTIONS OF THE COVERED INDIVIDUAL'S POSITION; AND~~

~~(V) FOR A CERTIFICATION FOR INTERMITTENT LEAVE, THE EXPECTED DATES AND DURATION OF THE LEAVE.~~

~~(3) THE SECRETARY SHALL ESTABLISH STANDARDS IN REGULATION FOR THE CERTIFICATION OF CLAIMS FOR BENEFITS UNDER § 8.3–302(B)(5) OF THIS TITLE.~~

~~(D) (1) THE SECRETARY MAY USE A PORTION OF THE FUNDS PAID UNDER § 8.3–601 OF THIS TITLE OR OTHER AVAILABLE FUNDING TO PAY FOR AND CARRY OUT THE REQUIREMENTS UNDER SUBSECTION (A)(4) OF THIS SECTION.~~

~~(2) MATERIALS USED IN THE PUBLIC EDUCATION PROGRAM REQUIRED UNDER SUBSECTION (A)(4) OF THIS SECTION SHALL BE MADE AVAILABLE IN ENGLISH AND SPANISH.~~

~~8.3–404.~~

~~(A) TO ENFORCE THIS TITLE, THE SECRETARY MAY:~~

~~(1) CONDUCT AN INVESTIGATION UNDER THIS TITLE, ON THE SECRETARY'S OWN INITIATIVE OR ON RECEIPT OF A WRITTEN COMPLAINT;~~

~~(2) ADMINISTER AN OATH;~~

~~(3) CERTIFY TO AN OFFICIAL ACT;~~

~~(4) TAKE A DEPOSITION;~~

~~(5) ISSUE A SUBPOENA FOR THE ATTENDANCE OF A WITNESS TO TESTIFY OR THE PRODUCTION OF BOOKS, CORRESPONDENCE, MEMORANDA, PAPERS, OR OTHER RECORDS; AND~~

~~(6) BRING A CIVIL ACTION IN THE COUNTY WHERE THE VIOLATION ALLEGEDLY OCCURRED.~~

~~(B) (1) A SUBPOENA ISSUED UNDER SUBSECTION (A)(5) OF THIS SECTION SHALL BE SERVED IN ANY MANNER IN WHICH A SUBPOENA OF A COURT MAY BE SERVED.~~

~~(2) IF A PERSON FAILS TO COMPLY WITH A SUBPOENA ISSUED UNDER SUBSECTION (A)(5) OF THIS SECTION ON A COMPLAINT FILED BY THE SECRETARY, THE CIRCUIT COURT FOR THE COUNTY WHERE THE INVESTIGATION IS BEING CONDUCTED OR WHERE THE PERSON RESIDES, IS PRESENT, OR TRANSACTS BUSINESS MAY ISSUE AN ORDER DIRECTING COMPLIANCE WITH THE SUBPOENA OR COMPELLING TESTIMONY.~~

~~(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A PERSON MAY NOT BE EXCUSED FROM COMPLYING WITH A SUBPOENA ISSUED UNDER SUBSECTION (A)(5) OF THIS SECTION ON THE GROUND THAT THE EVIDENCE OR TESTIMONY REQUIRED MAY TEND TO INCRIMINATE THE PERSON OR SUBJECT THE PERSON TO A FORFEITURE OR PENALTY.~~

~~(II) 1. EXCEPT AS PROVIDED IN SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, AFTER CLAIMING THE PRIVILEGE AGAINST SELF–INCRIMINATION, A PERSON MAY NOT BE PROSECUTED OR SUBJECTED TO ANY FORFEITURE OR PENALTY BECAUSE OF ANY MATTER, THING, OR TRANSACTION ABOUT WHICH THE PERSON IS COMPELLED TO PRODUCE EVIDENCE OR TESTIFY.~~

~~2. IF THE PERSON COMMITS PERJURY WHILE GIVING TESTIMONY, THE PERSON IS SUBJECT TO PROSECUTION FOR THAT OFFENSE.~~

~~8.3–405.~~

~~IN A CIVIL ACTION TO ENFORCE THIS TITLE, THE SECRETARY AND THE STATE MAY BE REPRESENTED BY:~~

~~(1) THE ATTORNEY GENERAL; OR~~

~~(2) ANY QUALIFIED ATTORNEY WHO:~~

~~(I) IS A SALARIED EMPLOYEE OF THE SECRETARY; AND~~

~~(II) ON RECOMMENDATION OF THE ATTORNEY GENERAL, IS DESIGNATED TO REPRESENT THE SECRETARY OR THE BOARD OF APPEALS AND THE STATE.~~

~~8.3–406.~~

~~(A) ON OR BEFORE SEPTEMBER 1 EACH YEAR, THE SECRETARY SHALL SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY AN ANNUAL REPORT ON THE ADMINISTRATION AND OPERATION OF THIS TITLE DURING THE IMMEDIATELY PRECEDING FISCAL YEAR.~~

~~(B) THE ANNUAL REPORT SHALL INCLUDE INFORMATION REGARDING:~~

~~(1) PROJECTED AND ACTUAL PROGRAM PARTICIPATION RATES;~~

~~(2) CONTRIBUTION RATES;~~

~~(3) PROJECTED AND ACTUAL FUND BALANCES;~~

~~(4) PUBLIC OUTREACH AND TECHNICAL ASSISTANCE EFFORTS;~~

~~(5) ALL ENFORCEMENT EFFORTS;~~

~~(6) THE NUMBER AND STATUS OF COMPLAINTS UNDER SUBTITLE 9 OF THIS TITLE; AND~~

~~(7) THE COST OF ADMINISTERING THE PROGRAM.~~

~~SUBTITLE 5. THE FAMILY AND MEDICAL LEAVE INSURANCE FUND.~~

~~8.3–501.~~

~~THERE IS A FAMILY AND MEDICAL LEAVE INSURANCE FUND.~~

~~8.3–502.~~

~~(A) THE SECRETARY SHALL ADMINISTER THE FUND.~~

~~(B) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

~~(C) THE STATE TREASURER SHALL HOLD THE FUND SEPARATELY, AND THE COMPTROLLER SHALL ACCOUNT FOR THE FUND.~~

~~8.3–503.~~

~~(A) THE FUND CONSISTS OF:~~

~~(1) EMPLOYEE CONTRIBUTIONS REQUIRED UNDER § 8.3–601 OF THIS TITLE;~~

~~(2) SELF–EMPLOYED INDIVIDUAL CONTRIBUTIONS REQUIRED UNDER § 8.3–601 OF THIS TITLE;~~

~~(3) EMPLOYER CONTRIBUTIONS REQUIRED UNDER § 8.3–601 OF THIS TITLE;~~

~~(4) MONEY PAID TO THE FUND FOR THE PURPOSE OF REIMBURSING THE SECRETARY UNDER § 8.3–902 OF THIS TITLE FOR BENEFITS PAID IN ERROR;~~

~~(5) INTEREST EARNED ON MONEY IN THE FUND; AND~~

~~(6) MONEY RECEIVED FOR THE FUND FROM ANY OTHER SOURCE.~~

~~(B) MONEY IN THE FUND MAY BE COMMINGLED.~~

~~(C) THE FUND MAY BE USED ONLY FOR THE PURPOSES OF THIS TITLE.~~

~~8.3–504.~~

~~(A) (1) THE STATE TREASURER IS CUSTODIAN OF THE FUND.~~

~~(2) THE STATE TREASURER SHALL MANAGE THE FUND IN ACCORDANCE WITH REGULATIONS THAT THE SECRETARY ADOPTS.~~

~~(B) UNDER THE DIRECTION OF THE SECRETARY, THE STATE TREASURER SHALL ESTABLISH THE FUND ACCOUNT IN ANY FINANCIAL INSTITUTION IN WHICH THE GENERAL FUND OF THE STATE MAY BE DEPOSITED.~~

~~(C) ON RECEIPT OF ANY MONEY PAYABLE TO THE FUND, THE SECRETARY SHALL ENSURE IMMEDIATE DEPOSIT OF THE MONEY INTO THE FUND ACCOUNT AS REQUIRED BY THE STATE TREASURER.~~

~~(D) IN ACCORDANCE WITH REGULATIONS THAT THE SECRETARY ADOPTS, MONEY IN THE FUND ACCOUNT:~~

~~(1) SHALL BE USED TO PAY BENEFITS UNDER THIS TITLE; AND~~

~~(2) MAY BE USED TO PAY FOR:~~

~~(I) THE PUBLIC EDUCATION PROGRAM; AND~~

~~(II) ANY COSTS ASSOCIATED WITH THE INITIAL IMPLEMENTATION AND ONGOING ADMINISTRATION OF THIS TITLE.~~

~~8.3–505.~~

~~A CHECK THAT THE STATE TREASURER ISSUES TO PAY BENEFITS OR REFUNDS SHALL:~~

~~(1) BE ISSUED ONLY ON A WARRANT SIGNED BY THE SECRETARY;~~

~~(2) BEAR THE SIGNATURE OF THE STATE TREASURER; AND~~

~~(3) BE COUNTERSIGNED BY AN AUTHORIZED AGENT.~~

~~8.3–506.~~

~~THIS TITLE DOES NOT GRANT AN EMPLOYEE ANY PRIOR CLAIM OR RIGHT TO MONEY THE EMPLOYEE PAYS INTO THE FUND.~~

~~SUBTITLE 6. CONTRIBUTIONS.~~

~~8.3–601.~~

~~(A) BEGINNING JANUARY 1, 2023, EACH EMPLOYEE OF AN EMPLOYER, EACH EMPLOYER WITH 15 OR MORE EMPLOYEES, AND EACH SELF–EMPLOYED INDIVIDUAL PARTICIPATING IN THE PROGRAM SHALL CONTRIBUTE TO THE FUND.~~

~~(B) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE SECRETARY SHALL SET A TOTAL RATE OF CONTRIBUTION TO BE PAID IN ACCORDANCE WITH THIS SUBSECTION.~~

~~(II) THE TOTAL RATE OF CONTRIBUTION ESTABLISHED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH:~~

~~1. MAY NOT EXCEED 1.0% OF AN EMPLOYEE'S WAGES;~~

~~2. SHALL BE APPLIED TO ALL WAGES UP TO AND INCLUDING THE SOCIAL SECURITY WAGE BASE;~~

~~3. EXCEPT AS PROVIDED UNDER PARAGRAPH (3)(I)2 OF THIS SUBSECTION, SHALL BE SHARED EQUALLY BY EMPLOYERS AND EMPLOYEES; AND~~

~~4. SHALL BE SUFFICIENT TO FUND THE BENEFITS PAYABLE UNDER THIS TITLE.~~

~~(2) (I) EACH EMPLOYER WITH 15 OR MORE EMPLOYEES SHALL CONTRIBUTE AN AMOUNT EQUAL TO 50% OF THE TOTAL RATE OF CONTRIBUTION FOR EACH EMPLOYEE EMPLOYED BY THE EMPLOYER.~~

~~(II) 1. FOR THE PURPOSE OF DETERMINING WHETHER AN EMPLOYER IS REQUIRED TO CONTRIBUTE, THE NUMBER OF EMPLOYEES OF AN EMPLOYER SHALL BE DETERMINED BY CALCULATING THE AVERAGE MONTHLY NUMBER OF EMPLOYEES EMPLOYED BY THE EMPLOYER DURING THE IMMEDIATELY PRECEDING 12–MONTH PERIOD.~~

~~2. EACH EMPLOYEE OF AN EMPLOYER SHALL BE INCLUDED IN THE CALCULATION MADE UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH WITHOUT REGARD TO WHETHER THE EMPLOYEE IS A FULL–TIME,~~

~~PART–TIME, TEMPORARY, OR SEASONAL EMPLOYEE OR WOULD BE ELIGIBLE FOR BENEFITS UNDER THIS TITLE.~~

~~(3) (I) 1. EACH EMPLOYEE OF AN EMPLOYER WITH 15 OR MORE EMPLOYEES SHALL CONTRIBUTE AN AMOUNT EQUAL TO 50% OF THE TOTAL RATE OF CONTRIBUTION.~~

~~2. EACH EMPLOYEE OF AN EMPLOYER WITH LESS THAN 15 EMPLOYEES SHALL CONTRIBUTE AN AMOUNT PROPORTIONALLY EQUAL TO THE AMOUNT CONTRIBUTED BY AN EMPLOYEE UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH.~~

~~(II) THE EMPLOYER OF THE EMPLOYEE SHALL DEDUCT THE CONTRIBUTION REQUIRED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH FROM THE WAGES OF THE EMPLOYEE.~~

~~(4) EACH SELF–EMPLOYED INDIVIDUAL PARTICIPATING IN THE PROGRAM SHALL:~~

~~(I) PAY CONTRIBUTIONS DURING EACH YEAR THAT THE SELF–EMPLOYED INDIVIDUAL PARTICIPATES IN THE PROGRAM; AND~~

~~(II) CONTRIBUTE AN AMOUNT EQUAL TO THE TOTAL RATE OF CONTRIBUTION ESTABLISHED UNDER PARAGRAPH (1)(I) OF THIS SUBSECTION.~~

~~SUBTITLE 7. BENEFITS.~~

~~8.3–701.~~

~~(A) BEGINNING JULY 1, 2024, A COVERED INDIVIDUAL TAKING LEAVE FROM EMPLOYMENT MAY SUBMIT A CLAIM FOR BENEFITS TO:~~

~~(1) CARE FOR A NEWBORN CHILD OR A CHILD NEWLY PLACED FOR ADOPTION, FOSTER CARE, OR KINSHIP CARE WITH THE COVERED INDIVIDUAL DURING THE FIRST YEAR AFTER THE BIRTH, ADOPTION, OR PLACEMENT;~~

~~(2) CARE FOR A FAMILY MEMBER WITH A SERIOUS HEALTH CONDITION;~~

~~(3) ATTEND TO A SERIOUS HEALTH CONDITION THAT RESULTS IN THE COVERED INDIVIDUAL BEING UNABLE TO PERFORM THE FUNCTIONS OF THE COVERED INDIVIDUAL'S POSITION;~~

~~(4) CARE FOR A SERVICE MEMBER WITH A SERIOUS HEALTH CONDITION RESULTING FROM MILITARY SERVICE WHO IS THE COVERED INDIVIDUAL'S NEXT OF KIN; OR~~

~~(5) ATTEND TO A QUALIFYING EXIGENCY ARISING OUT OF THE DEPLOYMENT OF A SERVICE MEMBER WHO IS A FAMILY MEMBER OF THE COVERED INDIVIDUAL.~~

~~(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A COVERED INDIVIDUAL MAY TAKE THE LEAVE FOR WHICH THE INDIVIDUAL IS ELIGIBLE FOR BENEFITS UNDER SUBSECTION (A) OF THIS SECTION ON AN INTERMITTENT LEAVE SCHEDULE.~~

~~(2) IF LEAVE IS TAKEN ON AN INTERMITTENT LEAVE SCHEDULE, THE COVERED INDIVIDUAL SHALL:~~

~~(I) MAKE A REASONABLE EFFORT TO SCHEDULE THE INTERMITTENT LEAVE IN A MANNER THAT DOES NOT UNDULY DISRUPT THE OPERATIONS OF THE EMPLOYER; AND~~

~~(II) PROVIDE THE EMPLOYER WITH REASONABLE AND PRACTICABLE PRIOR NOTICE OF THE REASON FOR WHICH THE INTERMITTENT LEAVE IS NECESSARY.~~

~~(3) IF LEAVE IS TAKEN ON AN INTERMITTENT LEAVE SCHEDULE, AN EMPLOYER MAY NOT REDUCE THE TOTAL AMOUNT OF LEAVE TO WHICH THE COVERED INDIVIDUAL IS ENTITLED BEYOND THE AMOUNT OF LEAVE ACTUALLY TAKEN.~~

~~8.3–702.~~

~~(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A COVERED INDIVIDUAL MAY NOT RECEIVE MORE THAN 12 WEEKS OF BENEFITS IN AN APPLICATION YEAR.~~

~~(2) A COVERED INDIVIDUAL MAY RECEIVE AN ADDITIONAL 12 WEEKS OF BENEFITS IF THE COVERED INDIVIDUAL DURING THE SAME APPLICATION YEAR:~~

~~(I) RECEIVED BENEFITS BECAUSE THE COVERED INDIVIDUAL WAS ELIGIBLE FOR BENEFITS UNDER § 8.3–701(A)(3) OF THIS SUBTITLE; AND~~

~~(II) BECOMES ELIGIBLE FOR BENEFITS UNDER § 8.3–701(A)(1), (2), (4), OR (5) OF THIS SUBTITLE.~~

~~(B) IF A COVERED INDIVIDUAL TAKES LEAVE FOR WHICH THE COVERED INDIVIDUAL IS RECEIVING BENEFITS UNDER THIS TITLE, THE LEAVE SHALL RUN CONCURRENTLY WITH ELIGIBLE LEAVE THAT MAY BE TAKEN BY THE COVERED INDIVIDUAL UNDER THE FEDERAL FAMILY AND MEDICAL LEAVE ACT.~~

~~(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AN INDIVIDUAL RECEIVING BENEFITS UNDER TITLE 8 OF THIS ARTICLE OR WAGE REPLACEMENT BENEFITS UNDER TITLE 9 OF THIS ARTICLE IS NOT ELIGIBLE TO RECEIVE BENEFITS UNDER THIS TITLE.~~

~~(2) AN INDIVIDUAL RECEIVING COMPENSATION FOR A PERMANENT PARTIAL DISABILITY UNDER TITLE 9 OF THIS ARTICLE MAY BE ELIGIBLE FOR BENEFITS UNDER THIS TITLE.~~

~~8.3–703.~~

~~(A) AN EMPLOYER MAY ALLOW A COVERED INDIVIDUAL TO USE PAID VACATION, PAID SICK LEAVE, OR OTHER PAID TIME OFF UNDER AN EMPLOYER POLICY IN ADDITION TO THE BENEFITS AVAILABLE UNDER THIS TITLE TO REPLACE THE COVERED INDIVIDUAL'S WAGES UP TO 100% OF THE COVERED INDIVIDUAL'S WEEKLY WAGE DURING THE PERIOD OF LEAVE FOR WHICH BENEFITS ARE RECEIVED UNDER THIS TITLE.~~

~~(B) AN EMPLOYER CONTRIBUTING TO THE FUND MAY REQUIRE A COVERED INDIVIDUAL WHO RECEIVES BENEFITS UNDER THIS TITLE TO USE THOSE BENEFITS CONCURRENTLY WITH FAMILY OR MEDICAL LEAVE BENEFITS PROVIDED UNDER AN EMPLOYER POLICY.~~

~~8.3–704.~~

~~(A) FOR THE PURPOSES OF THIS SECTION:~~

~~(1) THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE SHALL BE CALCULATED AS THE TOTAL WAGES RECEIVED BY THE COVERED INDIVIDUAL OVER THE LAST 680 HOURS FOR WHICH THE COVERED INDIVIDUAL WAS PAID DIVIDED BY THE NUMBER OF WEEKS WORKED; AND~~

~~(2) THE STATE AVERAGE WEEKLY WAGE SHALL BE THE WAGE CALCULATED UNDER § 9–603 OF THIS ARTICLE.~~

~~(B) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE WEEKLY BENEFIT AMOUNT PAYABLE TO A COVERED INDIVIDUAL UNDER THIS TITLE SHALL BE:~~

~~(I) IF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE IS 65% OR LESS OF THE STATE AVERAGE WEEKLY WAGE, 90% OF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE;~~

~~(II) IF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE IS GREATER THAN 65% OF THE STATE AVERAGE WEEKLY WAGE, THE SUM OF:~~

~~1. 90% OF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE UP TO 65% OF THE STATE AVERAGE WEEKLY WAGE; AND~~

~~2. 50% OF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE THAT IS GREATER THAN 65% OF THE STATE AVERAGE WEEKLY WAGE; OR~~

~~(III) IF THE COVERED INDIVIDUAL IS TAKING PARTIALLY PAID LEAVE, THE LESSER OF:~~

~~1. THE AMOUNT REQUIRED TO MAKE UP THE DIFFERENCE BETWEEN THE WAGES PAID TO THE COVERED INDIVIDUAL WHILE THE COVERED INDIVIDUAL IS TAKING PARTIALLY PAID LEAVE AND THE FULL WAGES NORMALLY PAID TO THE COVERED INDIVIDUAL; AND~~

~~2. IF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE IS GREATER THAN 65% OF THE STATE AVERAGE WEEKLY WAGE, THE SUM OF:~~

~~A. 90% OF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE UP TO 65% OF THE STATE AVERAGE WEEKLY WAGE; AND~~

~~B. 50% OF THE COVERED INDIVIDUAL'S AVERAGE WEEKLY WAGE THAT IS GREATER THAN 65% OF THE STATE AVERAGE WEEKLY WAGE.~~

~~(2) THE WEEKLY BENEFIT AMOUNT PAYABLE UNDER PARAGRAPH (1) OF THIS SUBSECTION:~~

~~(I) SHALL BE AT LEAST $50; AND~~

~~(II) MAY NOT EXCEED:~~

~~1. FOR THE 12–MONTH PERIOD BEGINNING JULY 1, 2024, $1,000; AND~~

~~2. FOR THE 12–MONTH PERIOD BEGINNING JULY 1, 2025, AND EACH SUBSEQUENT 12–MONTH PERIOD, THE AMOUNT DETERMINED AND ANNOUNCED BY THE SECRETARY UNDER PARAGRAPH (3) OF THIS SUBSECTION.~~

~~(3) (I) IN THIS PARAGRAPH, "CONSUMER PRICE INDEX" MEANS THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FOR THE WASHINGTON–ARLINGTON–ALEXANDRIA, DC–VA–MD–WV METROPOLITAN AREA OR A SUCCESSOR INDEX PUBLISHED BY THE FEDERAL BUREAU OF LABOR STATISTICS.~~

~~(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (IV) OF THIS PARAGRAPH, FOR THE 12–MONTH PERIOD BEGINNING JULY 1, 2025, AND EACH SUBSEQUENT 12–MONTH PERIOD, THE MAXIMUM WEEKLY BENEFIT AMOUNT SHALL BE INCREASED BY THE AMOUNT, ROUNDED TO THE NEAREST CENT, THAT EQUALS THE PRODUCT OF:~~

~~1. THE MAXIMUM WEEKLY BENEFIT AMOUNT IN EFFECT FOR THE IMMEDIATELY PRECEDING 12–MONTH PERIOD; AND~~

~~2. THE ANNUAL PERCENTAGE GROWTH IN THE CONSUMER PRICE INDEX FOR THE IMMEDIATELY PRECEDING 12–MONTH PERIOD, AS DETERMINED BY THE SECRETARY UNDER SUBPARAGRAPH (III)1 OF THIS PARAGRAPH.~~

~~(III) BEGINNING MARCH 1, 2025, AND ON EACH SUBSEQUENT SEPTEMBER 1, THE SECRETARY SHALL DETERMINE AND ANNOUNCE:~~

~~1. THE ANNUAL PERCENTAGE GROWTH, IF ANY, IN THE CONSUMER PRICE INDEX BASED ON THE MOST RECENT 12–MONTH PERIOD FOR WHICH DATA ARE AVAILABLE ON SEPTEMBER 1; AND~~

~~2. THE MAXIMUM WEEKLY BENEFIT AMOUNT EFFECTIVE FOR THE 12–MONTH PERIOD BEGINNING THE IMMEDIATELY FOLLOWING JULY 1.~~

~~(IV) IF THERE IS A DECLINE OR NO GROWTH IN THE CONSUMER PRICE INDEX, THE MAXIMUM WEEKLY BENEFIT AMOUNT SHALL REMAIN THE SAME AS THE AMOUNT THAT WAS IN EFFECT FOR THE PRECEDING 12–MONTH PERIOD.~~

~~(C) AN INCREASE IN THE WEEKLY BENEFIT AMOUNT UNDER SUBSECTION (B)(3) OF THIS SECTION APPLIES ONLY TO A CLAIM FOR BENEFITS FILED AFTER THE DATE THE INCREASE BECOMES EFFECTIVE.~~

~~(D) THE DIVISION SHALL:~~

~~(1) NOTIFY THE EMPLOYER OF A COVERED INDIVIDUAL WITHIN 5 BUSINESS DAYS AFTER THE COVERED INDIVIDUAL FILES A CLAIM FOR BENEFITS UNDER THIS TITLE;~~

~~(2) APPROVE OR DENY THE CLAIM AND NOTIFY THE COVERED INDIVIDUAL WITHIN 10 BUSINESS DAYS AFTER THE COVERED INDIVIDUAL FILES THE CLAIM;~~

~~(3) MAKE THE FIRST PAYMENT OF BENEFITS TO A COVERED INDIVIDUAL WITHIN 5 BUSINESS DAYS AFTER THE CLAIM IS APPROVED; AND~~

~~(4) MAKE SUBSEQUENT PAYMENTS EVERY 2 WEEKS UNTIL THE BENEFIT PERIOD ENDS.~~

~~8.3–705.~~

~~(A) IF THE INTERNAL REVENUE SERVICE DETERMINES THAT BENEFITS PAID UNDER THIS SUBTITLE ARE SUBJECT TO FEDERAL INCOME TAX, AT THE TIME A COVERED INDIVIDUAL FILES A NEW CLAIM FOR BENEFITS, THE DIVISION SHALL NOTIFY THE COVERED INDIVIDUAL THAT:~~

~~(1) THE INTERNAL REVENUE SERVICE HAS DETERMINED THAT THE BENEFITS ARE SUBJECT TO FEDERAL INCOME TAX;~~

~~(2) THERE ARE REQUIREMENTS REGARDING ESTIMATED TAX PAYMENTS;~~

~~(3) THE COVERED INDIVIDUAL MAY ELECT TO HAVE FEDERAL INCOME TAX DEDUCTED AND WITHHELD FROM THE BENEFITS THAT THE COVERED INDIVIDUAL RECEIVES UNDER THIS TITLE AT THE RATE SPECIFIED IN THE INTERNAL REVENUE CODE; AND~~

~~(4) THE COVERED INDIVIDUAL IS ALLOWED TO CHANGE A PREVIOUSLY ELECTED WITHHOLDING STATUS.~~

~~(B) (1) IF A COVERED INDIVIDUAL ELECTS TO HAVE FEDERAL INCOME TAX DEDUCTED AND WITHHELD UNDER SUBSECTION (A)(3) OF THIS SECTION, THE DIVISION SHALL DEDUCT AND WITHHOLD AN AMOUNT AT THE RATE SPECIFIED IN THE INTERNAL REVENUE CODE IN A MANNER REQUIRED BY THE INTERNAL REVENUE SERVICE.~~

~~(2) IF THE DIVISION DEDUCTS AND WITHHOLDS FEDERAL INCOME TAX UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE AMOUNT DEDUCTED AND WITHHELD SHALL REMAIN IN THE FUND UNTIL IT IS TRANSFERRED TO THE INTERNAL REVENUE SERVICE AS A PAYMENT OF INCOME TAX.~~

~~8.3–706.~~

~~(A) AN EMPLOYER MAY SATISFY THE REQUIREMENTS OF THIS TITLE THROUGH A PRIVATE EMPLOYER PLAN CONSISTING OF EMPLOYER-PROVIDED BENEFITS, INSURANCE, OR A COMBINATION OF BOTH IF THE PRIVATE EMPLOYER PLAN IS OFFERED TO ALL OF THE EMPLOYER'S ELIGIBLE EMPLOYEES AND MEETS OR EXCEEDS THE RIGHTS, PROTECTIONS, AND BENEFITS PROVIDED TO A COVERED EMPLOYEE UNDER THIS TITLE.~~

~~(B) A PRIVATE EMPLOYER PLAN SHALL BE FILED WITH THE DIVISION FOR APPROVAL.~~

~~(C) AN EMPLOYER THAT PROVIDES COVERED EMPLOYEES WITH A PRIVATE EMPLOYER PLAN AND AN EMPLOYEE THAT IS COVERED BY A PRIVATE EMPLOYER PLAN ARE EXEMPT FROM THE CONTRIBUTIONS REQUIRED UNDER SUBTITLE 6 OF THIS TITLE.~~

~~8.3–707.~~

~~IF A COVERED INDIVIDUAL RECEIVES BENEFITS UNDER THIS TITLE OR TAKES LEAVE FROM WORK FOR WHICH BENEFITS MAY BE PAID UNDER THIS TITLE, THE EMPLOYER OF THE COVERED INDIVIDUAL SHALL, ON THE EXPIRATION OF THE LEAVE, RESTORE THE COVERED INDIVIDUAL TO AN EQUIVALENT POSITION OF EMPLOYMENT.~~

~~8.3–708.~~

~~IF A COVERED INDIVIDUAL IS RECEIVING BENEFITS UNDER THIS TITLE OR IS TAKING LEAVE FOR WHICH BENEFITS MAY BE PAID UNDER THIS TITLE, THE EMPLOYER OF THE COVERED INDIVIDUAL SHALL CONTINUE ANY EMPLOYMENT BENEFITS IN THE SAME MANNER AS REQUIRED UNDER TITLE 3, SUBTITLE 12 OF THIS ARTICLE FOR THE TIME PERIOD THAT THE COVERED INDIVIDUAL IS ABSENT FROM WORK OR RECEIVING BENEFITS UNDER THIS TITLE.~~

~~SUBTITLE 8. NOTICE TO EMPLOYEES.~~

~~8.3–801.~~

~~(A) AN EMPLOYER SHALL PROVIDE WRITTEN NOTICE TO EACH EMPLOYEE OF THE RIGHTS AND DUTIES OF AN EMPLOYEE UNDER THIS TITLE AT THE TIME OF HIRE AND ANNUALLY THEREAFTER.~~

~~(B) (1) WHEN AN EMPLOYEE REQUESTS LEAVE UNDER THIS TITLE, OR WHEN AN EMPLOYER KNOWS THAT AN EMPLOYEE'S LEAVE MAY BE FOR A REASON UNDER § 8.3–302 OF THIS TITLE, THE EMPLOYER SHALL NOTIFY THE EMPLOYEE OF~~

~~THE EMPLOYEE'S ELIGIBILITY TO TAKE LEAVE FOR WHICH BENEFITS MAY BE PAID UNDER THIS TITLE WITHIN 5 BUSINESS DAYS.~~

~~(2) THE NOTICE PROVIDED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:~~

~~(I) THE RIGHT OF AN ELIGIBLE EMPLOYEE TO RECEIVE PROGRAM BENEFITS UNDER THIS TITLE;~~

~~(II) THE PROCEDURE FOR FILING A CLAIM FOR BENEFITS;~~

~~(III) AN ELIGIBLE EMPLOYEE'S RESPONSIBILITIES WITH RESPECT TO PROVIDING NOTIFICATION PRIOR TO THE COMMENCEMENT OF LEAVE AND ANY PENALTIES FOR FAILING TO DO SO;~~

~~(IV) THE RIGHT OF AN EMPLOYEE TO FILE A COMPLAINT FOR ALLEGED VIOLATIONS OF THIS TITLE;~~

~~(V) THE RIGHT OF AN ELIGIBLE EMPLOYEE TO JOB PROTECTION; AND~~

~~(VI) A DESCRIPTION OF THE PROHIBITED ACTS, PENALTIES, AND COMPLAINT PROCEDURES UNDER SUBTITLE 9 OF THIS TITLE.~~

~~(C) THE NOTICES REQUIRED UNDER THIS SUBTITLE SHALL BE PROVIDED IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY.~~

~~SUBTITLE 9. PROHIBITED ACTS; PENALTIES.~~

~~8.3–901.~~

~~(A) IF AN INDIVIDUAL WILLFULLY MAKES A FALSE STATEMENT OR MISREPRESENTATION REGARDING A MATERIAL FACT OR WILLFULLY FAILS TO REPORT A MATERIAL FACT TO OBTAIN BENEFITS UNDER THIS TITLE, THE INDIVIDUAL IS DISQUALIFIED FROM RECEIVING BENEFITS FOR 1 YEAR.~~

~~(B) IF AN EMPLOYER WILLFULLY MAKES OR CAUSES TO BE MADE A FALSE STATEMENT OR WILLFULLY FAILS TO REPORT A MATERIAL FACT REGARDING A CLAIM FOR BENEFITS BY AN EMPLOYEE, THE EMPLOYER IS SUBJECT TO A CIVIL PENALTY OF UP TO $1,000 FOR EACH OCCURRENCE.~~

~~(C) AN EMPLOYER MAY NOT WILLFULLY:~~

~~(1) FAIL OR REFUSE TO PAY CONTRIBUTIONS TO THE FUND; OR~~

~~(2) TAKE DEDUCTIONS FROM THE WAGES OF AN EMPLOYEE TO PAY ANY PORTION OF THE EMPLOYER CONTRIBUTIONS DUE FROM THE EMPLOYER.~~

~~8.3–902.~~

~~(A) THE DIVISION MAY SEEK REPAYMENT OF BENEFITS FROM AN INDIVIDUAL WHO RECEIVED BENEFITS UNDER THIS TITLE IF:~~

~~(1) THE BENEFITS WERE PAID ERRONEOUSLY OR AS A RESULT OF WILLFUL MISREPRESENTATION BY THE INDIVIDUAL; OR~~

~~(2) A CLAIM FOR BENEFITS UNDER THIS TITLE IS REJECTED AFTER THE BENEFITS WERE PAID.~~

~~(B) THE SECRETARY MAY WAIVE IN WHOLE OR IN PART THE REPAYMENT OF BENEFITS UNDER SUBSECTION (A) OF THIS SECTION IF:~~

~~(1) THE ERROR IN PAYMENT WAS NOT DUE TO ANY FALSE STATEMENT, NONDISCLOSURE OF MATERIAL FACT, OR MISREPRESENTATION BY A COVERED INDIVIDUAL; OR~~

~~(2) THE REPAYMENT WOULD BE AGAINST EQUITY AND GOOD CONSCIENCE OR ADMINISTRATIVE EFFICIENCY.~~

~~8.3–903.~~

~~IF AN EMPLOYER FAILS TO PAY THE CONTRIBUTIONS DUE TO THE FUND, THE SECRETARY MAY, IN ACCORDANCE WITH § 8.3–404 OF THIS TITLE:~~

~~(1) ASSESS THE AMOUNT OF CONTRIBUTIONS AND INTEREST DUE;~~

~~(2) MAKE AN ADDITIONAL ASSESSMENT IN AN AMOUNT NOT TO EXCEED TWO TIMES THE CONTRIBUTIONS WITHHELD, AS A PENALTY FOR FAILURE TO PAY THE CONTRIBUTIONS DUE; AND~~

~~(3) ORDER AN AUDIT OF THE EMPLOYER FOR THE IMMEDIATELY FOLLOWING FISCAL YEAR TO INVESTIGATE AND DETERMINE COMPLIANCE WITH THIS TITLE AND TITLES 3, 8, AND 9 OF THIS ARTICLE.~~

~~8.3–904.~~

~~A PERSON MAY NOT DISCHARGE, DEMOTE, OR OTHERWISE DISCRIMINATE OR TAKE ADVERSE ACTION AGAINST A COVERED INDIVIDUAL BECAUSE THE COVERED INDIVIDUAL HAS:~~

~~(1) FILED FOR, APPLIED FOR, OR RECEIVED BENEFITS, OR TAKEN FAMILY OR MEDICAL LEAVE FOR WHICH BENEFITS MAY BE PAID UNDER THIS TITLE;~~

~~(2) INQUIRED ABOUT THE RIGHTS AND RESPONSIBILITIES UNDER THIS TITLE;~~

~~(3) COMMUNICATED TO THE PERSON AN INTENT TO FILE A CLAIM, A COMPLAINT, OR AN APPEAL UNDER THIS TITLE; OR~~

~~(4) TESTIFIED OR INTENDS TO TESTIFY OR OTHERWISE HAS ASSISTED IN A PROCEEDING UNDER THIS TITLE.~~

~~8.3–905.~~

~~(A) (1) AN EMPLOYEE ALLEGING A VIOLATION OF THIS SUBTITLE MAY FILE A COMPLAINT WITH THE SECRETARY TO RECOVER LOST WAGES AND DAMAGES EQUAL TO THE AMOUNT OF WAGES, SALARY, EMPLOYMENT BENEFITS, OR OTHER COMPENSATION DENIED OR LOST, AND APPROPRIATE PUNITIVE DAMAGES.~~

~~(2) A COMPLAINT UNDER THIS SUBSECTION MAY ALSO SEEK APPROPRIATE RELIEF INCLUDING REINSTATEMENT OR THE HIRING OF EMPLOYEES WITH OR WITHOUT BACK PAY.~~

~~(B) THIS SECTION DOES NOT DEPRIVE A PRIVATE RIGHT OR CAUSE OF ACTION TO ANY EMPLOYEE FOR VIOLATIONS OF § 8.3–904 OF THIS SUBTITLE OR § 8.3–707 OF THIS TITLE.~~

~~8.3–906.~~

~~(A) (1) NOTWITHSTANDING ANY ADMINISTRATIVE REMEDY AVAILABLE UNDER § 8.3–905 OF THIS SUBTITLE, AN EMPLOYEE MAY BRING AN ACTION AGAINST AN EMPLOYER FOR VIOLATIONS OF § 8.3–904 OF THIS SUBTITLE OR § 8.3–707 OR § 8.3–708 OF THIS TITLE TO RECOVER LOST WAGES AND DAMAGES EQUAL TO THE AMOUNT OF WAGES, SALARY, EMPLOYMENT BENEFITS, OR OTHER COMPENSATION DENIED OR LOST, AND APPROPRIATE PUNITIVE DAMAGES.~~

~~(2) AN ACTION UNDER THIS SUBSECTION MAY SEEK INJUNCTIVE AND OTHER APPROPRIATE EQUITABLE RELIEF INCLUDING REINSTATEMENT OR THE HIRING OF EMPLOYEES WITH OR WITHOUT BACK PAY.~~

~~(B) ON A FINDING THAT AN EMPLOYEE IS ENTITLED TO JUDGMENT IN AN ACTION UNDER SUBSECTION (A) OF THIS SECTION, THE COURT SHALL ALLOW AGAINST THE EMPLOYER REASONABLE ATTORNEY'S FEES AND OTHER COSTS.~~

~~8.3–907.~~

~~(A) (1) THE SECRETARY SHALL ESTABLISH A SYSTEM FOR APPEALS BY COVERED INDIVIDUALS IN THE CASE OF DENIAL OF BENEFITS UNDER THIS TITLE.~~

~~(2) THE SECRETARY MAY USE THE PROCEDURES UNDER § 8–806 OF THIS ARTICLE FOR THE SYSTEM REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

~~(B) JUDICIAL REVIEW OF ANY DECISION WITH RESPECT TO BENEFITS UNDER THIS TITLE SHALL BE ALLOWED IN A COURT OF COMPETENT JURISDICTION AFTER AN AGGRIEVED PARTY HAS EXHAUSTED ALL ADMINISTRATIVE REMEDIES ESTABLISHED BY THE SECRETARY UNDER THIS TITLE.~~

~~(C) THE SECRETARY SHALL IMPLEMENT PROCEDURES TO ENSURE CONFIDENTIALITY OF ALL INFORMATION RELATED TO ANY CLAIMS FILED OR APPEALS TAKEN TO THE MAXIMUM EXTENT ALLOWED BY LAW.~~

~~SUBTITLE 10. SHORT TITLE.~~

~~8.3–1001.~~

~~THIS TITLE MAY BE CITED AS THE MARYLAND FAMILY AND MEDICAL LEAVE INSURANCE PROGRAM.~~

~~Article – State Finance and Procurement~~

~~6–226.~~

~~(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.~~

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

~~144. the Health Equity Resource Community Reserve Fund;~~

~~[and]~~

~~145. the Access to Counsel in Evictions Special Fund; AND~~

~~**146. THE FAMILY AND MEDICAL LEAVE INSURANCE FUND.**~~

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any collective bargaining agreement entered into before the effective date of this Act.~~

~~SECTION 3. AND BE IT FURTHER ENACTED, That, on or before October 1, 2022, the Secretary of Labor shall adopt regulations as required under § 8.3–403 of the Labor and Employment Article, as enacted by Section 1 of this Act~~ it is the intent of the General Assembly that $25,000,000 be set aside in the fiscal year 2023 budget to support the work of the Commission on the Establishment of a Family Medical Leave and Insurance Program, as enacted by Section 1 of this Act, and any other changes necessary for the Maryland Department of Labor to prepare for the implementation of a Family Medical Leave and Insurance Program~~.~~

~~SECTION 4.~~ 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that ~~the statutory framework establishing a Family Medical Leave and Insurance Program in the State shall~~:

~~(1)~~ general funds be loaned to the Family and Medical Leave Insurance Fund by July 1, 2023, in an amount sufficient to supplement contributions and provide funding for costs to administer the Family and Medical Leave Insurance Program; and

~~(2)~~ any funds loaned to the Family and Medical Leave Insurance Fund be repaid to the General Fund by the Secretary of Labor as soon as the Fund receives enough contributions to become self–sustaining be effective not later than June 1, 2023;

~~(2)~~ include, to the extent practicable, the findings and recommendations of the Commission on the Family Medical Leave and Insurance Program, as enacted by Section 1 of this Act;

~~(3)~~ enable individuals to receive benefits under the Program by June 1, 2024;

~~(4)~~ require employers and employees to share in the cost of contributions to fund the Program; and

~~(5)~~ generally provide temporary benefits to certain individuals who take leave from employment for family– and medical–related reasons~~.~~

~~SECTION 5.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2022. Section 2 of this Act shall remain effective for a period of 1 year and 1 month

~~and, at the end of June 30, 2023, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.~~

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any collective bargaining agreement entered into before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) On or before June 1, 2023, the Secretary of Labor shall set the total rate of contribution and percentage of the total rate of contribution to be paid by employees of employers and employers with 15 or more employees under § 8.3–601(a) of the Labor and Employment Article, as enacted by Section 1 of this Act, effective October 1, 2023.

(b) The rate and percentages set under subsection (a) of this section shall be:

(1) based on the study required under Section 11(2) of this Act; and

(2) in effect from October 1, 2023, through December 31, 2025, both inclusive.

SECTION 4. AND BE IT FURTHER ENACTED, That, on or before January 1, 2023, the Maryland Department of Labor shall report to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2–1257 of the State Government Article, on whether a covered employee using benefits under the Maryland Family and Medical Leave Insurance Program established under § 8.3–301 of the Labor and Employment Article, as enacted by Section 1 of this Act, is also eligible for Unemployment Insurance Benefits under Title 8 of the Labor and Employment Article and the effect that dual eligibility has on employer ratings.

SECTION 5. AND BE IT FURTHER ENACTED, That the Maryland Department of Labor shall:

(1) conduct an actuarial study on the cost to the State for paying the required contribution for community providers, as described in Section 7 of this Act, under § 8.3–601 of the Labor and Employment Article, as enacted by Section 1 of this Act; and

(2) on or before October 1, 2022, report the actuary's findings and recommendations to the Senate Finance Committee and the House Economic Matters Committee, in accordance with § 2–1257 of the State Government Article.

SECTION 6. AND BE IT FURTHER ENACTED, That the Department of Legislative Services shall:

(1) contract with a consultant to study and make recommendations regarding the capability and capacity of the Maryland Department of Labor to implement

and administer the Family and Medical Leave Insurance Program under Title 8.3 of the Labor and Employment Article, as enacted by Section 1 of this Act, including recommendations regarding any additional resources needed by the Department to meet future demands of the Program, such as operating budget appropriations, staff, contracting authority, and pay increases; and

(2) on or before October 1, 2022, report the consultant's findings and recommendations to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

SECTION 7. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the State pay the required contribution under § 8.3–601 of the Labor and Employment Article, as enacted by Section 1 of this Act, to the Family and Medical Leave Insurance Fund established under § 8.3–501 of the Labor and Employment Article, as enacted by Section 1 of this Act, for employers that are community providers that are community–based agencies or programs funded by the Behavioral Health Administration, the Developmental Disabilities Administration, or the Medical Care Programs Administration to serve individuals with mental disorders, substance–related disorders, or a combination of those disorders or developmental disabilities.

SECTION 8. AND BE IT FURTHER ENACTED, That, if a covered employee makes an hourly wage that is less than $15.00 an hour, it is the intent of the General Assembly that the State pay the covered employee's required contribution under § 8.3–601 of the Labor and Employment Article, as enacted by Section 1 of this Act, to the Family and Medical Leave Insurance Fund established under § 8.3–501 of the Labor and Employment Article, as enacted by Section 1 of this Act.

SECTION 9. AND BE IT FURTHER ENACTED, That Section 8 of this Act shall remain effective for a period of 3 years and 6 months and, at the end of June 30, 2026, Section 8 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

SECTION 10. AND BE IT FURTHER ENACTED, That, on or before June 1, 2023, the Secretary of Labor shall adopt regulations as required under § 8.3–403 of the Labor and Employment Article, as enacted by Section 1 of this Act.

SECTION 11. AND BE IT FURTHER ENACTED, That, on or before December 1, 2022, the Secretary of Labor shall:

(1) conduct the cost analysis described in § 8.3–601(b) of the Labor and Employment Article, as enacted by Section 1 of this Act;

(2) conduct the study and make recommendations as described in § 8.3–601(c) of the Labor and Employment Article, as enacted by Section 1 of this Act; and

(3) report the findings and recommendations to the Senate Finance Committee, the House Economic Matters Committee, and the Joint Committee on

Administrative, Executive, and Legislative Review in accordance with § 2–1257 of the State Government Article.

SECTION 12. AND BE IT FURTHER ENACTED, That Sections 1, 7, 8, and 10 of this Act shall take effect January 1, 2023.

SECTION 13. AND BE IT FURTHER ENACTED, That, except as provided in Section 12 of this Act, this Act shall take effect June 1, 2022.

April 8, 2022

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Speaker Jones:

In accordance with Article II, Section 17 of the Maryland Constitution, and at the request of the Office of the Public Defender, I have vetoed House Bill 90 – *State Personnel Management System – Office of the Public Defender – Placement and Collective Bargaining*. I have also vetoed House Bill 580 – *Maryland Transit Administration Police – Collective Bargaining – Supervisors and Sergeants*. These pieces of legislation seek to alter labor practices that have worked for decades, while creating several burdensome fiscal and operational hardships.

House Bill 90 – *State Personnel Management System – Office of the Public Defender – Placement and Collective Bargaining*

Public defenders play an integral role in our justice system by ensuring that all defendants are afforded the right to counsel in accordance with the Sixth Amendment to the Constitution and representing those who are considered indigent. House Bill 90 flies in the face of the client–centered mission of the Office of the Public Defender (OPD) and will have negative impacts on the recruitment of these devoted public servants. In his veto request letter, the state's Public Defender, Paul B. DeWolfe stated that this legislation "will change the character and operation of the Office of the Public Defender in fundamental ways that will adversely impact our ability to recruit the most promising Assistant Public Defenders and provide representation that is solely focused on the interests of our clients." Not only does the bill shift the focus away from the clients upon which assistant public defenders are called to serve and assist, but the transfer of employees to the State Personnel Management System will remove a unique talent pool and recruitment tool by prohibiting OPD from hiring promising and exceptional third–year law students, who have shown a strong commitment to public defense service. Instead of focusing on creating opportunities

for professional growth and development for dedicated attorneys, this legislation will provide unnecessary protections for underperforming attorneys and ultimately slow down the process of the administration of justice.

At a time where the courts are just beginning to make their way through the backlog of cases caused by the COVID–19 pandemic, this legislation is ill–timed and ill–informed.

House Bill 580 – *Maryland Transit Administration Police – Collective Bargaining – Supervisors and Sergeants*

The three unions enumerated in the Transportation Article were placed in statute as a result of the private Baltimore Transit Company's transition to the state owned and run Mass Transit Administration. Federal legislation was enacted forty years ago to provide the "Labor Protections" to MTA employees already represented by the three named unions that were required in order for the State to receive funding under the Federal Urban Mass Transit Act of 1964. The Maryland Code State Personnel and Pensions article articulates the proper method for electing a union representative for all other State and MDOT employees.

Supervisory positions are prohibited from collectively bargaining as it presents a conflict of interest, especially in personnel and disciplinary matters. The "managerial exclusion" is typical in unionized workforces so that managers and supervisors can effectively negotiate and enforce collective agreements and maintain the ability to execute management responsibilities. The National Labor Relations Act (NLRA), the federal law governing private employer labor and union relationships, also excludes managers and supervisors for these reasons.

HB580 arbitrarily assigns the Maryland Classified Employees Association (MCEA) as the representative of the supervisors and sergeants in the Maryland Transit Administration Police without the consent or approval of the affected employees. Without this consent, employees will be bound to terms of employment negotiated by a representative they did not elect. Further, passing this bill would create conflicting statutory provisions regarding the rights of current employees to collectively bargain.

For these reasons, I have vetoed House Bill 90 and House Bill 580.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 580

AN ACT concerning

Maryland Transit Administration Police – Collective Bargaining – Supervisors and Sergeants

FOR the purpose of adding sergeants and supervisors within the Maryland Transit Administration Police to the list of employees authorized to participate in collective bargaining *with the Maryland Transit Administration* ~~with the Maryland Transit Administration; requiring that the collective bargaining rights afforded to the sergeants and supervisors be afforded in a certain manner; requiring that the supervisors and sergeants have a separate bargaining unit and that the Maryland Transit Administration bargain with their exclusive representative, if any;~~ and generally relating to collective bargaining and the Maryland Transit Administration Police.

~~BY repealing and reenacting, with amendments,~~
~~Article – Transportation~~ State Personnel and Pensions
~~Section 7–601~~ 3–102(a) and 3–301
~~Annotated Code of Maryland~~
~~(2020 (~~2015 ~~Replacement Volume and 2021 Supplement)~~

~~BY adding to~~
~~Article – State Personnel and Pensions~~
~~Section 3–403(g)~~
~~Annotated Code of Maryland~~
~~(2015 Replacement Volume and 2021 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Transportation
Section 7–601
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

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

~~**Article – Transportation**~~

~~7–601.~~

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

~~(1)~~ ~~**(I)**~~ ~~"Accredited representative" includes~~ **[**~~the~~**]:**

~~**1.**~~ ~~**THE**~~ ~~representative of any labor organization, or its successor, authorized to act for the employees described in subsection (b) of this section~~**;** ~~**AND**~~

~~**2. A REPRESENTATIVE OF THE MARYLAND CLASSIFIED EMPLOYEES ASSOCIATION, LOCAL 1935 AUTHORIZED TO ACT FOR THE EMPLOYEES DESCRIBED IN SUBSECTION (B)(2)(II) OF THIS SECTION.**~~

~~**(II)** As of December 31, 1983, "accredited representative" included only:~~

~~**[**(i)**]** **1.** The Amalgamated Transit Union, Division No. 1300;~~

~~**[**(ii)**]** **2.** The Office and Professional Employees International Union, Local 2; and~~

~~**[**(iii)**]** **3.** The American Federation of State, County, and Municipal Employees, Local 1859, Council 67.~~

~~(2) "Employees" means those employees who are validly represented by an accredited representative.~~

~~(b) The Administration shall bargain collectively and enter into written collective bargaining agreements as to wages, salaries, hours, working conditions, and pension and retirement provisions with the accredited representatives of its employees who are employed **[**in**]**:~~

~~(1) **[**Job**]** **IN JOB** classifications that on December 31, 1983, were included in recognized bargaining units pursuant to agreements in force on that date between the Administration and an accredited representative identified in subsection (a)(1)(i), (ii), or (iii) of this section; and~~

~~(2) **(I)** **[**New**]** **IN NEW** or revised classifications comparable to those described in paragraph (1) of this subsection, provided, however, that supervisory, managerial, professional, confidential, including secretaries or assistants to administrative department and section heads or to other management staff personnel, and engineering classifications shall not be included**; AND**~~

~~**(II) AS SUPERVISORS AND SERGEANTS IN THE MARYLAND TRANSIT ADMINISTRATION POLICE.**~~

~~(c) The Administration may provide its employees with automatic cost–of–living wage adjustments in accordance with any applicable formula in a collective bargaining agreement between the parties, provided that the aggregate of automatic cost–of–living wage adjustments provided to any employee in any contract year does not exceed 5 percent of the employee's base wage rate as that base wage rate existed immediately prior to commencement of the contract year.~~

~~Article – State Personnel and Pensions~~

~~3–102.~~

~~(a) Except as provided in this title or as otherwise provided by law, this title applies to:~~

~~(1) all employees of:~~

~~(i) the principal departments within the Executive Branch of State government;~~

~~(ii) the Maryland Insurance Administration;~~

~~(iii) the State Department of Assessments and Taxation;~~

~~(iv) the State Lottery and Gaming Control Agency;~~

~~(v) the University System of Maryland, Morgan State University, St. Mary's College of Maryland, and Baltimore City Community College;~~

~~(vi) the Comptroller;~~

~~(vii) the Maryland Transportation Authority who are not police officers;~~

~~(viii) the State Retirement Agency;~~

~~(ix) the State Department of Education;~~

~~(x) the Maryland Environmental Service; and~~

~~(xi) the Maryland School for the Deaf;~~

~~(2) firefighters for the Martin State Airport at the rank of captain or below who are employed by the Military Department; [and]~~

~~(3) all full–time Maryland Transportation Authority police officers at the rank of first sergeant and below;~~

~~(4) ALL SERGEANTS IN THE MARYLAND TRANSIT ADMINISTRATION POLICE; AND~~

~~(5) ALL SUPERVISORS IN THE MARYLAND TRANSIT ADMINISTRATION POLICE WHO ARE EMPLOYEES IN A CAREER SERVICE POSITION THAT:~~

~~(I) SUPERVISES CAREER SERVICE POSITIONS OF A LOWER GRADE;~~

~~**(II) IS SUPERVISED BY AN EXECUTIVE SERVICE POSITION; AND**~~

~~**(III) HAS NO AUTHORITY TO TAKE PERSONNEL ACTIONS.**~~

~~3–301.~~

~~(a) Employees subject to this title have the right to:~~

~~(1) take part or refrain from taking part in forming, joining, supporting, or participating in any employee organization or its lawful activities;~~

~~(2) be fairly represented by their exclusive representative, if any, in collective bargaining; and~~

~~(3) except as provided in §§ 3–303 and 3–305 of this subtitle, engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection.~~

~~(b) An employee who is a member of a bargaining unit with an exclusive representative may, without the intervention of an employee organization, discuss any matter with the employer.~~

~~**(C) THE RIGHTS AFFORDED TO SUPERVISORS AND SERGEANTS IN THE MARYLAND TRANSIT ADMINISTRATION POLICE UNDER THIS TITLE SHALL BE AFFORDED IN A MANNER THAT COMPLIES AND IS CONSISTENT WITH 49 U.S.C. § 5333.**~~

~~3–403.~~

~~**(G) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, ALL SUPERVISORS AND SERGEANTS IN THE MARYLAND TRANSIT ADMINISTRATION POLICE SHALL HAVE A SEPARATE BARGAINING UNIT.**~~

~~**(2) THE MARYLAND TRANSIT ADMINISTRATION SHALL BARGAIN WITH THE EXCLUSIVE REPRESENTATIVE, IF ANY, OF THE BARGAINING UNIT ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION.**~~

Article – Transportation

7–601.

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

(1) ***(I)*** *"Accredited representative" includes* ***[****the****]:***

1. THE *representative of any labor organization, or its successor, authorized to act for the employees described in subsection (b) of this section****; AND***

2. A REPRESENTATIVE OF THE MARYLAND CLASSIFIED EMPLOYEES ASSOCIATION, LOCAL 1935 AUTHORIZED TO ACT FOR THE EMPLOYEES DESCRIBED IN SUBSECTION (B)(2)(II) OF THIS SECTION.

(II) *As of December 31, 1983, "accredited representative" included only:*

[*(i)****]*** ***1.*** *The Amalgamated Transit Union, Division No. 1300;*

[*(ii)****]*** ***2.*** *The Office and Professional Employees International Union, Local 2; and*

[*(iii)****]*** ***3.*** *The American Federation of State, County, and Municipal Employees, Local 1859, Council 67.*

(2) "Employees" means those employees who are validly represented by an accredited representative.

(3) "SUPERVISOR" MEANS AN EMPLOYEE OF THE ADMINISTRATION WHO IS A SWORN POLICE OFFICER AND WHO IS IN A CAREER SERVICE POSITION THAT:

(I) SUPERVISES CAREER SERVICE POSITIONS OF A LOWER GRADE;

(II) IS SUPERVISED BY AN EXECUTIVE SERVICE POSITION; AND

(III) HAS NO AUTHORITY TO TAKE PERSONNEL ACTIONS.

(b) The Administration shall bargain collectively and enter into written collective bargaining agreements as to wages, salaries, hours, working conditions, and pension and retirement provisions with the accredited representatives of its employees who are employed ***[****in****]****:***

(1) ***[****Job****]*** ***IN JOB*** *classifications that on December 31, 1983, were included in recognized bargaining units pursuant to agreements in force on that date between the Administration and an accredited representative identified in subsection (a)(1)(i), (ii), or (iii) of this section; and*

(2) ***(I)*** ***[****New****]*** ***IN NEW*** *or revised classifications comparable to those described in paragraph (1) of this subsection, provided, however, that supervisory, managerial, professional, confidential, including secretaries or assistants to administrative*

*department and section heads or to other management staff personnel, and engineering classifications shall not be included****; AND***

(II) AS SUPERVISORS AND SERGEANTS IN THE MARYLAND TRANSIT ADMINISTRATION POLICE.

(c) The Administration may provide its employees with automatic cost–of–living wage adjustments in accordance with any applicable formula in a collective bargaining agreement between the parties, provided that the aggregate of automatic cost–of–living wage adjustments provided to any employee in any contract year does not exceed 5 percent of the employee's base wage rate as that base wage rate existed immediately prior to commencement of the contract year.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

April 8, 2022

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Speaker Jones:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 609 – *Local Health Officers – Removal – Process.*

Our local health officers and health departments are a critical part of the state's public health system, which is rightly regarded as one of the best in the country. Maryland continues to be a national leader in responding to the COVID–19 pandemic, and our local health officers deserve to be commended for their selfless and tireless leadership.

However, House Bill 609 creates dangerous precedent and significantly undermines the voters and the Maryland Constitution, which entrusts the executive branch with making appointments to critical government roles.

For these reasons, I have vetoed House Bill 609 – *Local Health Officers – Removal – Process*

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 609

AN ACT concerning

Local Health Officers – Removal – ~~Grounds and~~ Process

FOR the purpose of repealing a provision of law providing that a health officer serves at the pleasure of the Secretary of Health and the governing body of the county; establishing ~~the reasons for which a health officer may be removed from office and~~ notice and hearing requirements related to a removal *of a health officer from office; prohibiting a health officer who appeals a certain decision of the Secretary from carrying out the duties of health officer while the appeal is pending*; and generally relating to the removal of health officers.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 3–302
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 11–305
Annotated Code of Maryland
(2015 Replacement Volume and 2021 Supplement)

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

Article – Health – General

3–302.

(a) The health officer for a county shall be nominated by the county and appointed by the Secretary.

(b) (1) The governing body of each county shall establish, by ordinance or resolution, the process by which the county nominates an individual for health officer.

(2) If a vacancy occurs in the position of health officer for a county, the governing body shall establish a process, in consultation with the Department, for making a recommendation to the Secretary for the appointment of a health officer.

(3) The process established under paragraph (2) of this subsection shall include the requirements for recruiting, interviewing, and recommending applicants for the position of health officer.

(c) (1) If the Secretary finds that a nominee meets the qualifications of this section, the Secretary shall appoint the nominee as health officer.

(2) If the Secretary finds that the nominee does not meet the qualifications of this section, the Secretary shall reject the nomination, and the county shall provide the Secretary with another nomination.

(d) Each health officer:

(1) Shall have:

(i) A master's degree in public health and at least 2 years' work in the field of public health; or

(ii) At least 5 years' work in the field of public health;

(2) Shall have any other qualifications and training in the field of public health that the Secretary requires by rule or regulation; and

(3) Need not be a physician, if the health officer has a deputy who:

(i) Is a physician; and

(ii) Meets the qualifications of this subsection.

(e) Before taking office, each appointee to the office of health officer shall take the oath required by Article I, § 9 of the Maryland Constitution.

[(f) The health officer for a county serves at the pleasure of the governing body of that county and the Secretary.**]**

[(g)**] (F)** (1) The health officer for a county may be removed from office with the concurrence of the governing body of that county and the Secretary ~~**FOR THE FOLLOWING REASONS:**~~

~~**(I) IMMORALITY;**~~

~~**(II) MISCONDUCT IN OFFICE;**~~

~~**(III) INSUBORDINATION;**~~

~~**(IV) INCOMPETENCY**~~ **INCOMPETENCE**~~**; OR**~~

~~**(V) WILLFUL NEGLECT OF DUTY**~~.

(2) (i) Any information concerning the removal of a health officer from office is confidential in accordance with Title 4 of the General Provisions Article.

(ii) Any meeting of the governing body of a county or any meeting that includes the Secretary related to the removal of a health officer from office shall be closed.

(3) (I) IF THE SECRETARY AND THE GOVERNING BODY CONCUR ON THE REMOVAL OF A HEALTH OFFICER, THE SECRETARY SHALL PROVIDE WRITTEN NOTIFICATION TO THE HEALTH OFFICER THAT INCLUDES:

1. THE BASIS FOR THE REMOVAL~~, SUBJECT TO THE REASONS LISTED IN PARAGRAPH (1) OF THIS SUBSECTION~~;

2. DOCUMENTATION SUPPORTING THE REMOVAL; AND

3. NOTICE OF THE OPPORTUNITY TO REQUEST A HEARING WITH THE SECRETARY WITHIN 10 DAYS AFTER RECEIPT OF THE WRITTEN NOTIFICATION AND INFORMATION ON HOW TO REQUEST THE HEARING.

(II) IF THE HEALTH OFFICER REQUESTS A HEARING WITH THE SECRETARY:

1. THE SECRETARY PROMPTLY SHALL HOLD A HEARING, PROVIDED THAT THE HEARING MAY NOT BE HELD ~~WITHIN~~ *SOONER THAN* 10 DAYS *OR LATER THAN 30 DAYS* AFTER THE SECRETARY SENDS THE HEALTH OFFICER A NOTICE OF THE ~~HEARING DATE~~ *REMOVAL*; ~~AND~~

2. THE HEALTH OFFICER SHALL HAVE AN OPPORTUNITY TO BE HEARD ~~PUBLICLY~~ BEFORE THE SECRETARY IN THE HEALTH OFFICER'S DEFENSE*; AND*

***3. THE SECRETARY SHALL MAKE A FINAL DECISION NOT LATER THAN 10 DAYS AFTER THE DATE OF THE HEARING*~~, WHETHER IN PERSON OR BY COUNSEL~~.**

(4) ~~A HEALTH OFFICER MAY APPEAL THE DECISION OF THE SECRETARY AT A HEARING REQUESTED UNDER PARAGRAPH (3)(II) OF THIS SUBSECTION TO THE OFFICE OF ADMINISTRATIVE HEARINGS~~ *NOT LATER THAN 30 DAYS AFTER THE SECRETARY MAKES A DECISION UNDER PARAGRAPH (3) OF THIS SUBSECTION, A HEALTH OFFICER MAY REQUEST A HEARING BEFORE THE APPROPRIATE CIRCUIT COURT TO ENSURE THAT THE PROCEEDINGS FOR THE REMOVAL OF THE HEALTH OFFICER WERE CONDUCTED IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION*.

Article – State Personnel and Pensions

11–305.

(a) **(1)** This section **[**only**]** applies **ONLY** to an employee who is in a position:

[(1)**]** **(I)** under a special appointment;

[(2)**]** **(II)** in the management service; or

[(3)**]** **(III)** in the executive service.

(2) THIS SECTION DOES NOT APPLY TO A HEALTH OFFICER APPOINTED UNDER § 3–302 OF THE HEALTH – GENERAL ARTICLE.

(b) Each employee subject to this section:

(1) serves at the pleasure of the employee's appointing authority; and

(2) may be terminated from employment for any reason that is not illegal or unconstitutional, solely in the discretion of the appointing authority.

(c) A management service employee or a special appointment employee designated by the Secretary under § 4–201(c)(2)(i) of this article may not be terminated for the purpose of creating a new position for another individual's appointment because of that individual's political affiliation, belief, or opinion.

(d) An employee or an employee's representative may file a written appeal of an employment termination under this section as described under § 11–113 of this title.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

May 27, 2022

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 611 – *Procurement – Prevailing Wage – Applicability*.

This bill applies the State's prevailing wage requirements to "mechanical systems service contracts" that are part of public work contracts with a value that exceeds a specified threshold in federal law, which is currently $2,500.

Senate Bill 259, which was passed by the General Assembly and vetoed by me, accomplishes the same purpose.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 611

AN ACT concerning

Procurement – Prevailing Wage – Applicability

FOR the purpose of applying the Prevailing Wage Law to a certain contract for the construction of a public work under certain circumstances; and generally relating to the applicability of the Prevailing Wage Law.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 17–201 and 17–202
Annotated Code of Maryland
(2021 Replacement Volume)

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

Article – State Finance and Procurement

17–201.

(a) In this subtitle, unless the context indicates otherwise, the following words have the meanings indicated.

(b) "Apprentice" means an individual who:

(1) is at least 16 years old;

(2) has signed with an employer or employer's agent, an association of

employers, an organization of employees, or a joint committee from both, an agreement including a statement of:

(i) the trade, craft, or occupation that the individual is learning; and

(ii) the beginning and ending dates of the apprenticeship; and

(3) is registered in a program of the Council or the Office of Apprenticeship of the United States Department of Labor.

(c) "Commissioner" means:

(1) the Commissioner of Labor and Industry;

(2) the Deputy Commissioner of Labor and Industry; or

(3) an authorized representative of the Commissioner.

(d) "Construction" includes all:

(1) building;

(2) reconstructing;

(3) improving;

(4) enlarging;

(5) painting and decorating;

(6) altering;

(7) maintaining; **[**and**]**

(8) repairing**; AND**

(9) SERVICES PROVIDED UNDER A MECHANICAL SYSTEMS SERVICE CONTRACT.

(e) "Council" means the Apprenticeship and Training Council.

(f) (1) "Employee" means an apprentice or worker employed by a contractor or subcontractor under a public work contract.

(2) "Employee" does not include an individual employed by a public body.

(g) (1) "Locality" means the county in which the work is to be performed.

(2) If the public work is located within 2 or more counties, the locality includes all counties in which the public work is located.

(H) "MECHANICAL SYSTEMS SERVICE CONTRACT" MEANS A CONTRACT FOR:

(1) HVAC SYSTEMS, INCLUDING HEATING, VENTILATION, DUCTWORK, AND COOLING/AIR–CONDITIONING EQUIPMENT;

(2) REFRIGERATION SYSTEMS;

(3) PLUMBING SYSTEMS, INCLUDING PIPES, TANKS, FITTINGS, AND OTHER ELEMENTS THAT CONTROL THE WATER AND GAS SUPPLY, HEATING, AND SANITATION OF A BUILDING;

(4) ELECTRICAL SYSTEMS, INCLUDING ELECTRICAL COMPONENTS THAT SUPPLY, DISTRIBUTE, GENERATE, AND USE ELECTRICAL POWER, OVERHEAD AND UNDERGROUND LINES, POLES, TRANSFORMERS, AND OTHER RELATED EQUIPMENT; AND

(5) ELEVATOR SYSTEMS, INCLUDING ESCALATORS, MOVING WALKWAYS, AND OTHER CONVEYANCES.

[(h)**] (I)** "Prevailing wage rate" means the hourly rate of wages paid in the locality as determined by the Commissioner under § 17–208 of this subtitle.

[(i)**] (J)** (1) "Public body" means:

(i) the State;

(ii) except as provided in paragraph (2)(i) of this subsection, a unit of the State government or instrumentality of the State;

(iii) any political subdivision, agency, person, or entity with respect to the construction of any public work for which 25% or more of the money used for construction is State money;

(iv) notwithstanding paragraph (2)(ii) of this subsection, a political subdivision if its governing body:

1. provides by ordinance or resolution that the political subdivision is covered by this subtitle; and

2. gives written notice of that ordinance or resolution to the

Commissioner; and

(v) the Washington Suburban Sanitary Commission.

(2) "Public body" does not include:

(i) except as provided in paragraph (1)(v) of this subsection, a unit of the State government or instrumentality of the State funded wholly from a source other than the State; or

(ii) any political subdivision, agency, person, or entity with respect to the construction of any public work for which less than 25% of the money used for construction is State money.

[(j)**] (K)** (1) Subject to paragraph (2) of this subsection, "public work" means a structure or work, including a bridge, building, ditch, road, alley, waterwork, or sewage disposal plant, that:

(i) is constructed for public use or benefit; or

(ii) is paid for wholly or partly by public money.

(2) "Public work" does not include:

(i) unless let to contract, a structure or work whose construction is performed by a public service company under order of the Public Service Commission or other public authority regardless of:

1. public supervision or direction; or

2. payment wholly or partly from public money; or

(ii) a capital project that receives State funds in the annual State capital budget as:

1. a local House of Delegates initiative; or

2. a local Senate initiative.

[(k)**] (L)** "Public work contract" means a contract for construction of a public work.

[(l)**] (M)** "Worker" means a laborer or mechanic.

17–202.

(a) This subtitle does not limit:

(1) the hours of work an employee may work in a particular period of time; or

(2) the right of a contractor to pay an employee under a public work contract more than the prevailing wage rate.

(b) **[**This**]** **EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, THIS** subtitle does not apply to:

(1) a public work contract of less than $250,000; or

(2) the part of a public work contract for which the federal government provides money if, as to that part, the contractor is required to pay the prevailing wage rate as determined by the United States Secretary of Labor.

(c) If this subtitle and the federal Davis–Bacon Act apply and the federal act is suspended, the Governor may declare this subtitle suspended for the same period for:

(1) the part of that public work contract for which the United States Secretary of Labor would have been required to make a determination of a prevailing wage rate; or

(2) that entire public work contract.

(d) (1) Subject to paragraph (2) of this subsection, this subtitle applies to the construction of a structure or work, including a bridge, a building, a ditch, a road, an alley, a waterwork, or a sewage disposal plant, funded with bond proceeds from bonds issued in accordance with Title 12, Subtitle 2 of the Economic Development Article that is located in a designated tax increment financing development district created on or after July 1, 2018, established under State or local law.

(2) This subsection applies to the construction of a structure or work only if a political subdivision of the State, Baltimore City, or the Revenue Authority of Prince George's County authorizes that the construction of the structure or work is subject to this subtitle.

(E) THIS SUBTITLE APPLIES TO A MECHANICAL SYSTEMS SERVICE CONTRACT THAT IS PART OF A PUBLIC WORK CONTRACT WITH A VALUE IN EXCESS OF THE THRESHOLD SPECIFIED IN 41 U.S.C. 6702(A)(2), THE MCNAMARA–O'HARA SERVICE CONTRACT ACT OF 1965 (SCA).

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

May 27, 2022

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 632 – *Baltimore East–West Corridor – Transit Study – Requirements*.

House Bill 632 requires the Maryland Department of Transportation Maryland Transit Administration (MDOT MTA) to take all of the steps necessary to secure an expeditious Record of Decision on the Red Line project. As you know, the MDOT MTA is already engaged in a study of this exact corridor via the Central Maryland Regional Transit Plan (CMTRP). To accomplish this, the MDOT MTA has already programmed approximately $12 million in State funding for the current CMRTP East–West Corridor project, which will fund the feasibility study, alternatives analysis phase, and portions of the pre–NEPA and preliminary design phases. Completing a nearly identical study in the same area would be duplicative of the work the MDOT MTA is already conducting and would be an unproductive use of state funds. Furthermore, the MDOT MTA needs the flexibility to study the range of alternatives in NEPA that the Federal Transit Administration may require, and to select an alternative based on the data generated during the NEPA review.

House Bill 632 also mandates that the MDOT MTA undertake similar preliminary efforts to secure a Record of Decision for a MARC station at the Hopkins Bayview Campus. Any station that would be on the Bayview campus would be located in an active Norfolk Southern rail yard and would therefore need to be approved by Norfolk Southern. A Bayview MARC station would also need to be incorporated into Amtrak's Northeast Corridor planning and approved by Amtrak to be viable. Negotiations with the host railroads will very likely yield a different outcome than the one envisioned by the legislation. Without the approval of the host railroads, it will be near impossible to successfully complete a Bayview station.

I am supportive of the intent of this legislation to improve transit, as demonstrated by my record–level investment in transit to date, but it must be done in a fiscally responsible manner and in one that does not limit our ability to adapt to evolving conditions. It has never been clearer that funding mandates lead to bureaucratic paralysis and jeopardize the ability of an agency to effectively protect and serve the public. The MDOT needs to focus on maintaining the integrity of the State's transit system, roads, bridges, port, airports, and motor vehicles services, rather than spending state funds on a study that is duplicative and ultimately unnecessary just to fulfill political imperatives.

For these reasons, I have vetoed House Bill 632.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 632

AN ACT concerning

Baltimore East–West Corridor – Transit Study – Requirements

FOR the purpose of requiring the State Department of Transportation to complete certain processes and secure a certain decision for the Red Line and a certain MARC rail extension; requiring the Department to prepare a certain plan; requiring, for certain fiscal years, that the Governor include in the annual budget bill certain appropriations for certain purposes, subject to the receipt of certain federal funds; prohibiting the Maryland Transit Administration, under certain circumstances, from acquiring real property; and generally relating to the Baltimore metropolitan area east–west corridor.

BY adding to
Article – Transportation
Section 7–714
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

BY repealing
Chapter 2 of the Acts of the General Assembly of the 2006 Special Session
Section 2

BY repealing
Chapter 3 of the Acts of the General Assembly of the 2006 Special Session
Section 2

BY repealing
Chapter 2 of the Acts of the General Assembly of the 2006 Special Session, as amended by Chapter 570 of the Acts of the General Assembly of 2009
Section 1

BY repealing
Chapter 3 of the Acts of the General Assembly of the 2006 Special Session, as amended by Chapter 570 of the Acts of the General Assembly of 2009
Section 1

BY repealing

Chapter 570 of the Acts of the General Assembly of 2009

Preamble

WHEREAS, The Maryland Transit Administration has undertaken the Baltimore Corridor Transit Study – Red Line for a proposed 10–mile rapid transit line for the Baltimore metropolitan area; and

WHEREAS, The Red Line transit corridor encompasses a large number of residents, small and large businesses, schools, churches, and other community institutions, all of which are deeply concerned about the future of their communities; and

WHEREAS, Effective, high–quality public transportation is important to these communities; and

WHEREAS, Public transit must be frequently available, reliable, and safe, and must provide an efficient and economical means to connect community members to major destinations throughout the Baltimore metropolitan area; and

WHEREAS, First and foremost, the Red Line should improve the public transportation system in the Baltimore metropolitan area and in the communities surrounding the Red Line transit corridor, and should be planned in a manner to serve those communities and foster economic development; and

WHEREAS, It is the intent of the General Assembly that, during the course of planning and constructing the Red Line project, the Administration adhere to the best practices of transit planning and implementation; and

WHEREAS, It is the intent of the General Assembly that community members participate in the planning process for the Red Line project and seek to fairly represent the interests of all community members; now, therefore,

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

Article – Transportation

7–714.

(A) IN THIS SECTION, "RED LINE" MEANS A RAIL TRANSIT FACILITY USING ONE OR MORE VEHICLES OPERATING IN TANDEM ON A FIXED RAIL IN A COMBINATION OF AT–GRADE, ELEVATED, AND UNDERGROUND CONFIGURATIONS THROUGH BALTIMORE CITY AND BALTIMORE COUNTY ALONG A GENERALLY EAST TO WEST ALIGNMENT BETWEEN THE TERMINUS OF SECURITY BOULEVARD ON THE WEST AND THE JOHNS HOPKINS BAYVIEW MEDICAL CENTER ON THE EAST, CONNECTING AS APPROPRIATE TO OTHER FIXED–ROUTE TRANSIT SERVICES.

(B) (1) SUBJECT TO SUBSECTION (C) OF THIS SECTION AND CONTINGENT ON THE RECEIPT OF FEDERAL FUNDS, THE DEPARTMENT PROMPTLY SHALL:

(I) UNDERTAKE ALL STEPS NECESSARY TO COMPLETE PLANNING, PRELIMINARY ENGINEERING, AND THE NATIONAL ENVIRONMENTAL POLICY ACT PROCESS AND SECURE A RECORD OF DECISION FOR:

1. THE RED LINE; AND

2. A MARC RAIL EXTENSION TO THE JOHNS HOPKINS BAYVIEW MEDICAL CENTER; AND

(II) PREPARE A PLAN FOR THE FUNDING AND FINANCING OF THE CONSTRUCTION AND OPERATION OF:

1. THE RED LINE; AND

2. A MARC RAIL EXTENSION TO THE JOHNS HOPKINS BAYVIEW MEDICAL CENTER.

(2) IN PLANNING THE RED LINE AND MARC RAIL EXTENSION, THE DEPARTMENT SHALL:

(I) SEEK TO AVOID ANY RESIDENTIAL DISPLACEMENT;

(II) STUDY THE ECONOMIC AND EMPLOYMENT IMPACTS OF CONSTRUCTING AND OPERATING THE RED LINE AND MARC RAIL EXTENSION;

(III) CONSIDER MEASURES TO PROTECT AND ENHANCE THE PHYSICAL AND ECONOMIC WELL–BEING OF THE RESIDENTS OF THE STUDY AREA; AND

(IV) MAKE ITS FINDINGS PUBLICLY AVAILABLE.

(3) THE DEPARTMENT SHALL GIVE DUE CONSIDERATION TO PREVIOUSLY COMPLETED ENGINEERING AND ENVIRONMENTAL STUDIES.

(C) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, IN EACH OF FISCAL YEARS 2024 THROUGH 2027, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION FROM THE TRANSPORTATION TRUST FUND OF AT LEAST $5,000,000, CONTINGENT ON THE RECEIPT OF FEDERAL FUNDS TO BE USED TO PROVIDE MATCHING FUNDS NEEDED TO CONDUCT AN

ENVIRONMENTAL IMPACT STUDY UNDER THE NATIONAL ENVIRONMENTAL POLICY ACT FOR:

(I) THE RED LINE; AND

(II) A MARC RAIL EXTENSION TO THE JOHNS HOPKINS BAYVIEW MEDICAL CENTER.

(2) AN APPROPRIATION REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY BE REDUCED BY THE AMOUNT OF THE TOTAL AUTHORIZED IN THE PRIOR FISCAL YEAR TO CONDUCT THE ENVIRONMENTAL IMPACT STUDY.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION AND CONTINGENT ON THE RECEIPT OF FEDERAL FUNDS TO BE USED TO PROVIDE MATCHING FUNDS, FOR FISCAL YEAR 2024 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION FROM THE TRANSPORTATION TRUST FUND OF $200,000 TO THE BALTIMORE CITY MAYOR'S OFFICE OF EMPLOYMENT DEVELOPMENT FOR WORKFORCE DEVELOPMENT AND SMALL, MINORITY, AND WOMEN–OWNED BUSINESS DEVELOPMENT.

(2) IT IS THE INTENT OF THE GENERAL ASSEMBLY THAT THE FUNDS APPROPRIATED TO THE BALTIMORE CITY MAYOR'S OFFICE OF EMPLOYMENT DEVELOPMENT SHALL SUPPLEMENT, AND NOT SUPPLANT, FUNDS OTHERWISE AVAILABLE FOR THE BALTIMORE CITY MAYOR'S OFFICE OF EMPLOYMENT DEVELOPMENT.

(E) IN CONDUCTING THE RED LINE TRANSIT PROJECT, THE ADMINISTRATION MAY NOT ACQUIRE ANY REAL PROPERTY FOR PLANNING, CONSTRUCTION, OPERATION, OR MAINTENANCE OF THE RED LINE IF THE ACQUISITION WOULD RESULT IN INVOLUNTARY RESIDENTIAL DISPLACEMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Maryland Transit Administration, in cooperation with the local governments in the Baltimore metropolitan area and appropriate State agencies, develop and implement workforce development strategies that maximize participation by residents in the east–west corridor in jobs created by and for east–west corridor transit projects.

SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Maryland Congressional Delegation be requested to advocate changes in federal law and policy that will:

(1) increase the level of federal funding for and formula participation in New Starts transit projects to a level consistent with other surface transportation investments; and

(2) reduce biases in the federal New Starts funding formula against the northeastern and industrial regions of the United States that have smaller public rights–of–way and higher utility relocation and environmental hazard mitigation costs.

SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Maryland Department of Transportation coordinate any existing study of the Baltimore East–West Corridor with the activities required under § 7–714 of the Transportation Article, as enacted by Section 1 of this Act, in a manner that maximizes State resources and avoids unnecessary steps or duplication of efforts.

SECTION 5. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that, unless it causes undue delay, the activities required under § 7–714 of the Transportation Article, as enacted by Section 1 of this Act, include extending the Red Line to the east from the Johns Hopkins Bayview Medical Center into Baltimore County.

SECTION ~~4.~~ *6.* AND BE IT FURTHER ENACTED, That Section(s) 2 of Chapter 2 of the Acts of the General Assembly of the 2006 Special Session be repealed.

SECTION ~~5.~~ *7.* AND BE IT FURTHER ENACTED, That Section(s) 2 of Chapter 3 of the Acts of the General Assembly of the 2006 Special Session be repealed.

SECTION ~~6.~~ *8.* AND BE IT FURTHER ENACTED, That Section(s) 1 of Chapter 2 of the Acts of the General Assembly of the 2006 Special Session, as amended by Chapter 570 of the Acts of the General Assembly of 2009, be repealed.

SECTION ~~7.~~ *9.* AND BE IT FURTHER ENACTED, That Section(s) 1 of Chapter 3 of the Acts of the General Assembly of the 2006 Special Session, as amended by Chapter 570 of the Acts of the General Assembly of 2009, be repealed.

SECTION ~~8.~~ *10.* AND BE IT FURTHER ENACTED, That Chapter 570 of the Acts of the General Assembly of 2009 be repealed.

SECTION ~~9.~~ *11.* AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

May 27, 2022

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 742 – *State Retirement and Pension System – COVID–19–Related Death Benefits – Sunset Extension*.

This bill extends termination dates and application of Chapters 421 and 422 of 2021, which make members of the State Retirement and Pension System who die while employed and for whom COVID–19 caused or contributed to their death, eligible for a line–of–duty death benefit subject to specified conditions.

Senate Bill 409, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 742.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 742

AN ACT concerning

State Retirement and Pension System – COVID–19–Related Death Benefits – Sunset Extension

FOR the purpose of extending the termination dates of certain provisions clarifying the eligibility of certain members of the State Retirement and Pension System for certain death benefits; and generally relating to clarifying eligibility for certain death benefits.

BY repealing and reenacting, with amendments,
Chapter 421 of the Acts of the General Assembly of 2021
Section 2(b), (c), and (h)(2) and (3) and 4

BY repealing and reenacting, with amendments,
Chapter 422 of the Acts of the General Assembly of 2021
Section 2(b), (c), and (h)(2) and (3) and 4

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

Chapter 421 of the Acts of 2021

SECTION 2. AND BE IT FURTHER ENACTED, That:

(b) This section applies to an individual:

(1) who was a member;

(2) who died while employed as a member on or after March 5, 2020, but before July 1, **[**2022**]** **2023**; and

(3) whose death was caused by COVID–19 or whose death was contributed to by COVID–19.

(c) When determining eligibility for a special death benefit under this section, the Board shall accept as proof, subject to a rebuttable presumption, that the death of a member arose out of or in the course of the actual performance of duty if:

(1) the member reported to the member's usual work location or to an alternative work location provided by the member's employer that is not the member's home;

(2) the member contracted COVID–19 within 14 days after reporting to work, as documented in accordance with subsection (d)(1) of this section;

(3) the member died on or after March 5, 2020, but before July 1, **[**2022**]** **2023**; and

(4) COVID–19 was the cause of death or contributed to the cause of death of the member, as documented in accordance with subsection (d)(2) of this section.

(h) (2) The State Retirement Agency shall report to the Joint Committee on Pensions, in accordance with § 2–1257 of the State Government Article, on the number of special death benefits that have been provided for deaths caused by or contributed to by COVID–19:

(i) on or before September 15, 2021, for any benefits awarded on or after June 1, 2021, but before September 1, 2021;

(ii) on or before December 15, 2021, for any benefits awarded on or after September 1, 2021, but before December 1, 2021;

(iii) on or before March 15, 2022, for any benefits awarded on or after December 1, 2021, but before March 1, 2022; **[**and**]**

(iv) on or before June 15, 2022, for any benefits awarded on or after March 1, 2022, but before June 1, 2022**; AND**

(V) ON OR BEFORE DECEMBER 1, 2022, FOR ANY BENEFITS AWARDED ON OR AFTER JUNE 1, 2022, BUT BEFORE DECEMBER 1, 2022.

(3) On or before December 1, 2021, **AND DECEMBER 1, 2022,** in accordance with § 2–1257 of the State Government Article, the State Retirement Agency shall report to the Joint Committee on Pensions on:

(i) the number of applications for special death benefits for deaths caused by or contributed to by COVID–19 that have been denied; and

(ii) an aggregate summary of the reasons for which any applications reported under item (i) of this paragraph were denied.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2021. It shall remain effective for a period of **[**1 year**]** **2 YEARS** and 1 month and, at the end of June 30, **[**2022**]** **2023**, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

Chapter 422 of the Acts of 2021

SECTION 2. AND BE IT FURTHER ENACTED, That:

(b) This section applies to an individual:

(1) who was a member;

(2) who died while employed as a member on or after March 5, 2020, but before July 1, **[**2022**]** **2023**; and

(3) whose death was caused by COVID–19 or whose death was contributed to by COVID–19.

(c) When determining eligibility for a special death benefit under this section, the Board shall accept as proof, subject to a rebuttable presumption, that the death of a member arose out of or in the course of the actual performance of duty if:

(1) the member reported to the member's usual work location or to an alternative work location provided by the member's employer that is not the member's home;

(2) the member contracted COVID–19 within 14 days after reporting to work, as documented in accordance with subsection (d)(1) of this section;

(3) the member died on or after March 5, 2020, but before July 1, **[**2022**]** **2023**; and

(4) COVID–19 was the cause of death or contributed to the cause of death of the member, as documented in accordance with subsection (d)(2) of this section.

(h) (2) The State Retirement Agency shall report to the Joint Committee on Pensions, in accordance with § 2–1257 of the State Government Article, on the number of special death benefits that have been provided for deaths caused by or contributed to by COVID–19:

(i) on or before September 15, 2021, for any benefits awarded on or after June 1, 2021, but before September 1, 2021;

(ii) on or before December 15, 2021, for any benefits awarded on or after September 1, 2021, but before December 1, 2021;

(iii) on or before March 15, 2022, for any benefits awarded on or after December 1, 2021, but before March 1, 2022; **[**and**]**

(iv) on or before June 15, 2022, for any benefits awarded on or after March 1, 2022, but before June 1, 2022**; AND**

(V) ON OR BEFORE DECEMBER 1, 2022, FOR ANY BENEFITS AWARDED ON OR AFTER JUNE 1, 2022, BUT BEFORE DECEMBER 1, 2022.

(3) On or before December 1, 2021, **AND DECEMBER 1, 2022,** in accordance with § 2–1257 of the State Government Article, the State Retirement Agency shall report to the Joint Committee on Pensions on:

(i) the number of applications for special death benefits for deaths caused by or contributed to by COVID–19 that have been denied; and

(ii) an aggregate summary of the reasons for which any applications reported under item (i) of this paragraph were denied.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2021. It shall remain effective for a period of **[**1 year**] 2 YEARS** and 1 month and, at the end of June 30, **[**2022**] 2023**, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2022.

April 8, 2022

The Honorable Bill Ferguson

President of the Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the House
H–101 State House
Annapolis, MD 21401

Dear President Ferguson and Speaker Jones:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 778 and Senate Bill 514 – *Transportation – Investment Program – MARC Rail Service (Maryland Regional Rail Transformation Act.*

My administration continues to prioritize statewide transit access, recognizing the state of good repair needs of the MDOT Maryland Transit Administration (MTA). MDOT is continuing to develop a robust transit system, as evidenced by the Capital Needs Inventory and recently released Central Maryland Regional Transit Plan. MDOT MTA is in the process of developing a first time Statewide Transit Plan while also updating the State Rail Plan. The MDOT MTA has also worked continuously over the last few years to develop the Brunswick Line Master Plan and the MARC Cornerstone Plan and engage with host railroads on advancing priority projects and services, which are aligned with the goals of House Bill 778 and Senate Bill 514.

The 2022–2027 Consolidated Transportation Program (CTP) has outlined $4.6 billion in funding for the MDOT MTA, and, despite the residual COVID–19 impacts, more dollars have been put towards transit in future years than in any previous CTP. The CTP process, which was established by the Legislature, includes extensive consultation with Maryland's citizens, local jurisdictions, and the local and State delegations. As the MDOT budgets on a six–year timeframe, all available funds are currently dedicated through FY 2027. In order to meet the demands of House Bill 778 and Senate Bill 514, especially in Fiscal Year 2023, MDOT would be required to shift funds from priority projects. Approximately $14 million in funding to meet the demands of this legislation would need to be shifted from the MDOT MTA's system preservation efforts or suspend planned projects.

MARC services are critical and provide a majority of riders the ability to commute to work in both Baltimore and Washington, D.C. However, it is important that we view transit from a perspective that each of MDOT MTA's modes provide services and that none is more valuable than the other. The MDOT MTA is currently investing funds to improve core Baltimore services, so as to address system preservation needs and begin the work to expand both East/West and North/South services. By depleting funds for these efforts, Senate Bill 514 and House Bill 778 will prevent equitable efforts currently in place to enhance service, improve facilities, and facilitate on–time arrivals.

Furthermore, House Bill 778 and Senate Bill 514 sets a dangerous precedent by requiring the MDOT MTA to produce investment plans and complete design on several MARC

projects on an expedited schedule without completing the proper steps to secure the approval of the host railroads or other stakeholders. Requiring the MDOT MTA to complete design on any of the aforementioned projects would be premature as the MDOT MTA is still engaging the host railroads and other stakeholders and has no guarantee they will agree to the terms mandated by the legislation. Without buy–in from stakeholders and the railroads, any design or service and operation plan would be completely unusable. The estimated cost to the TTF is $13.9 million which would be spent on studies and designs that, in all likelihood, will never be usable.

While I am supportive of the intent of this legislation to improve transit, as demonstrated by my record–level investment in transit to date, it must be done in a fiscally responsible manner and in one that does not limit the MDOT's ability to adapt to evolving conditions. It has never been clearer that funding mandates lead to bureaucratic paralysis and jeopardizes the ability of an agency to effectively protect and serve the public. The MDOT needs to focus on maintaining the integrity of the State's transit system, roads, bridges, port, airports, and motor vehicles services. Due to these reasons, implementation of House Bill 778 and Senate Bill 514 are not feasible at this time.

For these reasons, I have vetoed House Bill 778 and Senate Bill 514.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 778

AN ACT concerning

Transportation – Investment Program – MARC Rail Service
(Maryland Regional Rail Transformation Act)

FOR the purpose of requiring the Maryland Transit Administration to establish certain investment programs for enhancing certain rail lines and services operated by the Maryland Area Regional Commuter rail service; requiring the Administration to advance certain rail projects in a certain fiscal year; requiring the Administration to conduct a certain study; <u>establishing the Transportation Trust Fund Workgroup;</u> and generally relating to the Maryland Area Regional Commuter rail service and the enhancement of rail services.

BY adding to
Article – Transportation
Section 7–311
Annotated Code of Maryland
(2020 Replacement Volume and 2021 Supplement)

Preamble

WHEREAS, The Maryland Area Regional Commuter (MARC) rail service connects Baltimore and Washington, D.C. to many of Maryland's suburban communities; and

WHEREAS, The State must advance the Maryland Transit Administration's MARC Cornerstone Plan and other MARC improvements to unlock a truly regional rail system that reliably services more Maryland communities and connects to Virginia and Delaware; now, therefore,

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

Article – Transportation

7–311.

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

(2) "MARC" MEANS THE MARYLAND AREA REGIONAL COMMUTER RAIL SERVICE.

(3) "MARC CORNERSTONE PLAN" MEANS THE PLAN ESTABLISHED BY THE ADMINISTRATION TO TRANSLATE THE ADMINISTRATION'S TRANSIT VISION STATEMENT INTO STRATEGIC PRIORITIES, POLICIES, PROGRAMS, AND INITIATIVES FOR MARC RAIL SERVICE.

(4) "TRANSIT VISION STATEMENT" MEANS THE ADMINISTRATION'S OBJECTIVE TO PROVIDE SAFE, EFFICIENT, AND RELIABLE TRANSIT ACCESS ACROSS MARYLAND WITH WORLD–CLASS CUSTOMER SERVICE.

(B) (1) THE ADMINISTRATION SHALL ESTABLISH INDIVIDUAL INVESTMENT PROGRAMS TO ADVANCE THE MARC CORNERSTONE PLAN AND OTHER MARC IMPROVEMENTS BY PROVIDING INCREMENTAL ENHANCEMENTS FOR:

(I) THE BRUNSWICK LINE, INCLUDING A THIRD TRACK BETWEEN ROCKVILLE AND GERMANTOWN TO BETTER SERVE WESTERN MARYLAND AND EXISTING COMMUNITIES SERVED BY THE LINE;

(II) THE CAMDEN LINE;

(III) THE PENN LINE;

(IV) NEW REGIONAL SERVICE BETWEEN PERRYVILLE, MARYLAND AND NEWARK, DELAWARE;

(V) NEW REGIONAL RUN–THROUGH RAIL SERVICE TO ALEXANDRIA, VIRGINIA; AND

(VI) EXTENDING THE BRUNSWICK LINE TO BETTER SERVE WESTERN MARYLAND.

(2) EACH INVESTMENT PROGRAM ESTABLISHED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:

(I) COMMENCE IN FISCAL YEAR 2023;

(II) INCLUDE A REVIEW OF EXISTING RAIL OPERATIONS, INFRASTRUCTURE, AND RIGHT–OF–WAY INFORMATION TO CONFIRM EXISTING CONDITIONS;

(III) INCLUDE RAIL SIMULATION MODELS FOR EACH OF THE CURRENT CORRIDORS SERVED BY MARC AND AREAS IDENTIFIED FOR NEW SERVICE;

(IV) IDENTIFY FUTURE OPERATING SCENARIOS THAT CAN IMPROVE SERVICE, INCLUDING NEW MIDDAY, WEEKEND, EVENING, THROUGH–RUNNING, AND BIDIRECTIONAL SERVICE;

(V) DEVELOP CONCEPTUAL LEVEL IMPROVEMENT PLANS TO ENHANCE MARC'S SERVICE OVER TIME, INCLUDING:

1. CONCEPT PLANS FOR HIGHEST–VALUE INFRASTRUCTURE IMPROVEMENTS IDENTIFIED BY THE SIMULATION MODELS;

2. NEW STATIONS OR STATION ENHANCEMENTS; AND

3. IMPROVEMENTS TO ENHANCE ACCESS TO JOBS AND HOUSING IN NEIGHBORING JURISDICTIONS; AND

(VI) IDENTIFY A 5–YEAR PRIORITY SET OF CAPITAL PROJECTS AND ACTIVITIES TO IMPLEMENT PLANNED IMPROVEMENTS TO BE FUNDED IN THE CONSOLIDATED TRANSPORTATION PROGRAM.

(3) IN FISCAL YEAR 2028 AND EVERY FIFTH FISCAL YEAR THEREAFTER, THE ADMINISTRATION SHALL UPDATE EACH INVESTMENT PROGRAM ESTABLISHED UNDER THIS SUBSECTION.

(C) IN FISCAL YEAR 2023, THE ADMINISTRATION SHALL ADVANCE THE FOLLOWING RAIL PRIORITY PROJECTS AS PART OF THE INVESTMENT PROGRAMS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION:

(1) IN COORDINATION WITH THE DISTRICT OF COLUMBIA, VIRGINIA, THE VIRGINIA RAILWAY EXPRESS, AMTRAK, AND CSX, DEVELOP A SERVICE AND OPERATIONS PLAN FOR MARC THROUGH–RUNNING TO ALEXANDRIA, VIRGINIA;

(2) IN COORDINATION WITH DELAWARE, PENNSYLVANIA, THE SOUTHEASTERN PENNSYLVANIA TRANSPORTATION AUTHORITY (SEPTA), AND AMTRAK, DEVELOP A SERVICE AND OPERATIONS PLAN FOR MARC, SEPTA, OR AMTRAK TO RUN COMPETITIVE TRANSIT SCHEDULES BETWEEN PERRYVILLE, MARYLAND AND NEWARK, DELAWARE;

(3) COMPLETE 30% OF THE DESIGN FOR A NEW ELKTON INFILL MARC STATION ON THE PENN LINE;

(4) COMPLETE 30% OF THE DESIGN FOR A NEW BAYVIEW INFILL MARC STATION ON THE PENN LINE;

(5) COMPLETE 30% OF THE DESIGN FOR:

~~**(I) A THIRD TRACK BETWEEN ROCKVILLE AND GERMANTOWN ON MARC'S BRUNSWICK LINE TO BETTER SERVE WESTERN MARYLAND AND EXISTING COMMUNITIES SERVED BY THE LINE; AND**~~

~~**(II)**~~ **GERMANTOWN STATION IMPROVEMENTS;**

(6) COMPLETE 15% OF THE DESIGN FOR A FOURTH TRACK ON THE PENN LINE; AND

(7) HIRE THREE FULL–TIME EQUIVALENT (FTE) STAFF AT A COST OF APPROXIMATELY $450,000 ANNUALLY BEGINNING IN FISCAL YEAR 2023 FOR THE ADMINISTRATION'S PLANNING AND CAPITAL PROGRAMMING TO ENSURE THE ADMINISTRATION HAS ADEQUATE STAFF RESOURCES TO LEVERAGE FEDERAL RAIL FUNDING.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Transit Administration shall conduct a MARC Cornerstone Plan Implementation Study.

(b) The study shall assess and present for public review:

(1) the total expected cost to implement:

(i) the entire MARC Cornerstone Plan;

(ii) Maryland–Virginia through–running rail service;

(iii) Maryland–Delaware through–running rail service; and

(iv) Western Maryland MARC extension programs;

(2) the total expected cost of the first 5–year capital program for Brunswick Line, Camden Line, Penn Line, Maryland–Virginia through–running, Maryland–Delaware through–running, and Western Maryland extension rail services;

(3) the Administration's workforce needs to efficiently implement the MARC Cornerstone Plan, Maryland–Delaware through–running, and Western Maryland extension rail services, including a staffing and compensation comparison between MARC and peer regional railroads throughout the United States; and

(4) efficient and achievable methods by which the rail capital investments and services identified and analyzed under this subsection should be funded.

(c) In developing the study, the Administration shall consult with regional private entities, including leading employers, labor representatives, transit rider advisory committees, and regional planning boards.

(d) (1) On or before December 1, 2022, the Administration shall submit to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly an executive summary and report of its findings and recommendations from the study.

(2) The Administration shall post the executive summary and report required under paragraph (1) of this subsection on the website of the Administration.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) In this section, "Workgroup" means the Transportation Trust Fund Workgroup.

(b) There is a Transportation Trust Fund Workgroup.

(c) The Workgroup 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 Transportation or the Secretary's designee;

(4) one individual representing the business community, jointly designated by the President of the Senate and the Speaker of the House; and

(5) one individual representing the unions, jointly designated by the President of the Senate and the Speaker of the House.

(d) The Department of Legislative Services shall provide staff for the Workgroup.

(e) The Workgroup shall examine:

(1) the current State funding sources and structure of the Maryland Transportation Trust Fund;

(2) threats and challenges to the existing funding sources;

(3) short– and long–term multimodal infrastructure construction and maintenance funding needs for all regions of the State;

(4) how to ensure that the Transportation Trust Fund and not other fund sources supports the State's infrastructure needs and options for sustainable, long–term revenue sources for transportation;

(5) how to position the State to benefit from the multiyear federal infrastructure bill;

(6) how to ensure that the State's public–private partnership law provides adequate oversight; and

(7) potential changes to policies and procedures, including legislation that may be needed to implement any recommendations.

(f) On or before December 16, 2022, the Workgroup shall submit a report of its findings and recommendations to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

SECTION ~~3.~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

May 27, 2022

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Mr. President and Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 862 and Senate Bill 163 – *Election Law – Ballots – Processing and Reporting Procedures*.

As the very foundation of democracy, free and fair elections provide citizens with a voice that is essential to the accountability of elected officials and the proper functioning of government. Amidst the many uncertainties of an unprecedented global pandemic, the 2020 election cycle experienced a tremendous expansion of mail–in voting across our State and the entire nation – and as more and more voters embrace mail–in voting, it is imperative that we remain mindful of maintaining that crucial balance between ease of access and election integrity.

Several provisions within House Bill 862 and Senate Bill 163 offer positive changes to State election law. Early canvassing of absentee ballots would allow hard working election officials to get a much needed head start on the deluge of ballot envelopes that, under current law, must wait until after Election Day for processing. Precinct level reporting that includes early, absentee, and provisional ballots would provide valuable information to elected officials in relation to their constituents, as well as to election officials regarding the allocation of resources. Additionally, the codification of a ballot curing process would allow voters an opportunity to correct an error by providing a signature for the oath on an absentee ballot envelope – and therefore, have their vote counted.

Maximizing voter participation and providing citizens with accessible and convenient ways to cast their ballots is vital to a healthy democracy. Just as equally vital, however, are election security and voter confidence – and most scholars agree that abuse does happen more so with mail–in voting versus voting in person. Yet, as our vote by mail numbers rise, the missing piece in this legislation is that balance – for even the *appearance* of impropriety or the *opportunity* for fraud can be enough to undermine citizens' confidence in their electoral system. While this legislation allows a voter to provide a missing signature by one of several ways – including in person, mail, email, and text – it remains silent on basic security measures such as signature verification – with Maryland being one of only nine states that does not conduct signature verification – and does nothing to address ballot collecting.

For these reasons, I have vetoed House Bill 862 and Senate Bill 163.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 862

AN ACT concerning

Election Law – ~~Ballot Canvassing – Multiple Ballots Cast by an Individual~~ *Ballots – Processing and Reporting Procedures*

FOR the purpose of altering the procedures for canvassing *of and curing of errors on* absentee and provisional ballots ~~when more than one ballot is cast by the same individual in the same election; and generally relating to canvassing multiple ballots cast by an individual in the same election~~; *repealing the requirements that a certain statement of election results be by precinct and that the local boards of elections publish copies of the complete election results in a certain manner; requiring that a certain report of election results by the State Board of Elections be reported by precinct, including reports of the early, absentee, and provisional vote; and generally relating to ballot processing and reporting procedures*.

~~BY repealing~~
~~Article – Election Law~~
~~Section 11–302(d)(4)~~
~~Annotated Code of Maryland~~
~~(2017 Replacement Volume and 2021 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Election Law
~~Section 11–302(d)(4) 11–302(d)(5) and (6) and 11–303(d)(2)~~ *Section 11–101, 11–302, 11–303(d), and 11–402*
Annotated Code of Maryland
(2017 Replacement Volume and 2021 Supplement)

BY adding to
Article – Election Law
Section 11–303.2
Annotated Code of Maryland
(2017 Replacement Volume and 2021 Supplement)

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

Article – Election Law

11–101.

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

(b) "Board of canvassers" means the local board of elections in a county after the local board organizes itself for the purpose of canvassing the vote ***[****after****]*** ***FOR*** *an election in that county.*

(c) (1) "Canvass" means the entire process of vote tallying, vote tabulation, and vote verification ***[****or audit****]****, culminating in the production and certification of the official election results.*

(2) For absentee ballots, the "canvass" includes the opening of any envelope accompanying an absentee ballot and the assembly and review of absentee ballots in preparation for vote tallying.

(3) For provisional ballots, the "canvass" includes the review of the provisional ballot applications described in § 11–303 of this title and the assembly and review of provisional ballots in preparation for vote tallying.

(4) For votes cast during early voting, the "canvass" includes the tabulation of votes cast during early voting.

(5) For votes cast in a special election conducted by mail under Title 9, Subtitle 5 of this article, the "canvass" includes:

(i) the opening of any envelope accompanying a vote–by–mail ballot and the assembly and review of vote–by–mail ballots in preparation for vote tabulation; and

(ii) the tabulation of vote–by–mail ballots.

(d) "Counting center" means one or more central locations designated by a local board to conduct the canvass.

(e) "Removable data storage device" means a read–only memory device that is programmed to record votes as they are cast on an electronic voting system.

(f) (1) "Unofficial returns" means ***[****a****]*** *vote* ***[****tabulation****]*** ***TOTALS*** *reported on election night after the polls close.*

(2) "Unofficial returns" does not include ***[****the absentee ballot count or****]*** *the provisional ballot count.*

(g) "Vote tabulation" or "vote counting" means the aggregation of the votes cast by individual voters to produce vote totals at any level.

(h) "Vote tallying" means the recording of votes cast by individual voters on a certified voting system ***[****whether done by:*

(1) a mechanical lever voting machine;

(2) an electronic voting device; or

*(3) making marks manually on a tally sheet****]****.*

11–302.

(a) ***(1)*** ***[****Following an election, each****]*** ***EACH*** *local board shall meet at its designated counting center to canvass the absentee ballots cast in that election in accordance with the regulations and guidelines established by the State Board.*

(2) PROMPTLY AFTER RECEIPT OF AN ABSENTEE BALLOT, A LOCAL BOARD SHALL REVIEW THE BALLOT ENVELOPE OR BALLOT/RETURN ENVELOPE FOR THE OMISSION OF THE VOTER'S SIGNATURE ON THE OATH.

(b) (1) ***[****A****]*** ***SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION AND EXCEPT AS PROVIDED IN SUBSECTION (A)(2) OF THIS SECTION, A*** *local board may not* ***[****open****]*** ***ACCEPT, REJECT, OPEN, OR PROCESS*** *any* ***[****envelope of an****]*** *absentee ballot* ***[****prior to****]*** ***BEFORE*** *8 a.m. on the* ***[****Wednesday following election day****]*** ***DAY THAT IS 8 BUSINESS DAYS BEFORE THE FIRST DAY OF EARLY VOTING.***

(2) A local board may not delay the commencement of the canvass to await the receipt of late–arriving, timely absentee ballots.

(3) A LOCAL BOARD OR AN EMPLOYEE OF A LOCAL BOARD MAY NOT TABULATE ABSENTEE BALLOT VOTE TOTALS BEFORE THE POLLS CLOSE ON ELECTION DAY.

(c) (1) An absentee ballot shall be deemed timely received if it is received in accordance with the regulations and guidelines established by the State Board.

(2) An absentee ballot that is received after the deadline specified by the regulations and guidelines may not be counted.

(d) (1) The State Board shall adopt regulations that reflect the policy that the clarity of the intent of the voter is the overriding consideration in determining the validity of an absentee ballot or the vote cast in a particular contest.

*(2) **[A] SUBJECT TO § 11–303.2 OF THIS SUBTITLE, A** local board may not reject an absentee ballot except by unanimous vote and in accordance with regulations of the State Board.*

(3) The local board shall reject an absentee ballot if:

*(i) the voter failed to sign the oath on the ballot envelope **OR BALLOT/RETURN ENVELOPE** **AND FAILED TO CORRECT THE OMISSION BEFORE 10 A.M. ON THE DAY THAT IS 10 DAYS AFTER ELECTION DAY**;*

(ii) the local board received more than one ballot from the same individual for the same election in the same ballot envelope; or

(iii) the local board determines that an absentee ballot is intentionally marked with an identifying mark that is clearly evident and placed on the ballot for the purpose of identifying the ballot.

(4) (I) THE STATE BOARD SHALL ADOPT REGULATIONS REQUIRING A LOCAL BOARD TO:

1. AS SOON AS PRACTICABLE BUT NOT LATER THAN 3 BUSINESS DAYS AFTER THE DATE ON WHICH IT WAS DETERMINED THAT A VOTER FAILED TO SIGN THE OATH ON THE BALLOT ENVELOPE OR BALLOT/RETURN ENVELOPE, NOTIFY THE VOTER OF THE FAILURE; AND

2. PROVIDE THE VOTER AN OPPORTUNITY TO CORRECT THE OMISSION AND HAVE THE BALLOT COUNTED.

(II) THE REGULATIONS UNDER THIS PARAGRAPH SHALL ALLOW A VOTER TO:

1. SUPPLY A SIGNATURE TO THE LOCAL BOARD THROUGH A DIGITAL PICTURE MESSAGE SENT BY E–MAIL OR, BEGINNING JUNE 1, 2023, MOBILE TELEPHONE, IF THE VOTER FAILED TO SIGN THE OATH ON THE BALLOT ENVELOPE OR BALLOT/RETURN ENVELOPE; AND

2. CHOOSE AMONG MULTIPLE METHODS OF COMMUNICATING WITH THE LOCAL BOARD TO CORRECT THE FAILURE TO SIGN THE OATH ON THE BALLOT ENVELOPE OR BALLOT/RETURN ENVELOPE, INCLUDING:

A. E–MAIL;

B. A MAILED FORM;

C. ***AN IN–PERSON VISIT TO THE LOCAL BOARD OFFICE; AND***

D. ***BEGINNING JUNE 1, 2023, TEXT MESSAGE AND AN ACCESSIBLE ONLINE PORTAL.***

[*(4) If the local board receives more than one legally sufficient ballot, in separate envelopes, from the same individual, the local board shall:*

(i) count only the ballot with the latest properly signed oath; and

*(ii) reject any other ballot.****]***

(5) If the intent of the voter is not clearly demonstrated, the local board shall reject only the vote for that office or question.

(6) If an absentee voter casts a vote for an individual who has ceased to be a candidate, the vote for that candidate may not be counted, but that vote does not invalidate the remainder of the ballot.

(e) ***[****At****] BEGINNING AFTER THE POLLS CLOSE ON ELECTION DAY, AT*** *the end of each day of canvassing, a local board shall prepare and release a report of the unofficial* ***[****results****]*** ***RETURNS*** *of the absentee ballot vote tabulation.*

~~(d) (4) **(I)** If the local board receives more than one legally sufficient **ABSENTEE** ballot, in separate envelopes, from the same individual, the local board shall:~~

~~**[**(i)**]** **1.** count only the **[**ballot with the latest properly signed oath**]** **FIRST LEGALLY SUFFICIENT ABSENTEE BALLOT RECEIVED**; and~~

~~**[**(ii)**]** **2.** reject any other **ABSENTEE** ballot.~~

~~**[**(5)**] (4)** If the intent of the voter is not clearly demonstrated, the local board shall reject only the vote for that office or question.~~

~~**[**(6)**] (5)** If an absentee voter casts a vote for an individual who has ceased to be a candidate, the vote for that candidate may not be counted, but that vote does not invalidate the remainder of the ballot.~~

~~**(II) EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, IF THE LOCAL BOARD RECEIVES A LEGALLY SUFFICIENT ABSENTEE BALLOT AND A PROVISIONAL BALLOT FROM THE SAME INDIVIDUAL, THE LOCAL BOARD SHALL:**~~

~~**1. COUNT THE ABSENTEE BALLOT; AND**~~

~~**2. REJECT THE PROVISIONAL BALLOT.**~~

~~**(III) IF THE LOCAL BOARD RECEIVES A LEGALLY SUFFICIENT ABSENTEE BALLOT AFTER A PROVISIONAL BALLOT FROM THE SAME VOTER HAS BEEN CANVASSED, THE LOCAL BOARD SHALL REJECT THE ABSENTEE BALLOT.**~~

~~11–303.~~

~~(d) (2) The local board shall reject a provisional ballot if:~~

~~(i) pursuant to paragraph (4) of this subsection, the local board determines that the individual who cast the provisional ballot is not qualified to vote that provisional ballot;~~

~~(ii) the individual failed to sign the oath on the provisional ballot application; **OR**~~

~~(iii) **EXCEPT AS PROVIDED IN § 11–302(D)(4)(III) OF THIS SUBTITLE,** the individual cast more than one ballot for the same election; or~~

~~(iv) the local board determines that a provisional ballot is intentionally marked with an identifying mark that is clearly evident and placed on the ballot for the purpose of identifying the ballot.~~

11–303.

*(d) (1) **[**A**]** **SUBJECT TO § 11–303.2 OF THIS SUBTITLE, A** local board may not reject a provisional ballot except by unanimous vote and in accordance with regulations of the State Board.*

(2) The local board shall reject a provisional ballot if:

(i) pursuant to paragraph (4) of this subsection, the local board determines that the individual who cast the provisional ballot is not qualified to vote that provisional ballot;

*(ii) the individual failed to sign the oath on the provisional ballot application; **OR***

*(iii) **[**the individual cast more than one ballot for the same election; or*

*(iv)**]** the local board determines that a provisional ballot is intentionally marked with an identifying mark that is clearly evident and placed on the ballot for the purpose of identifying the ballot.*

(3) If the intent of the voter with respect to a particular contest is not clearly demonstrated, the local board shall reject only the vote for that contest.

(4) For the purposes of this section, an individual is qualified to vote the provisional ballot cast if the local board determines that:

(i) the individual is registered in the State;

(ii) if the provisional ballot was cast because the voter failed to provide required identification, the individual who cast the provisional ballot has met the identification requirements established by the State Board; and

(iii) if the provisional ballot was cast during a period covered by a court order or other order extending the time for closing the polls, the order has not been invalidated by a subsequent court order.

11–303.2.

IF A LOCAL BOARD RECEIVES MORE THAN ONE BALLOT, IN SEPARATE ENVELOPES, FROM THE SAME INDIVIDUAL, THE LOCAL BOARD SHALL:

(1) COUNT THE FIRST BALLOT FROM THE INDIVIDUAL THAT IS DETERMINED TO BE LEGALLY SUFFICIENT; AND

(2) REJECT ANY OTHER BALLOT.

11–402.

(a) Unless otherwise provided by the Maryland Constitution, and ***[****except as provided in****]*** ***SUBJECT TO*** *subsection (b) of this section, each board of canvassers shall prepare a statement of election results* ***[****by precinct****]*** *for each candidate or question voted on at the election and declare:*

(1) who is elected or nominated for office:

(i) in county government; or

(ii) for any other office voted for only within that county, if the certificate of candidacy for that office was issued by the local board; and

(2) whether or not a question is adopted or approved.

(b) The statement prepared by the board of canvassers under ***SUBSECTION (A) OF*** *this section* ***[****may not****]*** ***SHALL*** *report the* ***EARLY,*** *absentee****, AND PROVISIONAL*** *vote separately* ***[****by precinct****]****.*

[(c) *Each local board shall publish a sufficient number of copies of the complete election results, tabulated by precinct, and shall make the copies available to the public at cost.****]***

[(d)***]*** ***(C)*** *(1) In addition to the statement of election results specified under subsection (a) of this section, the State Board shall make available in an electronic format a report of election results for each candidate or question voted on at the election:*

*(i) by precinct****, INCLUDING THE EARLY, ABSENTEE, AND PROVISIONAL VOTE;***

(ii) by State legislative district, including any subdistrict;

(iii) by county legislative district; and

(iv) for each county as a whole.

(2) The State Board may make the report specified under paragraph (1) of this subsection available to the public at cost.

SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding § 11–302(b)(3) of the Election Law Article, as enacted by Section 1 of this Act, only during the 2022 statewide primary election, a local board of elections or an employee of a local board:

(1) may tabulate absentee ballot vote totals before the polls close on election day; and

(2) may not release absentee ballot vote totals before the polls close on election day.

SECTION ~~2.~~ *3.* AND BE IT FURTHER ENACTED, That this Act ~~shall take effect June 1, 2022~~ *is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted*.

April 8, 2022

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Speaker Jones:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 937 – *Abortion Care Access Act*.

As governor, I have upheld my commitment to take no action that would affect Maryland law where it concerns reproductive rights. With this action, I am reaffirming that commitment.

House Bill 937 endangers the health and lives of women by allowing non–physicians to perform abortions. The bill risks lowering the high standard of reproductive health care services received by women in Maryland. These procedures are complex and can, and often do, result in significant medical complications that require the attention of a licensed physician. Licensed physicians have a level of education and training not received by other types of healthcare professionals. Unlike nurse practitioners, nurse midwives, physician assistants, and licensed certified midwives, physicians are uniquely qualified to perform these procedures and resolve any medical complications should they arise.

The only impact that this bill would have on women's reproductive rights would be to set back standards for women's health care and safety. For these reasons, I have vetoed House Bill 937 – *Abortion Care Access Act.*

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 937

AN ACT concerning

Abortion Care Access Act

FOR the purpose of establishing the Abortion Clinical Care Training Program in the Maryland Department of Health; establishing the Abortion Care Clinical Training Program Fund; requiring interest earnings of the Fund to be credited to the Fund; establishing and altering certain requirements regarding abortion services, including a requirement related to who may perform abortions in the State; <u>establishing certain requirements regarding abortion care services, including provision and coverage requirements on the Maryland Medical Assistance Program and certain insurers, nonprofit health service plans, and health maintenance organizations; authorizing certain organizations to obtain from certain entities an exclusion from certain abortion care coverage and information requirements under certain circumstances; authorizing the Maryland Insurance Commissioner to grant a certain exemption to certain abortion care service requirements under certain circumstances; requiring the Maryland Health Benefit Exchange to adopt</u>

regulations to provide a certain subsidy to cover the cost of insurance premiums for certain young adults; requiring the Exchange to study extending last dollar coverage to certain enrollees; and generally relating to abortion care and coverage of health care services under the Maryland Medical Assistance Program and health benefit plans.

BY adding to
Article – Health – General
Section 13–4401 through 13–4407 to be under the new subtitle "Subtitle 44. Abortion Care Clinical Training Program"; and 15–103(a)(2)(xviii)
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 15–103(a)(1)
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–103(a)(2)(xvi) and (xvii), 20–103, and 20–207 through 20–209
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

BY adding to
Article – Insurance
Section 15–857
Annotated Code of Maryland
(2017 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 31–122
Annotated Code of Maryland
(2017 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(i)
Annotated Code of Maryland
(2021 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)144. and 145.
Annotated Code of Maryland

(2021 Replacement Volume)

BY adding to
Article – State Finance and Procurement
Section 6–226(a)(2)(ii)146.
Annotated Code of Maryland
(2021 Replacement Volume)

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

Article – Health – General

SUBTITLE 44. ABORTION CARE CLINICAL TRAINING PROGRAM.

13–4401.

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

(B) "FUND" MEANS THE ABORTION CARE CLINICAL TRAINING PROGRAM FUND.

(C) "PROGRAM" MEANS THE ABORTION CARE CLINICAL TRAINING PROGRAM.

13–4402.

THERE IS AN ABORTION CARE CLINICAL TRAINING PROGRAM IN THE DEPARTMENT.

13–4403.

THE PURPOSE OF THE PROGRAM IS TO PROTECT ACCESS TO ABORTION CARE BY ENSURING THAT THERE ARE A SUFFICIENT NUMBER OF HEALTH PROFESSIONALS TO PROVIDE ABORTION CARE.

13–4404.

(A) (1) THE DEPARTMENT SHALL CONTRACT WITH A COORDINATING ORGANIZATION TO ADMINISTER THE PROGRAM.

(2) THE DEPARTMENT SHALL USE FUNDS APPROPRIATED IN THE BUDGET FOR THE PROGRAM TO CONTRACT WITH THE COORDINATING ORGANIZATION UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(B) THE COORDINATING ORGANIZATION SHALL:

(1) HAVE DEMONSTRATED EXPERIENCE IN COORDINATING ABORTION CARE TRAINING PROGRAMS AT COMMUNITY–BASED AND HOSPITAL–BASED PROVIDER SITES;

(2) BE A NONPROFIT ENTITY;

(3) BE IN GOOD STANDING IN ANY STATE OR JURISDICTION IN WHICH THE ORGANIZATION IS REGISTERED OR INCORPORATED;

(4) SUBMIT AN ANNUAL REPORT TO THE DEPARTMENT ON THE PERFORMANCE OF THE PROGRAM;

(5) MEET ANY OTHER REQUIREMENTS ESTABLISHED BY THE DEPARTMENT IF THE REQUIREMENTS ARE NOT INCONSISTENT WITH TITLE 20, SUBTITLE 2 OF THE HEALTH – GENERAL ARTICLE; AND

(6) PERFORM THE FOLLOWING FUNCTIONS:

(I) ADMINISTER GRANTS TO DEVELOP AND SUSTAIN ABORTION CARE TRAINING PROGRAMS AT A MINIMUM OF TWO COMMUNITY–BASED PROVIDER SITES;

(II) ADMINISTER GRANTS IF FUNDING IS AVAILABLE TO:

1. OTHER COMMUNITY–BASED SITES;

2. HOSPITAL–BASED PROVIDER SITES;

3. CONTINUING EDUCATION PROGRAMS FOR QUALIFIED PROVIDERS THROUGH PROFESSIONAL ASSOCIATIONS OR OTHER CLINICAL EDUCATION PROGRAMS; AND

4. ESTABLISH TRAINING PROGRAM REQUIREMENTS THAT:

A. ARE CONSISTENT WITH EVIDENCE–BASED TRAINING STANDARDS; ~~AND~~

B. COMPLY WITH ANY APPLICABLE STATE LAW AND REGULATIONS; AND

C. FOCUS ON THE PROVISION OF CULTURALLY CONGRUENT CARE AND INCLUDE IMPLICIT BIAS TRAINING;

(III) SUPPORT ABORTION CARE CLINICAL TRAINING TO QUALIFIED PROVIDERS AS DEFINED IN § 20–103 OF THIS ARTICLE AND TO THE CLINICAL CARE TEAMS OF THE QUALIFIED PROVIDERS TO:

1. EXPAND THE NUMBER OF HEALTH CARE PROFESSIONALS WITH ABORTION CARE TRAINING; AND

2. INCREASE THE RACIAL AND ETHNIC DIVERSITY AMONG HEALTH CARE PROFESSIONALS WITH ABORTION CARE TRAINING; AND

(IV) SUPPORT THE IDENTIFICATION, SCREENING, AND PLACEMENT OF QUALIFIED PROVIDERS AT TRAINING SITES.

(C) (1) THE DEPARTMENT SHALL RELEASE THE NAME OF THE COORDINATING ORGANIZATION THAT THE DEPARTMENT CONTRACTS WITH UNDER SUBSECTION (A) OF THIS SECTION AND ANY ENTITY RECEIVING FUNDS THROUGH THE COORDINATION ORGANIZATION.

(2) THE DEPARTMENT MAY NOT RELEASE THE NAME OF ANY INDIVIDUAL OR PERSON ADMINISTERING SERVICES THROUGH OR PARTICIPATING IN THE PROGRAM.

13–4405.

FOR EACH FISCAL YEAR, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF $3,500,000 TO THE PROGRAM.

13–4406.

(A) THERE IS AN ABORTION CARE CLINICAL TRAINING PROGRAM FUND.

(B) THE PURPOSE OF THE FUND IS TO SUPPORT THE PROGRAM.

(C) THE DEPARTMENT SHALL ADMINISTER THE FUND.

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

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

(F) THE FUND CONSISTS OF:

(1) ANY 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.

(G) THE FUND MAY BE USED ONLY FOR THE PROGRAM.

(H) (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.

(I) THE COMPTROLLER SHALL PAY OUT MONEY FROM THE FUND AS DIRECTED BY THE SECRETARY.

(J) NO PART OF THE FUND MAY REVERT OR BE CREDITED TO:

(1) THE GENERAL FUND OF THE STATE; OR

(2) ANY OTHER SPECIAL FUND OF THE STATE.

(K) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.

13–4407.

ON OR BEFORE JULY 1 EACH YEAR, THE DEPARTMENT SHALL SUBMIT AN ANNUAL REPORT ON THE PROGRAM TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

20–103.

(A) IN THIS SECTION, "QUALIFIED PROVIDER" MEANS A PHYSICIAN, NURSE PRACTITIONER, NURSE–MIDWIFE, LICENSED CERTIFIED MIDWIFE, PHYSICIAN ASSISTANT, OR ANY OTHER INDIVIDUAL:

(1) WHO IS LICENSED, CERTIFIED, OR OTHERWISE AUTHORIZED BY LAW TO PRACTICE IN THE STATE; AND

(2) FOR WHOM THE PERFORMANCE OF AN ABORTION IS WITHIN THE SCOPE OF THE INDIVIDUAL'S LICENSE OR CERTIFICATION.

[(a)**] (B)** Except as provided in subsections **[**(b) and**]** (c) **AND (D)** of this section, a **[**physician**] QUALIFIED PROVIDER** may not perform an abortion on an unmarried minor unless the **[**physician**] QUALIFIED PROVIDER** first gives notice to a parent or guardian of the minor.

[(b)**] (C)** The **[**physician**] QUALIFIED PROVIDER** may perform the abortion without notice to a parent or guardian if:

(1) The minor does not live with a parent or guardian; and

(2) A reasonable effort to give notice to a parent or guardian is unsuccessful.

[(c)**] (D)** (1) The **[**physician**] QUALIFIED PROVIDER** may perform the abortion, without notice to a parent or guardian of a minor if, in the professional judgment of the **[**physician**] QUALIFIED PROVIDER**:

(i) Notice to the parent or guardian may lead to physical or emotional abuse of the minor;

(ii) The minor is mature and capable of giving informed consent to an abortion; or

(iii) Notification would not be in the best interest of the minor**.**

(2) The **[**physician**] QUALIFIED PROVIDER** is not liable for civil damages or subject to a criminal penalty for a decision under this subsection not to give notice.

[(d)**] (E)** ~~**THE FOLLOWING SHALL BE CONCLUSIVE EVIDENCE OF NOTICE OR A REASONABLE ATTEMPT TO GIVE NOTICE:**~~

~~**(1)**~~ The postal receipt that shows an article of mail was sent by certified mail, return receipt requested, bearing a postmark from the United States Postal Service, to the last known address of a parent or guardian and that is attached to a copy of the notice letter that was sent in that article of mail ~~**[**~~shall be conclusive evidence of notice or a reasonable effort to give notice, as the case may be~~**]; OR**~~.

~~**(2) DOCUMENTATION IN THE HEALTH RECORD OF THE MINOR THAT NOTIFICATION OF THE PARENT OR GUARDIAN WAS ATTEMPTED BY USING THE CONTACT INFORMATION AVAILABLE TO THE QUALIFIED PROVIDER.**~~

[(e)**] (F)** A **[**physician**]** **QUALIFIED PROVIDER** may not provide notice to a parent or guardian if the minor decides not to have the abortion.

20–207.

In Part II of this subtitle, **[**the word "physician"**] "QUALIFIED PROVIDER"** means **[**any person, including a doctor of osteopathy,**] AN INDIVIDUAL:**

(1) WHO IS licensed**, CERTIFIED, OR OTHERWISE AUTHORIZED BY LAW** to practice **[**medicine**]** in the State **[**of Maryland in compliance with the provisions of Title 14 of the Health Occupations Article**]; AND**

(2) FOR WHOM THE PERFORMANCE OF AN ABORTION IS WITHIN THE SCOPE OF THE INDIVIDUAL'S LICENSE OR CERTIFICATION.

20–208.

An abortion must be performed by a **[**licensed physician**]** **QUALIFIED PROVIDER**.

20–209.

(a) In this section, "viable" means that stage when, in the best **[**medical**]** **CLINICAL** judgment of the **[**attending physician**]** **QUALIFIED PROVIDER** based on the particular facts of the case before the **[**physician**]** **QUALIFIED PROVIDER**, there is a reasonable likelihood of the fetus's sustained survival outside the womb.

(b) Except as otherwise provided in this subtitle, the State may not interfere with the decision of a woman to terminate a pregnancy:

(1) Before the fetus is viable; or

(2) At any time during the woman's pregnancy, if:

(i) The termination procedure is necessary to protect the life or health of the woman; or

(ii) The fetus is affected by genetic defect or serious deformity or abnormality.

(c) The Department may adopt regulations that:

(1) Are both necessary and the least intrusive method to protect the life or health of the woman; and

(2) Are not inconsistent with established **[**medical**]** **CLINICAL** practice.

(d) The **[**physician**]** **QUALIFIED PROVIDER** is not liable for civil damages or subject to a criminal penalty for a decision to perform an abortion under this section made in good faith and in the **[**physician's**]** **QUALIFIED PROVIDER'S** best **[**medical**]** **CLINICAL** judgment in accordance with accepted standards of **[**medical**]** **CLINICAL** practice.

Article – State Finance and Procurement

6–226.

(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.

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

144. the Health Equity Resource Community Reserve Fund; **[**and**]**

145. the Access to Counsel in Evictions Special Fund**; AND**

146. THE ABORTION CARE CLINICAL TRAINING PROGRAM FUND.

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

Article – Health – General

15–103.

(a) (1) The Secretary shall administer the Maryland Medical Assistance Program.

(2) The Program:

(xvi) Beginning on January 1, 2021, shall provide, subject to the limitations of the State budget and § 15–855(b)(2) of the Insurance Article, and as permitted by federal law, services for pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections and pediatric acute onset neuropsychiatric syndrome, including the use of intravenous immunoglobulin therapy, for eligible Program recipients, if pediatric autoimmune neuropsychiatric disorders associated with streptococcal infections

and pediatric acute onset neuropsychiatric syndrome are coded for billing and diagnosis purposes in accordance with § 15–855(d) of the Insurance Article; **[**and**]**

(xvii) Beginning on January 1, 2022, may not include, subject to federal approval and limitations of the State budget, a frequency limitation on covered dental prophylaxis care or oral health exams that requires the dental prophylaxis care or oral health exams to be provided at an interval greater than 120 days within a plan year**; AND**

(XVIII) SHALL PROVIDE COVERAGE OF ABORTION CARE SERVICES TO PROGRAM RECIPIENTS IN THE MANNER DESCRIBED IN § 15–857(B)(1)(II) AND (2) OF THE INSURANCE ARTICLE.

Article – Insurance

15–857.

(A) (1) THIS SECTION APPLIES TO:

(I) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE LABOR AND DELIVERY COVERAGE TO INDIVIDUALS OR GROUPS ON AN EXPENSE–INCURRED BASIS UNDER HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

(II) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE LABOR AND DELIVERY COVERAGE TO INDIVIDUALS OR GROUPS UNDER CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

(2) THIS SECTION DOES NOT APPLY TO:

(I) A MULTISTATE PLAN THAT DOES NOT PROVIDE COVERAGE FOR ABORTIONS IN ACCORDANCE WITH 42 U.S.C. § 18054(A)(6); OR

(II) A HIGH–DEDUCTIBLE PLAN, AS DEFINED IN 26 U.S.C. § 223(C)(2)(C) OF THE INTERNAL REVENUE CODE, UNLESS THE COMMISSIONER DETERMINES THAT ABORTION CARE IS NOT EXCLUDED FROM THE SAFE HARBOR PROVISIONS FOR PREVENTIVE CARE UNDER § 223(C)(2)(C) OF THE INTERNAL REVENUE CODE.

(3) AN ORGANIZATION THAT IS ELIGIBLE TO OBTAIN AN EXCLUSION FROM THE COVERAGE REQUIREMENTS UNDER § 15–826 OF THIS SUBTITLE MAY OBTAIN FROM AN ENTITY SUBJECT TO THIS SECTION AN EXCLUSION FROM THE COVERAGE AND NOTICE REQUIREMENTS OF THIS SECTION IF THE REQUIREMENTS CONFLICT WITH THE ORGANIZATION'S BONA FIDE RELIGIOUS BELIEFS AND PRACTICES.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, AN ENTITY SUBJECT TO THIS SECTION SHALL:

(1) COVER ABORTION CARE SERVICES WITHOUT:

(I) A DEDUCTIBLE, COINSURANCE, COPAYMENT, OR ANY OTHER COST–SHARING REQUIREMENT; AND

(II) RESTRICTIONS THAT ARE INCONSISTENT WITH THE PROTECTED RIGHTS UNDER TITLE 20, SUBTITLE 2 OF THE HEALTH – GENERAL ARTICLE; AND

(2) PROVIDE INFORMATION TO CONSUMERS ABOUT ABORTION CARE COVERAGE USING THE TERMINOLOGY "ABORTION CARE" TO DESCRIBE COVERAGE.

(C) IF THE COMMISSIONER DETERMINES THAT ENFORCEMENT OF THIS SECTION MAY ADVERSELY AFFECT THE ALLOCATION OF FEDERAL FUNDS TO THE STATE, THE COMMISSIONER MAY GRANT AN EXEMPTION TO THE REQUIREMENTS OF THIS SECTION TO THE MINIMUM EXTENT NECESSARY TO ENSURE THE CONTINUED RECEIPT OF FEDERAL FUNDS.

31–122.

(a) In this section, "Pilot Program" means the State–Based Young Adult Health Insurance Subsidies Pilot Program.

(b) The Exchange, in consultation with the Commissioner and as approved by the Board, shall establish and implement a State–Based Young Adult Health Insurance Subsidies Pilot Program to provide subsidies to young adults for the purchase of health benefit plans in the individual health insurance market.

(c) The Pilot Program required under this section shall be designed to:

(1) reduce the amount that young adults pay for health benefit plans in the individual health insurance market; and

(2) target young adults who are not directly impacted by the State Reinsurance Program.

(d) (1) For calendar years 2022 and 2023, the Exchange, in consultation with the Commissioner and as approved by the Board, shall establish subsidy eligibility and payment parameters for the Pilot Program.

(2) In determining the subsidy eligibility and payment parameters required under paragraph (1) of this subsection, the Exchange shall consider:

(i) young adults at least 18 years old and under the age of 41 years; and

(ii) income groups between 133% and 400% of the federal poverty level.

(e) Subject to available funds, in each of fiscal years 2022 through 2024, the Exchange may designate funds from the Fund to be used for the Pilot Program so that not more than $20,000,000 in annual subsidies may be provided to young adults who meet the subsidy eligibility and payment parameters established under subsection (d) of this section in calendar years 2022 and 2023.

(f) On or before January 1, 2022, the Exchange shall adopt regulations implementing the provisions of this section.

(G) ON OR BEFORE JANUARY 1, 2023, THE EXCHANGE SHALL ADOPT REGULATIONS TO PROVIDE A SUBSIDY TO COVER 100% OF THE COST OF THE PREMIUM FOR YOUNG ADULTS WHO HAVE A 0% EXPECTED CONTRIBUTION UNDER THE SUBSIDY ELIGIBILITY PARAMETERS ESTABLISHED UNDER SUBSECTION (D) OF THIS SECTION IN CALENDAR YEAR 2023.

[(g)**]** **(H)** (1) The Exchange shall track on a monthly basis expenditures on subsidies provided under the Pilot Program, including:

(i) the average number of young adults receiving subsidies under the Pilot Program; and

(ii) the average subsidy amount received by young adults under the Pilot Program.

(2) The Exchange shall track**:**

(I) the impact the Pilot Program has on rates in the individual insurance market**; AND**

(II) THE IMPACT OF COVERING 100% OF THE COST OF PREMIUMS FOR QUALIFIED PARTICIPANTS ON EFFECTUATION RATES AND TERMINATION FOR NONPAYMENT RATES.

(3) The information tracked by the Exchange under paragraphs (1) and (2) of this subsection shall be:

(i) posted on the website of the Exchange; and

(ii) included in the annual report required under § 31–119(d) of this subtitle.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Health Benefit Exchange, in consultation with the Maryland Insurance Administration, shall convene a workgroup of interested stakeholders to make recommendations to improve the transparency and accessibility of consumer information about abortion care coverage.

(b) On or before January 1, 2023, the Maryland Health Benefit Exchange shall report the recommendations made by the workgroup convened under subsection (a) of this section to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2–1257 of the State Government Article.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Insurance Administration shall collect data from State–regulated plans on receipts, disbursements, and ending balances for segregated accounts established under § 1303(b)(2)(B) and (C) of the federal Patient Protection and Affordable Care Act and 45 C.F.R. § 156.280.

(b) The Maryland Insurance Administration shall report to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2–1257 of the State Government Article, as follows:

(1) on or before January 1, 2023, aggregate data collected for the period from January 1, 2014, to December 31, 2021, both inclusive;

(2) on or before January 1, 2024, aggregate data collected for the period from January 1, 2022, to December 31, 2022, both inclusive;

(3) on or before January 1, 2025, aggregate data collected for the period from January 1, 2023, to December 31, 2023, both inclusive; and

(4) on or before January 1, 2026, aggregate data collected for the period from January 1, 2024, to December 31, 2024, both inclusive.

SECTION 5. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Health Benefit Exchange shall study extending the last dollar coverage to other enrollees in addition to the enrollees receiving last dollar coverage through the program established under § 31–122 of the Insurance Article.

(b) On or before January 1, 2024, the Maryland Health Benefit Exchange shall report, in accordance with § 2–1257 of the State Government Article, to the Senate Finance Committee and the House Health and Government Operations Committee on the findings of the study required under subsection (a) of this section.

SECTION 6. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after January 1, 2023.

SECTION ~~2.~~ 7. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

April 8, 2022

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Speaker Jones:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 1021 – *Public Safety – Licensed Firearms Dealers – Security Requirements*.

As you know, I am not opposed to reasonable and balanced measures to improve public safety surrounding firearms and ensure that firearms stay out of the hands of dangerous individuals. As governor, I also review legislation with a lens to identify if the policy will have detrimental impacts on jobs and businesses, particularly small businesses, in Maryland.

There are over 400 businesses in Maryland that have a federal firearms license and are able to engage in the buying and selling of firearms as a business. This legislation would prohibit a licensed firearm dealer from storing firearms on their business' premises outside of business hours unless the building is equipped with video surveillance on the interior and exterior; bars, security screens, commercial grade metal doors, grates, or other physical barriers approved by the Maryland State Police on all exterior doors and windows; a burglar alarm system. Further, the business will need to either install physical barriers to prevent the breach of the building by a vehicle, or lock all firearms in a vault, safe, or building with appropriate physical security barriers. The legislation tries to create a one–size–fits–all policy, and fails to take into account the fact that some of these businesses are not big box stores and may be operated out of one's home, where physical security features may not be able to be installed. Not to mention, the bill gives these business owners less than six months to come into compliance with this burdensome law and assumes that each of these businesses have enough capital to immediately fund these expensive security upgrades.

This legislation was fast–tracked in the Senate, where there was essentially no opportunity for the public to weigh in, and reasonable amendments that would have made the bill more palatable for the industry and stakeholders were essentially ignored and discarded without

meaningful consideration. That has resulted in an ill–informed policy that could result in the closure of some small businesses due to a blatant unwillingness to accommodate firearm dealers and gunsmiths who could reasonably comply with the policy with appropriate flexibilities and parameters.

For these reasons, I have vetoed House Bill 1021.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 1021

AN ACT concerning

Public Safety – Licensed Firearms Dealers – Security Requirements

FOR the purpose of prohibiting a certain licensed firearms dealer from storing a firearm on a certain premises where the licensed dealer conducts business, unless the premises is equipped with certain security features; requiring a licensed firearms dealer to lock certain firearms in a certain location outside business hours; requiring the Secretary of State Police to suspend a certain dealer's license if the dealer is found in violation of a certain offense; requiring the Secretary to revoke a certain dealer's license if the dealer is found in violation of a certain offense; and generally relating to security requirements for licensed firearms dealers.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 5–114(a) and (b)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY adding to
Article – Public Safety
Section 5–145.1
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

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

Article – Public Safety

5–114.

(a) (1) The Secretary shall suspend a dealer's license if the licensee:

(i) is under indictment for a crime of violence; **[**or**]**

(ii) is arrested for a violation of this subtitle that prohibits the purchase or possession of a regulated firearm**; OR**

(III) IS FOUND IN VIOLATION OF A SECOND OFFENSE UNDER § 5–145.1 OF THIS SUBTITLE.

(2) (i) The Secretary may suspend a dealer's license if the licensee is not in compliance with the record keeping and reporting requirements of § 5–145 of this subtitle.

(ii) The Secretary may lift a suspension under this paragraph after the licensee provides evidence that the record keeping violation has been corrected.

(b) The Secretary shall revoke a dealer's license if:

(1) it is discovered that false information has been supplied or false statements have been made in an application required by this subtitle; or

(2) the licensee:

(i) is convicted of a disqualifying crime;

(ii) is convicted of a violation classified as a common law crime and receives a term of imprisonment of more than 2 years;

(iii) is a fugitive from justice;

(iv) is a habitual drunkard;

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

(vi) has spent more than 30 consecutive days in a medical institution for treatment of a mental disorder, unless the licensee produces a physician's certificate, issued after the last institutionalization and certifying that the licensee is capable of possessing a regulated firearm without undue danger to the licensee or to another;

(vii) has knowingly or willfully manufactured, offered to sell, or sold a handgun not on the handgun roster in violation of § 5–406 of this title; **[**or**]**

(viii) has knowingly or willfully participated in a straw purchase of a regulated firearm**; OR**

(IX) IS FOUND IN VIOLATION OF A THIRD OR SUBSEQUENT OFFENSE UNDER § 5–145.1 OF THIS SUBTITLE.

5–145.1.

(A) A LICENSED DEALER MAY NOT CONDUCT BUSINESS AND STORE FIREARMS AT A LOCATION UNLESS:

(1) THE PREMISES ON WHICH THE LICENSED DEALER OPERATES IS EQUIPPED WITH SECURITY FEATURES, INCLUDING:

(I) EQUIPMENT CAPABLE OF FILMING AND RECORDING VIDEO FOOTAGE INSIDE AND OUTSIDE BUILDINGS WHERE FIREARMS ARE STORED;

(II) ~~BARS OR SECURITY SCREENS~~ AT LEAST ONE OF THE FOLLOWING FEATURES DESIGNED TO PREVENT UNAUTHORIZED ENTRY INSTALLED ON ALL EXTERIOR DOORS AND WINDOWS OF ALL BUILDINGS WHERE FIREARMS ARE STORED~~;~~:

1. BARS;

2. SECURITY SCREENS;

3. COMMERCIAL GRADE METAL DOORS;

4. GRATES; OR

5. OTHER PHYSICAL BARRIERS APPROVED BY THE SECRETARY;

(III) A BURGLARY ALARM SYSTEM THAT IS CONTINUALLY MONITORED; AND

(IV) IF PRACTICABLE, PHYSICAL BARRIERS DESIGNED TO PREVENT THE USE OF MOTOR VEHICLES TO BREACH ALL BUILDINGS WHERE FIREARMS ARE STORED; ~~AND~~ OR

(2) OUTSIDE BUSINESS HOURS, THE LICENSED DEALER LOCKS ALL FIREARMS STORED ON THE PREMISES IN:

(I) A VAULT;

(II) A SAFE; OR

(III) A ~~SECURE~~ ROOM OR BUILDING THAT MEETS THE REQUIREMENTS UNDER ITEM (1) OF THIS SUBSECTION.

(B) (1) ~~EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A~~ THIS SUBSECTION DOES NOT APPLY IF THE EQUIPMENT OR ALARM SYSTEM BECAME TEMPORARILY INOPERABLE AT NO FAULT OF THE LICENSED DEALER.

(2) A PERSON WHO VIOLATES THIS SECTION IS SUBJECT TO A CIVIL PENALTY NOT EXCEEDING $1,000 IMPOSED BY THE SECRETARY.

~~(2)~~ (3) ~~A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 3 YEARS OR A FINE NOT EXCEEDING $10,000 OR BOTH, IF THE OFFENSE IS:~~

~~(I) A SECOND OR SUBSEQUENT OFFENSE; AND~~

~~(II) COMMITTED KNOWINGLY AND WILLFULLY~~ IN ADDITION TO THE PENALTY IMPOSED UNDER PARAGRAPH (2) OF THIS SUBSECTION, A PERSON WHO KNOWINGLY AND WILLFULLY VIOLATES THIS SECTION IS SUBJECT TO:

(I) FOR A SECOND OFFENSE, SUSPENSION OF THE PERSON'S DEALER'S LICENSE; AND

(II) FOR A THIRD OR SUBSEQUENT OFFENSE, REVOCATION OF THE PERSON'S DEALER'S LICENSE.

(C) THE SECRETARY SHALL ADOPT RULES AND REGULATIONS TO DETERMINE WHETHER A LICENSED DEALER HAS MET THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

May 27, 2022

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 1051 – *Elderly Individuals – Howard County and Montgomery County Adult Day Health Care Services Pilot Program and Task Force*.

This bill establishes a Howard County and Montgomery County Adult Day Health Care Services Pilot Program to integrate the provision of medical adult day care, home health care, and medical services provided under Medicaid. The bill also establishes a Task Force on the Howard County and Montgomery County Adult Day Health Care Services Pilot Program; and reporting requirements.

Senate Bill 527, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1051.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 1051

AN ACT concerning

Elderly Individuals – Howard County and Montgomery County Adult Day Health Care Services Pilot Program and Task Force

FOR the purpose of establishing the Howard County and Montgomery County Adult Day Health Care Services Pilot Program in Howard County and Montgomery County to integrate the provision of medical adult day care services, home health care services, and medical services provided under the Maryland Medical Assistance Program; authorizing Howard County and Montgomery County to jointly authorize the operation of one or more integrator entities to coordinate services provided under the pilot program; establishing the Task Force on the Howard County and Montgomery County Adult Day Health Care Services Pilot Program; and generally relating to the Howard County and Montgomery County Adult Day Health Care Services Pilot Program and Task Force.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 14–201
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

BY adding to
Article – Health – General

Section 14–2A–01 through 14–2A–03 to be under the new subtitle "Subtitle 2A. Howard County and Montgomery County Adult Day Health Care Services Pilot Program and Task Force"
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

Preamble

WHEREAS, Demographic changes in the State have increased the need to identify, deliver, and manage health care in cost–effective ways; and

WHEREAS, Medical adult day care is a structured group program that provides health, social, and related support services to functionally disabled adults; and

WHEREAS, Medical adult day care programs are provided to individuals who may also access home health care and medical services programs; and

WHEREAS, The delivery of medical adult day care, home health care, and medical care is fragmented and uncoordinated; and

WHEREAS, A majority of the cost of reimbursing these services is borne by the Maryland Medical Assistance Program, including services provided by managed care organizations; and

WHEREAS, Over the last decade the number of individuals aged 65 and older has grown by 33% in the State, creating an increased demand to meet the unique care needs of this population; and

WHEREAS, In surveys of seniors, 90% of the respondents have indicated a desire to age in their homes ("age in place"); and

WHEREAS, There is an increasing focus on addressing social determinants of health as studies have shown that 80% of an individual's overall health is tied to nonmedical factors and that social isolation and loneliness impact 43% of seniors; and

WHEREAS, An integrated and flexible hybrid model for medical adult day care, home health care, and medical care would allow for active and ongoing assessment of the health needs of the senior population using these services and maintain engagement by individuals in their own health care needs; and

WHEREAS, Improved continuity of care would enable seniors to stay in their homes and in the community and defer higher levels of care, keeping them out of nursing homes and other acute care settings; now, therefore,

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

Article – Health – General

14–201.

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

(b) "Day care center for the elderly" means a place that:

(1) Is operated to provide, with or without charge, care for elderly individuals; and

(2) Either is:

(i) Designated for group care for at least 4 elderly individuals; or

(ii) A family home that provides care for 2 or 3 elderly individuals.

(c) "Elderly individual" means an individual who:

(1) Is 55 years old or older;

(2) Lives alone or with a spouse, family relative, or friend;

(3) Needs temporary supervision and care during a part of a day in a protective group setting; and

(4) Has a disability that is:

(i) A reasonably static physical impairment that prevents:

1. Gainful employment; or

2. The accomplishment of the routine of normal daily activities without assistance; or

(ii) A permanent or recurrent mental impairment.

SUBTITLE 2A. HOWARD COUNTY AND MONTGOMERY COUNTY ADULT DAY HEALTH CARE SERVICES PILOT PROGRAM AND TASK FORCE.

14–2A–01.

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

(B) "ELDERLY INDIVIDUAL" HAS THE MEANING STATED IN § 14–201 OF THIS TITLE.

(C) "INTEGRATOR" MEANS AN ENTITY THAT:

(1) ORGANIZES A VOLUNTARY ASSOCIATION OF LICENSED MEDICAL ADULT DAY CARE PROVIDERS, HOME HEALTH CARE PROVIDERS, AND OTHER PROVIDERS AND ENTITIES TO COORDINATE TO PROVIDE INTEGRATED SERVICES UNDER THE PILOT PROGRAM; AND

(2) IS LICENSED IN THE STATE TO PROVIDE AT LEAST ONE OF THE SERVICES INCLUDED IN THE PILOT PROGRAM.

(D) "PILOT PROGRAM" MEANS THE HOWARD COUNTY AND MONTGOMERY COUNTY ADULT DAY HEALTH CARE SERVICES PILOT PROGRAM.

(E) "TASK FORCE" MEANS THE TASK FORCE ON THE HOWARD COUNTY AND MONTGOMERY COUNTY ADULT DAY HEALTH CARE SERVICES PILOT PROGRAM.

14–2A–02.

(A) THIS SECTION APPLIES ONLY IN HOWARD COUNTY AND MONTGOMERY COUNTY.

(B) (1) THERE IS A HOWARD COUNTY AND MONTGOMERY COUNTY ADULT DAY HEALTH CARE SERVICES PILOT PROGRAM.

(2) THE PURPOSE OF THE PILOT PROGRAM IS TO INTEGRATE THE PROVISION OF MEDICAL ADULT DAY CARE SERVICES, HOME HEALTH CARE SERVICES, AND MEDICAL SERVICES PROVIDED UNDER THE MARYLAND MEDICAL ASSISTANCE PROGRAM.

(C) PARTICIPATION IN THE PILOT PROGRAM IS LIMITED TO ELDERLY INDIVIDUALS WHO ARE:

(1) RESIDENTS OF HOWARD COUNTY OR MONTGOMERY COUNTY; AND

(2) RECEIVING MEDICAL ADULT DAY CARE SERVICES, HOME HEALTH CARE SERVICES, OR MEDICAL SERVICES PROVIDED UNDER THE MARYLAND MEDICAL ASSISTANCE PROGRAM, INCLUDING MEDICAL SERVICES THAT ARE OFFERED BY A MANAGED CARE ORGANIZATION.

(D) SERVICES PROVIDED UNDER THE PILOT PROGRAM SHALL INCLUDE, WHEN APPLICABLE:

(1) AN EVALUATION AND ASSESSMENT OF EACH PILOT PROGRAM PARTICIPANT BY A LICENSED NURSE TO COMPLETE AN INTERDISCIPLINARY CARE PLAN FOR THE PARTICIPANT;

(2) THE PROVISION OF REMOTE SERVICES TO THE PARTICIPANT, USING AN ELECTRONIC DEVICE WITH VIDEO CONFERENCING CAPABILITY ISSUED TO THE PARTICIPANT TO FACILITATE COMMUNICATION WITH PROVIDERS;

(3) THE CREATION OF A MEDICATION STRATEGY FOR THE PARTICIPANT IN ORDER TO PROVIDE APPROPRIATE EVALUATION AND MONITORING OF THE ADMINISTRATION OF MEDICATIONS;

(4) A PROGRAM OF ACTIVITIES AND SOCIAL ENGAGEMENT TO ASSIST PARTICIPANTS IN REDUCING LONELINESS AND DEPRESSION AND TO DEVELOP A SENSE OF COMMUNITY WITH OTHER PARTICIPANTS;

(5) COORDINATION OF MEDICAL CARE AND OTHER SERVICES ORDERED BY A PHYSICIAN FOR THE PURPOSE OF ALLOWING PARTICIPANTS TO LIVE SAFELY IN THEIR HOME ENVIRONMENT;

(6) THE PROVISION OF BASIC HOUSEKEEPING SERVICES TO ASSIST PARTICIPANTS IN DAILY ACTIVITIES THAT MAY BE CHALLENGING; AND

(7) THE PROVISION OF TRANSPORTATION AND DELIVERY OF MEALS.

(E) (1) HOWARD COUNTY AND MONTGOMERY COUNTY JOINTLY MAY DESIGNATE AND AUTHORIZE THE OPERATION OF ONE OR MORE ENTITIES TO SERVE AS AN INTEGRATOR IN HOWARD COUNTY AND MONTGOMERY COUNTY.

(2) AN INTEGRATOR SHALL BE LICENSED IN THE STATE TO PROVIDE AT LEAST ONE OF THE SERVICES TO BE INCLUDED IN THE PILOT PROGRAM.

(F) IN CONSULTATION WITH HOWARD COUNTY AND MONTGOMERY COUNTY, AN INTEGRATOR SHALL COORDINATE ALL SERVICES PROVIDED UNDER THE PILOT PROGRAM.

14–2A–03.

(A) THERE IS A TASK FORCE ON THE HOWARD COUNTY AND MONTGOMERY COUNTY ADULT DAY HEALTH CARE SERVICES PILOT PROGRAM.

(B) THE TASK FORCE 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) ONE REPRESENTATIVE OF THE HOWARD COUNTY GOVERNMENT, DESIGNATED BY THE HOWARD COUNTY EXECUTIVE;

(4) ONE REPRESENTATIVE OF THE MONTGOMERY COUNTY GOVERNMENT, DESIGNATED BY THE MONTGOMERY COUNTY EXECUTIVE;

(5) THE SECRETARY OF AGING, OR THE SECRETARY'S DESIGNEE;

(6) THE SECRETARY, OR THE SECRETARY'S DESIGNEE; AND

(7) THE FOLLOWING MEMBERS, APPOINTED BY THE GOVERNOR:

(I) TWO REPRESENTATIVES OF THE MARYLAND ASSOCIATION OF ADULT DAY SERVICES;

(II) ONE REPRESENTATIVE OF THE HOME HEALTH CARE INDUSTRY; ~~AND~~

(III) ONE REPRESENTATIVE OF THE MARYLAND MANAGED CARE ORGANIZATION ASSOCIATION; AND

(IV) ONE REPRESENTATIVE OF THE GREATER MARYLAND AND THE NATIONAL CAPITAL AREA CHAPTERS OF THE ALZHEIMER'S ASSOCIATION.

(C) THE GOVERNOR SHALL DESIGNATE THE CHAIR OF THE TASK FORCE.

(D) HOWARD COUNTY AND MONTGOMERY COUNTY JOINTLY SHALL PROVIDE STAFF FOR THE TASK FORCE.

(E) A MEMBER OF THE TASK FORCE:

(1) MAY NOT RECEIVE COMPENSATION AS A MEMBER OF THE TASK FORCE; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(F) THE TASK FORCE SHALL:

(1) EXAMINE THE STATUS OF MEDICAL ADULT DAY CARE IN THE STATE, INCLUDING THE PROVISION OF HOME HEALTH CARE AND MEDICAL SERVICES TO ENROLLEES IN MEDICAL ADULT DAY CARE PROGRAMS;

(2) REVIEW AND EVALUATE THE LIST OF REQUIRED SERVICES PROVIDED UNDER § 14–2A–02(D) OF THIS SUBTITLE;

(3) REVIEW AND EVALUATE THE EFFICACY OF PROVIDING SERVICES USING AN INTEGRATOR;

(4) IDENTIFY AND MEASURE ANY ENHANCED CONTINUITY OF CARE, USING THE INTEGRATOR MODEL, THAT WOULD ALLOW ENROLLEES TO REMAIN IN THEIR HOMES AND THE COMMUNITY, DEFER TREATMENT IN HIGHER LEVELS OF CARE SUCH AS NURSING HOMES, AND REDUCE THE INCIDENCE OF TREATMENT IN ACUTE CARE SETTINGS;

(5) IDENTIFY AND MEASURE ANY REDUCTION IN UNNECESSARY UTILIZATION OF EMERGENCY MEDICAL SERVICES BY ENROLLEES; ~~AND~~

(6) IDENTIFY AND COMPARE DIFFERENCES AND SIMILARITIES BETWEEN THE PILOT PROGRAM, USING THE INTEGRATOR MODEL, AND THE FEATURES OF THE PROGRAM FOR ALL–INCLUSIVE CARE OF THE ELDERLY (PACE), INCLUDING DIFFERENCES AND SIMILARITIES IN THE POPULATIONS SERVED;

~~(6)~~ (7) IDENTIFY AND MEASURE OTHER POTENTIAL BENEFITS OF THE INTEGRATOR MODEL, SUCH AS GREATER SOCIAL INTERACTION, ADDITIONAL TRANSPORTATION OPTIONS, AVOIDANCE OF FOOD INSECURITY, AND MONITORING THE ADMINISTRATION OF MEDICATIONS; AND

(8) MAKE RECOMMENDATIONS REGARDING THE IMPLEMENTATION OF THE PILOT PROGRAM ON A STATEWIDE BASIS.

(G) ON OR BEFORE OCTOBER 1 EACH YEAR, THE TASK FORCE SHALL REPORT ITS FINDINGS AND ANY RECOMMENDATIONS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022. It shall remain effective for a period of 3 years and 6 months and, at the end of December 31, 2025, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

May 27, 2022

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 1091 – *State Retirement and Pension System – Investment Division – Compensation*.

This bill authorizes the Board of Trustees of the State Retirement and Pension System to adjust the compensation up to two times for any employee of the Investment Division who was employed before July 1, 2018, and whose compensation is currently below the salary midpoint for the individual's position. The adjustments are subject to specified conditions and time limits. The bill also authorizes the SRPS board to pay incentive compensation to an individual who earns the compensation and who retires directly from the Investment Division before the full payment is made.

Senate Bill 739, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1091.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 1091

AN ACT concerning

State Retirement and Pension System – Investment Division – Compensation

FOR the purpose of authorizing the Board of Trustees for the State Retirement and Pension System to pay certain financial incentives under certain circumstances and to adjust compensation for certain employees in the Investment Division of the State Retirement Agency under certain circumstances; and generally relating to compensation of staff in the Investment Division of the State Retirement Agency.

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 21–122(a)(1) and (2) and (f)(1)
Annotated Code of Maryland

(2015 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–122(f)(2)
Annotated Code of Maryland
(2015 Replacement Volume and 2021 Supplement)

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

Article – State Personnel and Pensions

21–122.

(a) (1) There is an Investment Division in the State Retirement Agency.

(2) Subject to subsection (f) of this section, the Board of Trustees shall determine the qualifications and compensation for positions within the Investment Division.

(f) (1) (i) 1. The Board of Trustees shall adopt objective criteria for setting the qualifications and compensation of positions under subsection (a) of this section.

2. The Board shall consider the recommendations of the Objective Criteria Committee under subsection (g) of this section before adopting objective criteria for setting compensation.

(ii) The criteria adopted under subparagraph (i) of this paragraph shall include:

1. consideration of the comparative qualifications and compensation of employees serving in similar positions and discharging similar duties at comparable public pension funds;

2. limitations on the amount by which the compensation for a position may be increased each fiscal year, not to exceed 10%; and

3. objective benchmarks of investment performance that shall be met or exceeded by an individual to be eligible for an increase in compensation.

(iii) The Board of Trustees may not grant any increases in compensation in a fiscal year in which State employees are subject to a furlough.

(iv) For positions that do not involve discretion over investment–related decisions, the Board of Trustees may not set compensation that exceeds compensation for providing comparable services in other State employment.

(v) Except for positions under subparagraph (iv) of this paragraph, the compensation of an employee may not be adjusted in accordance with cost–of–living adjustments and merit increases available to State employees.

(2) (i) 1. The Board of Trustees shall adopt objective criteria for awarding financial incentives under subsection (a) of this section.

2. The Board shall consider the recommendations of the Objective Criteria Committee under subsection (g) of this section before adopting objective criteria for awarding financial incentives.

(ii) Financial incentives may only be awarded based on the objective criteria adopted in accordance with subparagraph (i) of this paragraph.

(iii) The criteria adopted under subparagraph (i) of this paragraph shall include:

1. limitations on the amount of financial incentives for a position in a fiscal year, not to exceed 33% of a position's compensation, exclusive of financial incentives; and

2. objective benchmarks of investment performance that shall be met or exceeded by an individual to be eligible for financial incentives, including benchmarks for the asset class in which investments are under the direction of the individual.

(iv) 1. Any financial incentives paid shall be paid over multiple fiscal years in equal installments.

2. The dates on which financial incentives awarded under this section shall be paid shall be set by the Board of Trustees at the time the financial incentives are determined.

3. The dates set under subsubparagraph 2 of this subparagraph may not be changed after being set.

(v) **[**If**]** **EXCEPT AS PROVIDED IN SUBPARAGRAPH (VI) OF THIS PARAGRAPH, IF** an individual who has earned financial incentives separates from employment in the Investment Division, the Board of Trustees may not pay out any remaining financial incentives due to be paid after the date of separation from employment.

(vi) **THE BOARD OF TRUSTEES MAY PAY ANY REMAINING EARNED FINANCIAL INCENTIVES AFTER THE DATE OF SEPARATION FROM EMPLOYMENT IF THE INDIVIDUAL RETIRES DIRECTLY FROM THE INVESTMENT DIVISION ON OR 30 DAYS AFTER THE DATE OF SEPARATION.**

(VII) The Board of Trustees may not award financial incentives for positions that do not involve discretion over investment–related decisions.

[(vii)**]** **(VIII)** 1. The Board of Trustees may not pay out financial incentives in a fiscal year in which State employees are subject to a furlough.

2. The Board of Trustees shall pay out any financial incentives not paid to an individual in accordance with subsubparagraph 1 of this subparagraph only:

A. after the furlough period has ended; and

B. if the individual is currently employed in the Investment Division.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) Notwithstanding § 21–122(f)(1)(ii)2 of the State Personnel and Pensions Article, and subject to subsection (b) of this section, the Board of Trustees for the State Retirement and Pension System may adjust compensation not more than two times beginning on or after July 1, 2022, and ending on or before June 30, 2024, for individuals employed in the Investment Division in the State Retirement Agency and compensated under criteria adopted by the Board of Trustees in accordance with § 21–122(f) of the State Personnel and Pensions Article.

(b) A compensation adjustment under subsection (a) of this section:

(1) may be made only for an employee of the Investment Division who:

(i) was employed in the individual's position prior to July 1, 2018; and

(ii) is currently compensated below the salary midpoint for the individual's position;

(2) may be made only to adjust an individual's annual compensation with the intent to reach the salary midpoint for the individual's position, in accordance with policies adopted by the Board of Trustees; and

(3) may not result in an employee being paid more than the salary midpoint for the individual's position.

(c) Any compensation adjustment made under this section may not preclude the Board of Trustees from granting any compensation increases under § 21–122(f)(1) of the State Personnel and Pensions Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

May 27, 2022

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 1115 – *Baltimore City – Alcoholic Beverages – Licenses and Outdoor Table Service Privileges*.

This bill alters the hours of sale and the annual license fee relating to a public market license in Baltimore City, as well as the total square footage of public market floor space in which designated vendors may generally sell alcoholic beverages. The bill specifies circumstances under which the Baltimore City Board of License Commissioners may impose fees in conjunction with a Temporary Outdoor Seating Permit. The bill also authorizes the board to waive the general distance restrictions for an application to transfer an alcoholic beverages license into a specified area. In addition, the bill extends a certain expiration date, as specified.

Senate Bill 771, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1115.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 1115

AN ACT concerning

Baltimore City ~~– 46th District~~ – Alcoholic Beverages ~~Licenses~~ <u>– Licenses and Outdoor Table Service Privileges</u>

FOR the purpose of altering certain hours of sale<u>, certain square footage requirements,</u> and a certain license fee for the holder of a public market license in the 46th alcoholic beverages district in Baltimore City; authorizing the Board <u>of License Commissioners for Baltimore City</u> to waive certain distance restrictions for an

application for the transfer of a license into a certain area; extending for a certain ~~number of years~~ amount of time the expiration ~~date of a~~ dates of certain ~~Class B beer and wine license~~ licenses issued for ~~a~~ certain premises located in ~~a~~ certain ~~area~~ areas; prohibiting the Board from charging a holder of an alcoholic beverages license a certain fee if the holder holds a Temporary Outdoor Seating Permit issued by the Mayor and City Council of Baltimore City; authorizing the Board to grant certain ancillary license privileges to a holder of an alcoholic beverages license and to alter certain notice requirements under certain circumstances; and generally relating to alcoholic beverages ~~licenses~~ in Baltimore City.

BY repealing and reenacting, without amendments,
Article – Alcoholic Beverages
Section 12–102 and 12–1002.1(a) and (e)
Annotated Code of Maryland
(2016 Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Alcoholic Beverages
Section ~~12–1002.1(g)~~ 12–1002.1(d), (g), and (h), 12–1605(a), and 12–2204
Annotated Code of Maryland
(2016 Volume and 2021 Supplement)

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

Article – Alcoholic Beverages

12–102.

This title applies only in Baltimore City.

12–1002.1.

(a) There is a public market license.

(d) (1) The license authorizes the license holder to sell, for on– or off–premises consumption:

(i) beer;

(ii) wine; and

(iii) liquor, when served as an ingredient in mixed drinks that may be purchased for at least $5 each.

(2) (i) Subject to subparagraph (ii) of this paragraph and subsection (e)(6) of this section, the license holder may designate vendors within the public market to

sell alcoholic beverages that are allowed under paragraph (1) of this subsection in leasable market space covering not more than **[**20%**]** **25%** of the total square footage of floor space of the licensed premises.

(ii) Except as provided in subsection (e)(3) of this section, an individual vendor may sell alcoholic beverages in an area covering not more than 1,000 square feet of floor space.

(3) (i) The license holder shall submit to the Board the same information about each vendor that the Board requires of an applicant for a license.

(ii) The Board shall apply to the Central Repository for a State and national criminal history records check for each vendor authorized to sell alcoholic beverages.

(iii) A vendor authorized to sell alcoholic beverages or an individual who is designated by the vendor and employed in a supervisory capacity is required to be:

1. certified by an approved alcohol awareness program; and

2. present when alcoholic beverages are consumed.

(4) (i) Subject to subparagraph (ii) of this paragraph, monthly receipts from the sale of nonalcoholic beverage items shall be at least 65% of the total monthly receipts of the market.

(ii) The only nonalcoholic beverage items that may be counted in the calculation required under subparagraph (i) of this paragraph are items sold in the public market that are not provided as part of an off–premises catering service.

(e) (1) The license holder may designate a vendor to sell alcoholic beverages allowed under subsection (d)(1) of this section for on–premises consumption at a restaurant in the premises formerly occupied by an establishment for which a Class D (7–day) beer and wine license was issued.

(2) The restaurant shall have average daily receipts from the sale of food that are at least 65% of the total daily receipts of the restaurant.

(3) The vendor designated for the restaurant may sell alcoholic beverages in an area exceeding 1,000 square feet of floor space.

(4) The hours of sale for alcoholic beverages at the restaurant are from 9 a.m. to 1 a.m. the following day, Monday through Sunday.

(5) The privilege to sell alcoholic beverages at the restaurant may not be transferred to another location.

(6) The premises of the restaurant do not count toward the limit on the total square footage of floor space in which alcoholic beverages may be sold in the public market under subsection (d)(2)(i) of this section.

(g) Except as provided under subsection (e)(4) of this section, the hours of sale of alcoholic beverages for on–premises consumption are:

(1) from 11:30 a.m. to **[**10 p.m.**]** **11 P.M.** Monday through Thursday;

(2) from 11:30 a.m. to **[**11:30 p.m.**]** **MIDNIGHT** on Friday;

(3) from 9 a.m. to **[**11:30 p.m.**]** **MIDNIGHT** on Saturday; and

(4) from 9 a.m. to **[**9 p.m.**]** **11 P.M.** on Sunday.

(h) The annual license fee is:

(1) subject to item (2) of this subsection, **[**$7,500**]** **$6,000**; or

(2) $3,500, if the applicant for the license obtains and extinguishes one Class A, Class B, Class D, or Class B–D–7 license issued for use in ward 23, precinct 1 of the 46th alcoholic beverages district.

12–1605.

(a) (1) (i) Except as otherwise provided in this subsection, a new license may not be issued for and an existing license may not be moved to a building that is within 300 feet of the nearest point of the building of a place of worship or school.

(ii) In the 45th legislative district, a new Class A license of any type may not be issued for a building that is within 500 feet of the nearest point of the building of a place of worship or school.

(2) Paragraph (1)(i) of this subsection does not apply to:

(i) a Class B beer and wine license outside the 46th legislative district;

(ii) a Class B beer, wine, and liquor license outside the 46th legislative district;

(iii) a Class B–D–7 license in the Old Goucher Revitalization District under § 12–1603(e) of this subtitle;

(iv) a Class C beer and wine license; and

(v) a Class C beer, wine, and liquor license.

(3) A license for use in a building that is within 300 feet of the grounds of a place of worship or school may be renewed or extended for the same building.

(4) (i) This paragraph applies only to an area bounded by:

1. High Street on the west, Pratt Street on the north, Central Avenue on the east, and Eastern Avenue on the south;

2. West Cross Street and Amity Street on the west, Clifford Street on the north, Scott Street on the east, and Carroll Street on the south; **[**or**]**

3. Holliday Street on the west, Saratoga Street on the north, Gay Street on the east, and Lexington Street on the south**; OR**

4. SUBJECT TO SUBPARAGRAPH (III) OF THIS PARAGRAPH, FAGLEY STREET ON THE WEST, GOUGH STREET ON THE NORTH, GRUNDY STREET ON THE EAST, AND CHESTLE PLACE ON THE SOUTH.

(ii) The Board may waive the distance restrictions in paragraph (1)(i) of this subsection for an application for the transfer of a license into an area specified in subparagraph (i) of this paragraph if:

1. the application is approved by:

A. each community association representing the area;

B. each business association in the area; and

C. the ordained leader and the board or council for each place of worship that is within 300 feet of the proposed location of the establishment for which the license transfer is sought; and

2. a memorandum of understanding is executed by the applicant for the license transfer and each community association in the area.

(III) THE BOARD MAY NOT ISSUE A LICENSE IN OR APPROVE THE TRANSFER OF A LICENSE INTO THE AREA SPECIFIED IN SUBPARAGRAPH (I)4 OF THIS PARAGRAPH IF:

1. THE PROPOSED LOCATION OF THE ESTABLISHMENT IS IN AN AREA THAT IS ZONED "RESIDENTIAL"; OR

2. THE LICENSE TO BE ISSUED OR TRANSFERRED IS A CLASS A LICENSE OF ANY TYPE.

12–2204.

Unless transferred to another location, a Class B (7–day) beer and wine license issued for a premises located in an area surrounded by Charles Street on the west, East Cross Street on the north, Light Street on the east, and East Cross Street on the south, in ward 23, precinct 1 of the 46th alcoholic beverages district, expires not later than July 1, **[**2022**]** **2024**.

~~SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.~~

SECTION 2. AND BE IT FURTHER ENACTED, That a Class B–D–7 license issued for a premises in the 1171–1173 block of Hamburg Street shall be considered unexpired until the end of July 1, 2023, for the purposes of being transferred to another owner at the same location, notwithstanding § 12–1705 of the Alcoholic Beverages Article.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) Except as provided in subsection (b)(3) of this section, the Board of License Commissioners for Baltimore City may not charge a fee to a holder of an alcoholic beverages license issued by the Board if:

(1) the holder of the alcoholic beverages license also holds an unexpired Temporary Outdoor Seating Permit issued by the Mayor and City Council of Baltimore City; and

(2) the fee is imposed for the ancillary privilege of providing outdoor table or cafe service in conjunction with the Temporary Outdoor Seating Permit.

(b) (1) On application, the Board of License Commissioners for Baltimore City may consider the request of a holder of an alcoholic beverages license who also holds an unexpired Temporary Outdoor Seating Permit issued by the Mayor and City Council of Baltimore City to permanently add to the holder's license the ancillary privilege of providing outdoor table or cafe service.

(2) The Board may:

(i) satisfy the notice requirement under § 12–1506(a) of the Alcoholic Beverages Article by publishing the entire list of applications received under paragraph (1) of this subsection as a single consolidated list in two newspapers of general circulation in Baltimore City; and

(ii) waive the requirement under § 12–1506(b) of the Alcoholic Beverages Article to post a notice at the location described in the application.

(3) If, in accordance with this subsection, the Board adds to a license holder's license the ancillary privilege of providing outdoor table or cafe service, the fee prohibition under subsection (a) of this section does not apply.

(4) The Board shall adopt regulations to carry out the provisions of this subsection.

SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. Section 2 of this Act shall remain effective through June 30, 2023, and, at the end of June 30, 2023, Section 2 of this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

May 27, 2022

The Honorable Bill Ferguson
President of the Maryland Senate
H–107 State House
Annapolis, MD 21401

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Mr. President and Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 1163 and Senate Bill 362 – *Primary and Secondary Education – Virtual Education – Requirements.*

This bill threatens the closure of valuable education programs currently underway, such as the Blended Virtual Program (BVP) that was developed by the Eastern Shore of Maryland Educational Consortium (ESMEC) as an alternative for students unable to return to in–person learning. In its first year, this program boasts a 75% passage rate. It received positive feedback from parents, with 77% of parents wanting their children to continue in the program next year. As the former chairman of the National Governors Association (NGA), I strongly support public–private partnerships that involve the government working with private business to expand our ability to educate our students. Nationally, there are 35 States that allow statewide open enrollment into virtual schools and our very own Blueprint for Maryland's Future encourages innovative programs such as this.

Giving the Maryland State Department of Education (MSDE) discretion to shut down underperforming schools as currently drafted in this bill gives too much influence to political whims, instead of putting learning at the forefront. I believe that every parent and child should have the option to choose the best learning opportunity that works for their circumstances and abilities. This bill will erode that choice by limiting the types of providers local school systems can partner with to deliver a full–time education program.

I am confident that MSDE will continue working with local school systems to develop and set best–in–class standards, and will continue to monitor ongoing virtual programs to ensure the success of students, and, based on developing best practices and metrics, make recommendations regarding the effectiveness of virtual programs.

For these reasons, I have vetoed House Bill 1163 and Senate Bill 362.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 1163

AN ACT concerning

Primary and Secondary Education – Virtual Education – Requirements

FOR the purpose of ~~requiring the Professional Standards and Teacher Education Board to design a certain course of training in the pedagogy of virtual education; requiring the State Department of Education to provide local school systems with guidance related to the periodic professional development and support for teachers to achieve virtual education best practice principles;~~ *requiring a teacher preparation program to include certain training related to teaching in a virtual learning environment as a component of instruction; providing that a county board of education may authorize a county superintendent of schools, under certain circumstances, to provide virtual education days to students instead of closing the public schools in the county because of severe weather conditions; requiring the county board to publish the county board's plan for the use of virtual education days on the school system's website and requiring the plan to include certain items; requiring a county superintendent to take certain actions and make certain accommodations if the county superintendent decides to provide a virtual education day for public school students in the county;* ~~establishing the Flip the Classroom Pilot Program;~~ requiring the ~~Department~~ *State Department of Education*, on or before a certain date, to establish a statewide universal learning management system for public schools and hire a dedicated employee to implement and manage the system; ~~requiring~~ *authorizing* a county board ~~of education~~ to adopt the universal learning management system under certain circumstances; requiring the Department, beginning in a certain school year, to make certain curriculum standards available through the universal management learning system; ~~repealing~~

~~certain provisions of law related to online courses and services; authorizing a county board to request the Department's development or approval of a new virtual education course; repealing certain provisions of law regarding the establishment of virtual schools; requiring the Department to develop guidelines for the appropriate development, review, and assessment of digital services; prohibiting the approval of a virtual school in the State on or before a certain date; requiring the Department to develop criteria for the establishment of virtual schools on or before a certain date; providing for the administration and operation of temporary virtual schools under certain circumstances; requiring a county board to establish learning centers under certain circumstances; requiring the Department to administer grants to provide virtual education high school courses; requiring the Governor to appropriate certain funds for certain virtual education grant programs in certain fiscal years; requiring the Department to provide certain mental health supports for school personnel under certain circumstances;~~ *altering the requirements for virtual schools established by a county board; requiring county boards to adopt virtual education plans for the operation of public schools during a prolonged state of emergency; providing for the contents of a virtual education plan; requiring public schools to establish certain learning supports and a behavioral health plan under certain circumstances; requiring the Department to establish certain training standards for teachers on the provision of virtual education under certain circumstances;* requiring the Department to expand computer and Internet security infrastructure for virtual education; requiring a community school to address and mitigate the effects of learning loss and chronic absenteeism caused by school closures; ~~repealing the Maryland Virtual Learning Opportunities Fund; providing for the use of funds from the Maryland Virtual Learning Opportunities Fund;~~ *requiring the State Superintendent of Schools to report to the State Board of Education and the General Assembly on or before a certain date certain findings and recommendations regarding the balance between certain types of learning in virtual schools; providing that certain virtual schools approved by the Department on or before a certain date may continue to operate as a virtual school for a certain period of time under certain circumstances; requiring the Department, in consultation with certain stakeholders, to study best practices for the provision of virtual education and submit a certain report on or before a certain date; prohibiting the approval of new elementary grade band virtual school on or before a certain date;* and generally relating to virtual education in the State.

~~BY repealing~~
~~Article – Education~~
~~Section 7–1402 through 7–1407~~
~~Annotated Code of Maryland~~
~~(2018 Replacement Volume and 2021 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Education
Section 6–121(a), 7–202.1, 7–1401 through 7–1408, and 9.9–103
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY adding to
Article – Education
Section ~~6–127~~ *7–103.2 and 7–1401.1* ~~and 7–129~~; and ~~7–1402 through 7–1408~~ *7–14A–01 through 7–14A–09* to be under the ~~amended~~ ~~subtitle "Subtitle 14. Virtual Education"~~ *new subtitle "Subtitle 14A. Operation of Public Schools During a Prolonged State of Emergency – Virtual Education Plans"*
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – Education~~
~~Section 7–202.1, 7–1002, 7–1401, 7–1408, and 9.9–103~~
~~Annotated Code of Maryland~~
~~(2018 Replacement Volume and 2021 Supplement)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That ~~Section(s) 7–1402 through 7–1407 of Article – Education of the Annotated Code of Maryland be repealed.~~

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

Article – Education

6–121.

(a) A teacher preparation program shall:

(1) Include the following components of instruction:

(i) Basic research skills and methods and training on the routine evaluation and use of research and data to improve student performance;

(ii) Differentiation of instruction and demonstration of cultural competence for students of diverse racial, ethnic, linguistic, and economic backgrounds with different learning abilities;

(iii) Implementation of restorative approaches for student behaviors;

(iv) Identifying and assessing, in the context of the classroom, typical student learning deficits and techniques to remedy learning deficits;

(v) Recognizing and effectively using high quality instructional materials, including digital resources and computer technology;

(vi) Core academic subjects that teachers will be teaching;

(vii) Methods and techniques for identifying and addressing the social and emotional needs of students, including trauma–informed approaches to pedagogy; ***[****and****]***

(viii) Skills and techniques for effective classroom management; ***AND***

(IX) TRAINING IN THE SKILLS AND TECHNIQUES FOR TEACHING EFFECTIVELY IN A VIRTUAL LEARNING ENVIRONMENT;

(2) Require program participants to demonstrate competency in each of the components required under paragraph (1) of this subsection;

(3) Provide training in the knowledge and skills required to understand and teach the Maryland curriculum frameworks; and

(4) On or after July 1, 2025, require passing a nationally recognized, portfolio–based assessment of teaching ability as a requirement for graduation.

~~**6–127.**~~

~~**(A) THE PROFESSIONAL STANDARDS AND TEACHER EDUCATION BOARD SHALL DESIGN A COURSE OF TRAINING IN THE PEDAGOGY OF VIRTUAL EDUCATION TO BE OFFERED IN TEACHER PREPARATION PROGRAMS AND TO NEWLY HIRED TEACHERS DURING THE INDUCTION PROCESS.**~~

~~**(B) THE TRAINING DESIGNED UNDER THIS SECTION SHALL INCLUDE THE FOLLOWING BEST PRACTICE PRINCIPLES:**~~

~~**(1) METHODS FOR ACHIEVING THE ITEMS LISTED UNDER § 6–121(A) OF THIS SUBTITLE THROUGH VIRTUAL EDUCATION;**~~

~~**(2) IDENTIFYING THE OPTIMAL COMBINATION OF SYNCHRONOUS AND ASYNCHRONOUS INSTRUCTION;**~~

~~**(3) PROVIDING OPPORTUNITIES FOR INTERACTIVE INSTRUCTION;**~~

~~**(4) DELIVERING TARGETED AND RIGOROUS RACIALLY AWARE AND CULTURALLY RESPONSIVE INSTRUCTION;**~~

~~**(5) PROVIDING OPPORTUNITIES FOR STUDENT REGULATED PERSONALIZED LEARNING;**~~

~~**(6) ALTERNATING HIGH– AND LOW–INTENSITY ACTIVITIES;**~~

~~(7) USING DIGITAL TOOLS TO CREATE OPPORTUNITIES FOR STUDENT COLLABORATION; AND~~

~~(8) INCORPORATING OPPORTUNITIES TO PROMOTE STUDENT REFLECTION.~~

~~(C) THE DEPARTMENT SHALL PROVIDE GUIDANCE TO LOCAL SCHOOL SYSTEMS FOR THE PERIODIC PROFESSIONAL DEVELOPMENT AND SUPPORT FOR TEACHERS AND EDUCATION SUPPORT PROFESSIONALS TO ACHIEVE THE VIRTUAL EDUCATION BEST PRACTICE PRINCIPLES LISTED UNDER SUBSECTION (B) OF THIS SECTION.~~

~~7–129.~~

~~(A) IN THIS SECTION, "PILOT PROGRAM" MEANS THE FLIP THE CLASSROOM PILOT PROGRAM.~~

~~(B) (1) THERE IS A FLIP THE CLASSROOM PILOT PROGRAM IN THE STATE.~~

~~(2) THE PURPOSE OF THE PILOT PROGRAM IS TO ENABLE STUDENTS TO:~~

~~(I) LEARN OUTSIDE IN–PERSON INSTRUCTION USING RECORDED LECTURES; AND~~

~~(II) SPEND CLASSROOM TIME ON INDIVIDUAL AND GROUP EXERCISES THAT APPLY THE LESSONS FROM THE RECORDED LECTURES.~~

~~(C) THE PILOT PROGRAM SHALL PROVIDE TEACHERS WITH THE TOOLS NECESSARY TO:~~

~~(1) RECORD A CLASSROOM LECTURE TO BE VIEWED ASYNCHRONOUSLY BY STUDENTS AS HOMEWORK; AND~~

~~(2) SPEND CLASSROOM TIME FOSTERING COLLABORATIVE, PEER–TO–PEER WORK BETWEEN STUDENTS BASED ON THE RECORDED LECTURE.~~

~~(D) (1) THE DEPARTMENT, IN CONSULTATION WITH SUBJECT MATTER EXPERTS, SPECIALISTS IN COURSE DESIGN, CURRENT CERTIFICATED TEACHERS, AND CURRENT SCHOOL ADMINISTRATORS, SHALL DESIGN AND ADMINISTER THE PILOT PROGRAM BASED ON CURRENT RESEARCH AND BEST PRACTICES INTO INVERTED CLASSROOM AND BLENDED INSTRUCTIONAL MODELS.~~

~~(2) THE DEPARTMENT SHALL AWARD A GRANT TO A COUNTY BOARD THAT HAS AT LEAST ONE PUBLIC SCHOOL IN ITS JURISDICTION IN WHICH ADMINISTRATORS AND TEACHERS AFFIRMATIVELY VOLUNTEER TO PARTICIPATE IN THE PILOT PROGRAM.~~

~~(3) IN AWARDING GRANTS UNDER THE PILOT PROGRAM, TO THE EXTENT PRACTICABLE, THE DEPARTMENT SHALL GIVE PREFERENCE TO SCHOOLS THAT:~~

~~(I) ARE ELIGIBLE FOR FUNDING UNDER § 5–223 OF THIS ARTICLE IN THE FISCAL YEAR IN WHICH THE GRANT IS AWARDED;~~

~~(II) REPRESENT THE GEOGRAPHIC DIVERSITY OF THE STATE; AND~~

~~(III) CONTAIN TEACHER VOLUNTEERS FROM GROUPS HISTORICALLY UNDERREPRESENTED IN THE TEACHING PROFESSION.~~

~~(4) A TEACHER SELECTED TO PARTICIPATE IN THE PILOT PROGRAM SHALL RECEIVE PROFESSIONAL DEVELOPMENT IN VIRTUAL EDUCATION IN ACCORDANCE WITH § 7–1406 OF THIS TITLE.~~

~~(E) IN EACH OF FISCAL YEARS 2024 THROUGH 2026, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF $250,000 FOR THE PILOT PROGRAM.~~

~~(F) (1) USING DATA THAT MEET THE EXPECTATIONS OF STRONG OR MODERATE EVIDENCE AS DEFINED IN THE FEDERAL EVERY STUDENT SUCCEEDS ACT, THE DEPARTMENT SHALL EVALUATE THE PILOT PROGRAM FOR:~~

~~(I) EFFICACY IN IMPROVING STUDENT OUTCOMES, WITH RESULTS DISAGGREGATED BY RACE, ETHNICITY, GENDER, DISABILITY STATUS, ENGLISH LANGUAGE LEARNER STATUS, AND INCOME; AND~~

~~(II) REPLICABILITY IN PUBLIC SCHOOLS THROUGHOUT THE STATE.~~

~~(2) ON OR BEFORE DECEMBER 1, 2026, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE RESULTS OF THE EVALUATION.~~

7–103.2.

(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, A COUNTY BOARD MAY AUTHORIZE THE COUNTY SUPERINTENDENT, IN CASES OF SEVERE WEATHER CONDITIONS, TO PROVIDE VIRTUAL EDUCATION DAYS TO STUDENTS INSTEAD OF CLOSING THE PUBLIC SCHOOLS IN THE COUNTY DURING A SEVERE WEATHER EVENT.

(B) BEFORE A COUNTY BOARD MAY AUTHORIZE THE COUNTY SUPERINTENDENT TO PROVIDE VIRTUAL EDUCATION DAYS TO STUDENTS IN ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION, THE COUNTY BOARD SHALL:

(1) DISCUSS THIS TOPIC AT AN OPEN MEETING; AND

(2) VOTE AFFIRMATIVELY TO AUTHORIZE THE COUNTY SUPERINTENDENT TO PROVIDE VIRTUAL EDUCATION DAYS TO STUDENTS DURING A SEVERE WEATHER EVENT.

(C) (1) A COUNTY BOARD SHALL PUBLISH THE COUNTY BOARD'S PLAN FOR THE USE OF VIRTUAL EDUCATION DAYS ON THE SCHOOL SYSTEM'S WEBSITE.

(2) THE COUNTY BOARD'S PLAN PUBLISHED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE:

(I) A PLAN TO ENSURE THAT ATTENDANCE WILL BE TAKEN FOR ALL STUDENTS AND TEACHERS DURING EACH VIRTUAL EDUCATION DAY;

(II) A PLAN TO PROVIDE OPPORTUNITIES FOR STUDENTS TO MAKE UP WORK MISSED DURING VIRTUAL EDUCATION DAYS WHEN THEY RETURN TO IN–PERSON SCHOOL;

(III) A PLAN TO ENSURE THAT ALL STAFF AND STUDENTS, INCLUDING STUDENTS WITH DISABILITIES, HOMELESS STUDENTS, AND ENGLISH LANGUAGE LEARNERS, HAVE THE NECESSARY DEVICES AT HOME FOR VIRTUAL EDUCATION DAYS, INCLUDING ACCESS TO WI–FI; AND

(IV) SPECIFIC STRATEGIES FOR THE CONTINUED IMPLEMENTATION OF INDIVIDUALIZED EDUCATION PROGRAMS DURING THE VIRTUAL EDUCATION DAY, INCLUDING SPECIALLY DESIGNED INSTRUCTION, RELATED SERVICES, SUPPLEMENTARY AIDS AND SERVICES, AND ACCOMMODATIONS.

(D) A COUNTY SUPERINTENDENT MAY DECIDE TO PROVIDE A DAY OF VIRTUAL EDUCATION FOR PUBLIC SCHOOL STUDENTS IN THE COUNTY ONLY IF:

(1) THE LOCAL SCHOOL SYSTEM HAS USED ALL THE DAYS INCORPORATED INTO ITS CALENDAR FOR SCHOOL CLOSURES FOR SEVERE WEATHER CONDITIONS;

(2) THE COUNTY BOARD HAS AUTHORIZED THE COUNTY SUPERINTENDENT TO PROVIDE VIRTUAL EDUCATION DAYS TO STUDENTS IN ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION; AND

(3) THE COUNTY SUPERINTENDENT DETERMINES THAT SEVERE WEATHER CONDITIONS ARE LIKELY TO PREVENT NORMAL ATTENDANCE AT THE PUBLIC SCHOOL.

(E) (1) IF A COUNTY SUPERINTENDENT DECIDES TO PROVIDE A VIRTUAL EDUCATION DAY FOR PUBLIC SCHOOL STUDENTS IN THE COUNTY, THE COUNTY SUPERINTENDENT SHALL NOTIFY THE SCHOOL PRINCIPALS AS SOON AS POSSIBLE AFTER THE DECISION IS MADE.

(2) A SCHOOL PRINCIPAL WHO RECEIVES NOTICE OF A VIRTUAL EDUCATION DAY IMMEDIATELY SHALL NOTIFY THE STUDENTS, PARENTS, AND SCHOOL STAFF OF THE IMPLEMENTATION OF THE VIRTUAL EDUCATION DAY.

(F) (1) A VIRTUAL EDUCATION DAY SHALL CONSIST OF NOT LESS THAN 4 HOURS OF SYNCHRONOUS INSTRUCTION, AND ASYNCHRONOUS INSTRUCTION DESIGNED TO MAXIMIZE THE ADVANTAGES OF ONLINE ACCESS.

(2) A COUNTY SUPERINTENDENT SHALL ADEQUATELY DESIGN THE VIRTUAL EDUCATION DAY MODEL BEFORE IMPLEMENTATION OF THE FIRST VIRTUAL EDUCATION DAY.

7–202.1.

(a) The Department shall, in consultation with experienced and highly effective teachers, including teachers on the career ladder under Title 6, Subtitle 10 of this article, develop curriculum standards and curriculum resources for each subject at each grade level, that build on one another in logical sequence, in core subjects that may be used by local school systems and public school teachers.

(b) (1) The purpose of the curriculum standards and curriculum resources developed under this section is to provide county boards with technical assistance to inform high–quality instruction that will ultimately result in students meeting the college and career readiness standards in the manner described under § 7–205.1 of this subtitle.

(2) The curriculum resources developed under this section shall include, for each core subject at each grade level:

(i) Course syllabi;

(ii) Sample lessons for teachers to use as models;

(iii) Examples of student work that meet standards for proficiency;

(iv) Explanations of why student work examples meet proficiency standards so that teachers know what student knowledge is required; and

(v) Curriculum units aligned with the course syllabi.

(3) In developing the curriculum resources under this subsection, the Department:

(i) May use as a model a course or unit developed by a teacher in or out of the State; but

(ii) Shall review each model course and unit for quality, using accepted benchmarks such as approval by EdReports or Tier 1 and Tier 2 evidence–based standards established by the federal Every Student Succeeds Act.

(4) The Department shall compile curriculum units in such a manner that:

(i) Complete courses are formed; and

(ii) When taken by a student in sequence, the student can achieve the college and career readiness standard adopted under § 7–205.1 of this subtitle by the end of grade 10.

(c) The Department shall submit curriculum resources and curriculum standards developed under this section to the State Board for adoption.

(d) **(1) (I) ON OR BEFORE SEPTEMBER 1, 2022, THE DEPARTMENT SHALL:**

1. ESTABLISH A STATEWIDE UNIVERSAL LEARNING MANAGEMENT SYSTEM FOR EVENTUAL USE IN ALL PUBLIC SCHOOLS IN THE STATE; AND

2. HIRE A DEDICATED EMPLOYEE TO IMPLEMENT AND MANAGE THE UNIVERSAL LEARNING MANAGEMENT SYSTEM.

(II) IF A COUNTY BOARD HAS NOT, ON OR BEFORE AUGUST 31, 2022, CONTRACTED TO LICENSE A LEARNING MANAGEMENT SYSTEM OTHER THAN THE UNIVERSAL LEARNING MANAGEMENT SYSTEM ESTABLISHED BY THE DEPARTMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, ~~ON OR BEFORE JULY 1, 2023,~~ THE COUNTY BOARD ~~SHALL~~ *MAY* ADOPT THE UNIVERSAL LEARNING MANAGEMENT SYSTEM ESTABLISHED BY THE DEPARTMENT.

(III) THE DEPARTMENT SHALL PROVIDE TECHNICAL SUPPORT, AID WITH PROFESSIONAL DEVELOPMENT, AND FINANCIAL SUPPORT TO A COUNTY BOARD THAT ADOPTS THE UNIVERSAL LEARNING MANAGEMENT SYSTEM ESTABLISHED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(IV) THE DEPARTMENT MAY NOT PROVIDE LEARNING MANAGEMENT BASED SUPPORT TO A COUNTY BOARD THAT DOES NOT ADOPT THE UNIVERSAL LEARNING MANAGEMENT SYSTEM ESTABLISHED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(2) BEGINNING IN THE ~~2023–2024~~ *2024–2025* SCHOOL YEAR, THE DEPARTMENT SHALL MAKE THE CURRICULUM STANDARDS DEVELOPED UNDER THIS SECTION AVAILABLE THROUGH THE UNIVERSAL LEARNING MANAGEMENT SYSTEM.

(E) The State Board shall establish a system of assessments to ensure that students are acquiring the knowledge contained in the curriculum standards in English, Mathematics, Science, and History or Social Studies.

[(e)**] (F)** (1) Using the assessments established under subsection **[**(d)**] (E)** of this section, the Department shall identify low–performing schools.

(2) An Expert Review Team established under § 5–411 of this article, under the supervision of the Department, shall visit schools identified under paragraph (1) of this subsection according to the criteria established under § 5–411 of this article.

(3) If the Department, based on a recommendation of an Expert Review Team, determines that a school's low performance on assessments is, largely, due to curricular problems, the school shall adopt the curriculum resources developed under this section.

(4) Except as provided in paragraph (3) of this subsection, this section does not require a public school or county board to adopt the Department's curriculum standards and curriculum resources and may not be construed to restrict a county board's authority to adopt curricula under § 4–111 of this article.

~~7–1002.~~

~~(a) The Department shall provide Maryland virtual learning opportunities that include:~~

~~(1) Offering a distance learning program to provide Maryland public school students with equal opportunities to develop a strong academic foundation;~~

~~(2) Offering expanded educational choices not otherwise available to students through **[**online**] VIRTUAL EDUCATION** courses and services; and~~

~~(3) Expanding the professional development opportunities available to educational staff in Maryland public schools through [online] VIRTUAL EDUCATION courses and services.~~

~~(b) (1) [(i) A] SUBJECT TO SUBSECTION (C) OF THIS SECTION, A county board may DEVELOP OR SEEK THE DEVELOPMENT OF A NEW VIRTUAL EDUCATION COURSE TO BE OFFERED IN THE LOCAL SCHOOL SYSTEM.~~

~~(2) (I) A COUNTY BOARD MAY request that the Department develop [or review and approve online courses and services] A SPECIFIC NEW VIRTUAL EDUCATION COURSE.~~

~~(II) A COUNTY BOARD MAY DEVELOP A NEW VIRTUAL EDUCATION COURSE, SUBJECT TO THE DEPARTMENT'S REVIEW, under paragraph [(2)] (3) of this subsection IF:~~

~~1. THE DEPARTMENT DENIES THE COUNTY BOARD'S REQUEST FOR THE DEPARTMENT TO DEVELOP A SPECIFIC NEW VIRTUAL EDUCATION COURSE UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH; OR~~

~~2. THE COUNTY BOARD ELECTS TO DEVELOP A NEW VIRTUAL EDUCATION COURSE ITSELF.~~

~~[(ii)] (III) Within 15 days after the receipt of a request under subparagraph (i) of this paragraph, the Department shall determine whether [the development or review and approval of the online courses and services shall be delegated to a county board under paragraph (2)(ii) of this subsection] IT SHALL ACCEPT OR DENY THE REQUEST TO DEVELOP A NEW VIRTUAL EDUCATION COURSE.~~

~~[(iii)] (IV) If the Department [does not delegate the development or review and approval of the online courses and services to] ACCEPTS THE REQUEST OF a county board TO DEVELOP A SPECIFIC NEW VIRTUAL EDUCATION COURSE, the Department shall, SUBJECT TO SUBSECTION (C) OF THIS SECTION, develop [or review and approve online courses and services under paragraph (2) of this subsection] A VIRTUAL EDUCATION COURSE within 120 days after the receipt of a request made by a county board under subparagraph (i) of this paragraph.~~

~~[(2)] (3) (i) [Subject to subparagraph (ii) of this paragraph, the Department shall:~~

~~1. A. Develop online courses and services; or~~

~~B. Review and approve online courses and services;~~

~~2. Develop standards for teachers and other school system employees for the offering of courses or services on the Internet or through other developing technologies; and~~

~~3. Review courses and courseware to assure quality and alignment with the Maryland content standards and other appropriate standards.~~

~~(ii) Subject to subparagraph (v) of this paragraph, the Department may delegate the authority to develop or review and approve online courses and services to a county board.~~

~~(iii) If the Department delegates the authority to develop or review and approve online courses and services to a county board, the county board may impose reasonable fees to be paid by the vendor to cover the cost of reviewing and approving online courses and services.~~

~~(iv) A county board shall remit 15% of the fees collected under subparagraph (iii) of this paragraph to the Department.~~

~~(v) 1. A~~**] AFTER A** ~~county board~~ **HAS FINISHED DEVELOPING A NEW VIRTUAL EDUCATION COURSE, THE COUNTY BOARD** ~~shall~~ **[**~~request approval of the online course from~~**] SUBMIT THE PROPOSED NEW COURSE TO** ~~the Department~~ **[**~~when the county board has completed the development or~~**] FOR** ~~review and approval~~ **[**~~of online courses and services~~**]**.

[~~2.~~**] (II)** ~~Within 45 days after~~ **[**~~a request~~**] RECEIVING A PROPOSED NEW COURSE** ~~under~~ **[**~~subsubparagraph 1 of this subparagraph~~**] SUBPARAGRAPH (I) OF THIS PARAGRAPH**, ~~the Department shall approve or disapprove the~~ **[**~~online~~**] NEW VIRTUAL EDUCATION** ~~course based on~~ **THE COURSE'S ADHERENCE TO SUBSECTION (C) OF THIS SECTION AND ANY ADDITIONAL** ~~criteria and guidelines developed by the Department.~~

[~~(3)~~**] (4)** ~~(i) The development, review, and approval of~~ **[**~~an online course or service~~**] A NEW VIRTUAL EDUCATION COURSE** ~~conducted under this subsection shall include an assessment regarding the accessibility of the~~ **[**~~online~~**] VIRTUAL EDUCATION** ~~course~~ **[**~~or service~~**]** ~~to individuals with disabilities, including the blind.~~

~~(ii) The Department may contract with a third party to:~~

~~1. Develop an assessment regarding accessibility required under subparagraph (i) of this paragraph; or~~

~~2. Conduct an assessment of course accessibility required under subparagraph (i) of this paragraph that will determine the approval or denial status of the course and provide feedback to the~~ **[**~~course provider~~**] COUNTY BOARD**.

~~(5) THE DEPARTMENT SHALL DEVELOP GUIDELINES FOR THE APPROPRIATE DEVELOPMENT, REVIEW, AND ASSESSMENT OF DIGITAL SERVICES.~~

~~(c) [(1) There is a Maryland Virtual Learning Opportunities Fund.~~

~~(2) The State Board may set reasonable fees for:~~

~~(i) Developing or reviewing online courses and services;~~

~~(ii) Processing approvals for online courses and services;~~

~~(iii) Developing an assessment regarding the accessibility of an online course or service to individuals with disabilities, including the blind; and~~

~~(iv) Assessing an online course for its accessibility to individuals with disabilities, including the blind.~~

~~(3) The fees charged shall be set so as to produce funds to support maintenance of Maryland virtual learning opportunities.~~

~~(4) The State Board shall pay all funds collected under this subtitle to the Comptroller of the State.~~

~~(5) The Comptroller shall distribute the fees to the Maryland Virtual Learning Opportunities Fund.~~

~~(6) The Fund is a continuing, nonlapsing fund not subject to § 7–302 of the State Finance and Procurement Article.~~

~~(7) Any unspent portions of the Fund may not be transferred or revert to the General Fund of the State, but shall remain in the Fund to be used for the purposes specified in this subtitle.~~

~~(8) The Legislative Auditor shall audit the accounts and transactions of the Fund as provided in § 2–1220 of the State Government Article.]~~

~~(1) (I) ANY VIRTUAL EDUCATION COURSES OFFERED BY A COUNTY BOARD SHALL BE OFFERED THROUGH SYNCHRONOUS LEARNING.~~

~~(II) A COUNTY BOARD MAY NOT ENROLL MORE STUDENTS IN A VIRTUAL EDUCATION COURSE THAN A TEACHER MAY REASONABLY BE EXPECTED TO MEANINGFULLY ENGAGE WITH DURING VIRTUAL EDUCATION.~~

~~(2) A TEACHER OF A VIRTUAL EDUCATION COURSE:~~

~~**(I) MAY NOT BE REQUIRED TO SIMULTANEOUSLY INSTRUCT STUDENTS ATTENDING THE TEACHER'S CLASSROOM IN PERSON; AND**~~

~~**(II) SHALL HAVE OTHER DUTIES, INCLUDING TEACHING, MENTORING, AND LEADING DUTIES REQUIRED UNDER TITLE 6, SUBTITLE 10 OF THIS ARTICLE, REDUCED BY A REASONABLE AMOUNT TO COMPENSATE FOR THE TIME SPENT TEACHING THE VIRTUAL EDUCATION COURSE.**~~

~~(d) The State Board may adopt regulations to implement the provisions of this section.~~

~~Subtitle 14. Virtual **[**Schools**]** EDUCATION.~~

~~7–1401.~~

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

~~(b) **"LEARNING LOSS" MEANS A GENERAL OR SPECIFIC LOSS OF KNOWLEDGE OR SKILLS DUE TO AN EXTENDED GAP OR DISCONTINUITY IN A STUDENT'S EDUCATION.**~~

~~**(C)** "Quality online education standards" means the National Standards for Quality Online Programs: Second Edition (2019).~~

~~**[**(c) "Sponsor" means the Department or a county school board, having a fiduciary responsibility for the operation of the virtual school.**]**~~

~~**(D) "STUDENT ELIGIBLE FOR AID" MEANS A CHILD WHO MEETS THE CERTIFICATION OF INCOME ELIGIBILITY UNDER ANY OF THE FOLLOWING:**~~

~~**(1) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM;**~~

~~**(2) TEMPORARY ASSISTANCE FOR NEEDY FAMILIES;**~~

~~**(3) FOSTER CARE;**~~

~~**(4) HEAD START;**~~

~~**(5) EVEN START;**~~

~~**(6) MIGRANT STUDENTS;**~~

~~**(7) HOMELESS STUDENTS;**~~

~~(8) MEDICAID AND THE MARYLAND CHILDREN'S HEALTH PROGRAM, UP TO 189% OF THE FEDERAL POVERTY LEVEL;~~

~~(9) FREE OR REDUCED PRICE MEALS FOR SCHOOLS NOT PARTICIPATING IN THE U.S. DEPARTMENT OF AGRICULTURE COMMUNITY ELIGIBILITY PROVISION; AND~~

~~(10) AN ALTERNATIVE FORM DEVELOPED BY THE DEPARTMENT FOR THE COMPENSATORY EDUCATION FORMULA UNDER § 5–222 OF THIS ARTICLE.~~

~~(E) "TEMPORARY VIRTUAL SCHOOL" MEANS A PUBLIC SCHOOL THAT IS CLOSED TO IN–PERSON ATTENDANCE DURING EMERGENCY CONDITIONS AND THAT A COUNTY BOARD HAS ELECTED TO TRANSITION TO VIRTUAL EDUCATION UNDER § 7–1404 OF THIS SUBTITLE.~~

~~(F) "VIRTUAL EDUCATION" MEANS THE USE OF TECHNOLOGY TO DELIVER A SIGNIFICANT PORTION OF INSTRUCTION TO STUDENTS VIA THE INTERNET IN A VIRTUAL OR REMOTE SETTING.~~

~~[(d)] (G)~~ ~~"Virtual school" means a public school established by [the Department or by] a county board [under § 4–109 of this article] in which the school [uses technology to deliver a significant portion of instruction to its students via the Internet in a virtual or remote setting]~~ CONSISTENTLY AND PERMANENTLY IS ENGAGED IN VIRTUAL EDUCATION.

~~7–1402.~~

~~(A) NO VIRTUAL SCHOOLS MAY BE APPROVED FOR OPERATION IN THE STATE ON OR BEFORE JULY 1, 2024.~~

~~(B) ON OR BEFORE JULY 1, 2024, THE DEPARTMENT, IN CONSULTATION WITH CURRENT PUBLIC SCHOOL TEACHERS, CURRENT PUBLIC SCHOOL ADMINISTRATORS, AND ACADEMIC EXPERTS, SHALL:~~

~~(1) USING DATA THAT MEET THE EXPECTATIONS OF STRONG OR MODERATE EVIDENCE AS DEFINED IN THE FEDERAL EVERY STUDENT SUCCEEDS ACT, STUDY BEST PRACTICES FOR THE PROVISION OF VIRTUAL EDUCATION, INCLUDING:~~

~~(I) THE SUCCESSES AND FAILURES OF VIRTUAL EDUCATION DURING THE COVID–19 PANDEMIC AND HOW LESSONS LEARNED CAN BE INCORPORATED INTO VIRTUAL EDUCATION GOING FORWARD;~~

~~(II) HOW TO ENSURE EQUITABLE EDUCATION TO ALL STUDENTS IN A VIRTUAL EDUCATION SETTING;~~

~~(III) WHETHER PARTICULAR STUDENTS EXCEL OR ARE HARMED UNDER VIRTUAL EDUCATION, THE CAUSES OF THOSE OUTCOMES, AND WHETHER STUDENT ENROLLMENT IN A VIRTUAL SCHOOL SHOULD BE LIMITED BASED ON THOSE OUTCOMES;~~

~~(IV) ACCOMMODATIONS THAT MAY NEED TO BE MADE IN ORDER TO PROVIDE SOME STUDENTS WITH A FAIR AND APPROPRIATE PUBLIC EDUCATION;~~

~~(V) THE BEST METHODS TO SELECT STUDENTS FOR ENROLLMENT IN A VIRTUAL SCHOOL;~~

~~(VI) CRITERIA FOR SELECTING STAFF TO WORK IN AND ADMINISTRATORS TO LEAD VIRTUAL SCHOOLS;~~

~~(VII) METHODS TO ACCURATELY ASSESS STUDENT PROGRESS DURING VIRTUAL EDUCATION;~~

~~(VIII) THE TYPES OF TOOLS AND RESOURCES THAT ARE NECESSARY FOR A STUDENT TO FULLY LEARN WHEN ENGAGED IN VIRTUAL EDUCATION AND HOW A COUNTY BOARD CAN PROVIDE THE TOOLS AND RESOURCES;~~

~~(IX) THE BEHAVIORAL HEALTH COSTS TO VIRTUAL EDUCATION AND HOW THOSE COSTS MIGHT BE MITIGATED;~~

~~(X) HOW BEST TO ACTIVELY INVOLVE PARENTS AND FAMILIES IN THE VIRTUAL EDUCATION PROCESS; AND~~

~~(XI) HOW NEEDED SERVICES, INCLUDING NUTRITIONAL SERVICES, MAY BE BEST PROVIDED TO A STUDENT ENROLLED IN A VIRTUAL SCHOOL; AND~~

~~(2) DEVELOP CRITERIA FOR THE ESTABLISHMENT OF VIRTUAL SCHOOLS THAT:~~

~~(I) INCORPORATE THE DATA GATHERED UNDER ITEM (1) OF THIS SUBSECTION; AND~~

~~(II) ARE AT LEAST AS RIGOROUS AS THE CRITERIA LISTED UNDER § 7–1403 OF THIS SUBTITLE.~~

~~(C) ON OR BEFORE SEPTEMBER 1, 2024, THE DEPARTMENT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE RESULTS OF THE STUDY AND THE CRITERIA DEVELOPED UNDER SUBSECTION (B) OF THIS SECTION.~~

~~7–1403.~~

~~(A) (1) THE CRITERIA LISTED UNDER THIS SECTION SHALL FORM A BASELINE FOR THE CRITERIA ADOPTED BY THE DEPARTMENT UNDER § 7–1402 OF THIS SUBTITLE.~~

~~(2) THE DEPARTMENT'S CRITERIA MUST BE AT LEAST AS RIGOROUS AS THE CRITERIA LISTED UNDER THIS SECTION.~~

~~(B) (1) A COUNTY BOARD MAY APPLY TO THE STATE BOARD TO ESTABLISH A VIRTUAL SCHOOL IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SUBSECTION.~~

~~(2) A COUNTY BOARD'S APPLICATION MUST INCLUDE A RIGOROUS PROGRAM OF INSTRUCTION THAT INCLUDES AN EQUIVALENT METHOD FOR SATISFYING ANY REQUIREMENT FOR PUBLIC SCHOOLS IN THE STATE IN A VIRTUAL EDUCATION SETTING.~~

~~(3) A COUNTY BOARD'S APPLICATION SHALL INCLUDE ANY ATTENDANCE CRITERIA THAT ARE MORE SPECIFIC THAN THOSE LISTED UNDER SUBSECTION (F) OF THIS SECTION.~~

~~(4) A COUNTY BOARD'S APPLICATION SHALL INCLUDE THE PLANNED STAFFING MODEL FOR THE VIRTUAL SCHOOL, INCLUDING PROVISIONS FOR STAFF RECRUITMENT, TRAINING, EVALUATION, AND PROFESSIONAL DEVELOPMENT THAT ARE IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION.~~

~~(C) (1) THE STATE BOARD SHALL REVIEW A COUNTY BOARD'S APPLICATION FOR A VIRTUAL SCHOOL WITHIN 120 CALENDAR DAYS AFTER RECEIPT.~~

~~(2) THE STATE BOARD MAY APPROVE AN APPLICATION FOR A VIRTUAL SCHOOL CONTINGENT ON:~~

~~(I) THE COUNTY BOARD'S ABILITY TO MEET TIMELINES ESTABLISHED IN THE APPLICATION; AND~~

~~(II) THE COUNTY BOARD'S ABILITY TO PROCURE SUITABLE EQUIPMENT AND SOFTWARE NECESSARY TO FORM A PLAN OF SUITABLY RIGOROUS INSTRUCTION.~~

~~(3) THE STATE BOARD'S DECISION TO APPROVE OR DENY AN APPLICATION TO FORM A VIRTUAL SCHOOL IS FINAL.~~

~~(D) A VIRTUAL SCHOOL MAY NOT BE ESTABLISHED THROUGH A CONTRACT WITH A FOR–PROFIT PRIVATE ENTITY THAT IS RESPONSIBLE FOR THE DAY–TO–DAY EDUCATION OF STUDENTS IN A VIRTUAL SCHOOL.~~

~~(E) (1) EMPLOYEES OF A VIRTUAL SCHOOL:~~

~~(I) ARE PUBLIC SCHOOL EMPLOYEES, AS DEFINED IN §§ 6–401(E) AND 6–501(G) OF THIS ARTICLE;~~

~~(II) ARE EMPLOYEES OF A PUBLIC SCHOOL EMPLOYER, AS DEFINED IN §§ 6–401(F) AND 6–501(H) OF THIS ARTICLE, IN THE COUNTY IN WHICH THE VIRTUAL SCHOOL IS FORMED; AND~~

~~(III) SHALL HAVE THE RIGHTS GRANTED UNDER TITLE 6, SUBTITLES 4 AND 5 OF THIS ARTICLE.~~

~~(2) IF A COLLECTIVE BARGAINING AGREEMENT UNDER TITLE 6, SUBTITLE 4 OR SUBTITLE 5 OF THIS ARTICLE IS ALREADY IN EXISTENCE IN THE COUNTY SEEKING TO FORM A VIRTUAL SCHOOL, THE EMPLOYEE ORGANIZATION AND THE PUBLIC SCHOOL EMPLOYER MAY MUTUALLY AGREE TO NEGOTIATE AMENDMENTS TO THE EXISTING AGREEMENT TO ADDRESS THE NEEDS OF THE PARTICULAR VIRTUAL SCHOOL, INCLUDING AMENDMENTS TO WORK DAYS, WORK HOURS, SCHOOL YEAR, EXTRA DUTY ASSIGNMENTS, AND PROCEDURES FOR TRANSFER THAT ARE CONSISTENT WITH PARAGRAPH (3) OF THIS SUBSECTION.~~

~~(3) A COUNTY BOARD THAT ESTABLISHES A VIRTUAL SCHOOL SHALL MAKE EVERY ATTEMPT TO CONFIRM THAT A STAFF MEMBER DESIRES TO WORK IN THE VIRTUAL SCHOOL BEFORE ASSIGNING THE STAFF MEMBER TO THE VIRTUAL SCHOOL.~~

~~(F) (1) ONLY A STUDENT WHO IS ELIGIBLE TO ATTEND A PUBLIC SCHOOL IN THE COUNTY UNDER § 7–301 OF THIS TITLE MAY ATTEND A VIRTUAL SCHOOL ESTABLISHED BY A COUNTY BOARD.~~

~~(2) ADMISSION TO A VIRTUAL SCHOOL IS ENTIRELY VOLUNTARY.~~

~~(G) A VIRTUAL SCHOOL SHALL PROVIDE THE FOLLOWING TO EACH ENROLLED STUDENT:~~

~~(1) ACCESS TO A SEQUENTIAL CURRICULUM APPROVED BY THE STATE BOARD THAT:~~

~~(I) MEETS OR EXCEEDS THE STANDARDS ADOPTED BY THE COUNTY BOARD IN THE COUNTY IN WHICH THE VIRTUAL SCHOOL'S PRINCIPAL PLACE OF BUSINESS IS LOCATED; AND~~

~~(II) CONSISTS, AS MUCH AS IS PRACTICABLE, OF SYNCHRONOUS VIRTUAL EDUCATION;~~

~~(2) LEARNING OPPORTUNITIES PER ACADEMIC YEAR FOR AT LEAST THE SAME AMOUNT OF TIME REQUIRED FOR PUBLIC SCHOOL STUDENTS;~~

~~(3) REGULAR ASSESSMENT IN THE CORE AREAS OF INSTRUCTION AS REQUIRED BY REGULATIONS ADOPTED BY THE STATE BOARD UNDER § 7–1409 OF THIS SUBTITLE;~~

~~(4) QUALITY ONLINE EDUCATION STANDARDS; AND~~

~~(5) ALL NECESSARY INSTRUCTIONAL MATERIALS, INCLUDING ANY NECESSARY HARDWARE AND SOFTWARE.~~

~~(II) A VIRTUAL SCHOOL SHALL MAINTAIN AN ADMINISTRATIVE OFFICE IN THE COUNTY IN WHICH THE SCHOOL IS ESTABLISHED AND THE OFFICE SHALL BE CONSIDERED ITS PRINCIPAL PLACE OF BUSINESS.~~

~~(I) A VIRTUAL SCHOOL SHALL BE EVALUATED EACH YEAR BY THE COUNTY BOARD BASED ON THE FOLLOWING CRITERIA:~~

~~(1) THE EXTENT TO WHICH THE SCHOOL DEMONSTRATES INCREASES IN STUDENT ACHIEVEMENT ACCORDING TO COUNTY AND STATE ACADEMIC STANDARDS; AND~~

~~(2) THE ACCOUNTABILITY AND VIABILITY OF THE VIRTUAL SCHOOL, AS DEMONSTRATED BY ITS ACADEMIC, FISCAL, AND OPERATIONAL PERFORMANCE.~~

Subtitle 14. Virtual Schools.

7–1401.

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

(b) "Quality online education standards" means the National Standards for Quality Online Programs: Second Edition (2019).

(c) "Sponsor" means ***[****the Department or****]*** *a county* ***[****school****]*** *board, having a fiduciary responsibility for the operation of the virtual school.*

(d) "Virtual school" means a public school ***[****established****]:***

(1) ESTABLISHED *by* ***[****the Department or by****]*** *a county board* ***OR MULTIPLE COUNTY BOARDS UNDER A WRITTEN AGREEMENT*** *under § 4–109 of this article* ***[****in which the school****];***

(2) THAT *uses* ***[****technology****]*** ***ONE OR MORE TECHNOLOGIES*** *to deliver* ***[****a significant portion of****]*** *instruction to its students* ***[****via the Internet in a virtual or remote setting****]*** ***ENTIRELY OR PRIMARILY ONLINE; AND***

(3) IN WHICH THE STUDENTS AND INSTRUCTORS PARTICIPATE REMOTELY FROM SEPARATE LOCATIONS.

7–1401.1.

THIS SUBTITLE DOES NOT APPLY TO:

(1) A VIRTUAL LEARNING OPPORTUNITY OFFERED BY THE DEPARTMENT OR A COUNTY BOARD UNDER § 7–1002 OF THIS TITLE;

(2) AN UPPER–LEVEL HIGH SCHOOL PROGRAM THAT:

(I) HAS ONLINE COMPONENTS; AND

(II) DESIGNS A STUDENT'S ACADEMIC PROGRAM TO MAXIMIZE THE FLEXIBILITY OF THE STUDENT'S SCHEDULE TO ACCOMMODATE THE STUDENT'S WORK SCHEDULE; OR

(3) A PUBLIC SCHOOL OPERATING UNDER A VIRTUAL EDUCATION PLAN DURING A PROLONGED STATE OF EMERGENCY UNDER SUBTITLE 14A OF THIS TITLE.

7–1402.

(a) ***(1) [****Subject****]*** ***EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION AND SUBJECT*** *to the approval of the Department, a county board may establish* ***[****a****]*** ***ONE*** *virtual school* ***FOR THE ELEMENTARY, MIDDLE, AND HIGH SCHOOL GRADE BANDS.***

(2) THE DEPARTMENT MAY PROVIDE PRELIMINARY AUTHORIZATION TO A COUNTY BOARD TO ESTABLISH ONE ADDITIONAL VIRTUAL SCHOOL ON A SHOWING OF JUST CAUSE, AS DETERMINED BY THE DEPARTMENT.

(3) EACH VIRTUAL SCHOOL SHALL RECEIVE FINAL APPROVAL FROM THE STATE BOARD.

(4) THE DEPARTMENT MAY REVOKE APPROVAL OF A VIRTUAL SCHOOL, SUBJECT TO FINAL APPROVAL OF THE STATE BOARD, IF DURING THE PREVIOUS SCHOOL YEAR THE VIRTUAL SCHOOL FAILS TO MEET THE STANDARDS ESTABLISHED BY THE DEPARTMENT IN REGULATION.

(B) A VIRTUAL SCHOOL MAY NOT INCLUDE CLASSES FOR PREKINDERGARTEN OR KINDERGARTEN STUDENTS.

[(b)] (C) *A virtual school is subject to all applicable federal and State laws and regulations governing the operation of a public school.*

(D) EACH APPROVED VIRTUAL SCHOOL SHALL HAVE A SCHOOL ACCOUNTABILITY CODE ASSIGNED BY THE DEPARTMENT.

(E) (1) A COUNTY BOARD MAY NOT CONTRACT WITH A FOR–PROFIT ENTITY, BUT MAY CONTRACT WITH A NONPROFIT ENTITY, TO OPERATE OR ADMINISTER A VIRTUAL SCHOOL FOR THE COUNTY BOARD.

(2) THE PROVISIONS OF PARAGRAPH (1) OF THIS SUBSECTION MAY NOT BE CONSTRUED TO PROHIBIT A COUNTY BOARD FROM CONTRACTING WITH A FOR–PROFIT ENTITY FOR GOODS AND SERVICES FOR A VIRTUAL SCHOOL.

7–1403.

[(c)] (A) *A student who is eligible for enrollment in a public school in the State* ***[****may****] IS ELIGIBLE TO*** *enroll in a virtual school.*

(B) IN ADDITION TO THE CRITERIA ESTABLISHED BY THE DEPARTMENT OR A COUNTY BOARD, AN APPLICATION FOR ENROLLMENT IN A VIRTUAL SCHOOL SHALL REQUIRE AN APPLICANT TO DESCRIBE WHY INSTRUCTION IN A VIRTUAL LEARNING ENVIRONMENT WILL LEAD TO SUCCESSFUL ACADEMIC OUTCOMES FOR THE APPLICANT.

(C) (1) NOT MORE THAN 10% OF THE STUDENTS WHO WOULD OTHERWISE ATTEND A SINGLE PUBLIC SCHOOL IN THE COUNTY IN ANY SCHOOL YEAR MAY ENROLL IN A VIRTUAL SCHOOL ESTABLISHED BY A COUNTY BOARD.

(2) THE DEPARTMENT MAY AUTHORIZE A COUNTY BOARD TO EXCEED THE CAP UNDER PARAGRAPH (1) OF THIS SUBSECTION ON A SHOWING OF JUST CAUSE.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF A COUNTY BOARD RECEIVES MORE APPLICATIONS THAN THERE ARE AVAILABLE SPACES IN A VIRTUAL SCHOOL, THE COUNTY BOARD SHALL ADMIT ALL STUDENTS ON A LOTTERY BASIS.

(2) A COUNTY BOARD SHALL GIVE GREATER WEIGHT TO A STUDENT'S LOTTERY STATUS AS A PART OF A LOTTERY HELD UNDER PARAGRAPH (1) OF THIS SUBSECTION BASED ON DEMOGRAPHIC DIVERSITY UNDER SUBSECTION (E) OF THIS SUBSECTION AND ANY OTHER CRITERIA ESTABLISHED BY THE COUNTY BOARD.

(E) TO THE EXTENT PRACTICABLE, THE STUDENT BODY OF A VIRTUAL SCHOOL SHALL REFLECT THE SOCIOECONOMIC, RACIAL, ETHNIC, CULTURAL, AND GENDER DIVERSITY OF THE STUDENTS ENROLLED IN THE PUBLIC SCHOOL SYSTEM IN THE COUNTY.

(F) THE COUNTY BOARD SHALL DEVELOP AN OUTREACH CAMPAIGN TO PROVIDE INFORMATION TO THE PUBLIC ON THE AVAILABILITY OF THE VIRTUAL SCHOOL OPTION.

[*7–1403.****] 7–1404.***

(a) A virtual school shall provide each enrolled student:

(1) Access to a sequential curriculum approved by the State Board that meets or exceeds the standards adopted by the county board in the county of the virtual school's principal place of business ***OR THE COUNTY DESIGNATED UNDER A WRITTEN AGREEMENT BETWEEN MULTIPLE COUNTY BOARDS****;*

(2) The same length of time for learning opportunities per academic year that is required for public school students, unless the virtual school can show that a student has demonstrated mastery or completion of the subject area; ***[****and****]***

(3) Regular assessment in the core areas of instruction as required by regulations adopted by the State Board under ***[****§ 7–1408****] § 7–1409*** *of this subtitle****; AND***

(4) ACCESS TO THE FOLLOWING SERVICES:

(I) TO THE EXTENT PRACTICABLE, EXTRACURRICULAR ACTIVITIES AT THE PUBLIC SCHOOL THE STUDENT WOULD OTHERWISE BE REQUIRED TO ATTEND;

(II) NOTWITHSTANDING ANY OTHER LAW OR REGULATION AND SUBJECT TO A PARTICIPATION AGREEMENT BETWEEN THE PUBLIC SCHOOL AND THE PARENT OR GUARDIAN OF THE STUDENT, PARTICIPATION IN ORGANIZED ATHLETICS AND ON ATHLETIC TEAMS AT THE PUBLIC SCHOOL THE STUDENT WOULD OTHERWISE BE REQUIRED TO ATTEND;

(III) WRAPAROUND SERVICES;

(IV) FOOD AND NUTRITION SERVICES; AND

(V) HEALTH CARE SERVICES EQUIVALENT TO SERVICES AVAILABLE TO STUDENTS WHO RECEIVE IN–PERSON INSTRUCTION IN THE PUBLIC SCHOOLS IN THE COUNTY.

(b) A curriculum adopted under subsection (a) of this section shall have ***[****an****]:***

(1) AN *interactive program with significant online components****; AND***

(2) AN INTERACTIVE SOCIAL AND EMOTIONAL WELLNESS COMPONENT DESIGNED FOR A VIRTUAL SCHOOL ENVIRONMENT.

(c) Beginning in the 2022–2023 school year, a virtual school shall follow the quality online education standards.

(D) THE DEPARTMENT SHALL ESTABLISH IN REGULATION THE FOLLOWING STANDARDS FOR ALL VIRTUAL SCHOOLS:

(1) AFTER COLLABORATION WITH LOCAL SCHOOL SYSTEMS, STUDENT ATTENDANCE REQUIREMENTS AND REPORTING;

(2) STUDENT ENGAGEMENT AND CONDUCT;

(3) PROGRAM QUALITY METRICS;

(4) TRACKING AND USE OF STUDENT DATA; AND

(5) DATA REPORTING REQUIREMENTS.

(E) A COUNTY BOARD SHALL ADOPT POLICIES FOR THE MANDATORY RETURN TO IN–PERSON INSTRUCTION FOR STUDENTS ENROLLED IN A VIRTUAL SCHOOL, INCLUDING STUDENTS WHO ARE FAILING ACADEMICALLY AFTER RECEIVING THE APPROPRIATE SUPPORTS.

[*7–1404.****] 7–1405.***

(a) A virtual school shall provide to the parent or guardian of each enrolled student:

(1) Instructional materials, including software; ***[****and****]***

*(2) Information on the closest public facility that offers access to a computer****[****, printer,****]*** *and Internet connection****; AND***

(3) INFORMATIONAL MATERIALS ON:

(I) SCHOOL POLICIES;

(II) STUDENT ATTENDANCE, CONDUCT, AND ENGAGEMENT REQUIREMENTS;

(III) ACCESS TO EXTRACURRICULAR ACTIVITIES AND WRAPAROUND SERVICES;

(IV) ACCESS TO FOOD AND NUTRITION SERVICES AND HEALTH CARE SERVICES;

(V) TECHNOLOGY REQUIREMENTS AND SUPPORT SERVICES;

(VI) CYBERSECURITY POLICY AND BEST PRACTICES;

(VII) TEACHER CONTACT INFORMATION AND OFFICE HOURS; AND

(VIII) ANY OTHER RELEVANT INFORMATION AS DETERMINED BY THE VIRTUAL SCHOOL.

(B) (1) A VIRTUAL SCHOOL IS STRONGLY ENCOURAGED TO HOLD IN–PERSON ORIENTATION SESSIONS WITH THE STUDENTS, PARENTS OR GUARDIANS, AND SCHOOL PERSONNEL TO PROVIDE THE INFORMATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION.

(2) A VIRTUAL SCHOOL SHALL HOLD AN ONLINE ORIENTATION TO PROVIDE THE INFORMATION REQUIRED UNDER SUBSECTION (A) OF THIS SECTION IF THE VIRTUAL SCHOOL IS UNABLE TO HOLD IN–PERSON ORIENTATION SESSIONS.

[*(b)****]*** *(C) A virtual school* ***[****may****]:***

(1) MAY *not provide funds for the purchase of instructional programs or materials to a student or to a student's parent or guardian****; AND***

(2) SHALL PROVIDE THE APPROPRIATE DIGITAL DEVICE TO A STUDENT TO PARTICIPATE IN THE VIRTUAL SCHOOL, IF REQUIRED.

[*7–1405.****] 7–1406.***

(A) (1) *A teacher* ***[****employed by****]*** ***ASSIGNED TO*** *a virtual school shall have a teacher's certificate issued by the State Superintendent under Title 6 of this article* ***OR ANY OTHER RELEVANT PROFESSIONAL CERTIFICATION AUTHORIZED UNDER COMAR 13A.12.01.***

(2) TEACHERS OR EDUCATION SUPPORT PERSONNEL ASSIGNED TO WORK IN A VIRTUAL SCHOOL SHALL:

(I) BE AN EMPLOYEE OF THE COUNTY, OR A COLLABORATING COUNTY, THAT ESTABLISHED THE VIRTUAL SCHOOL;

(II) SUBJECT TO SUBSECTION (B) OF THIS SECTION, BE SUBJECT TO THE COLLECTIVE BARGAINING AGREEMENT OF THAT JURISDICTION; AND

(III) HAVE ACCESS TO PROFESSIONAL DEVELOPMENT.

(B) A COLLECTIVE BARGAINING AGREEMENT MAY INCLUDE PROVISIONS SPECIFIC TO EMPLOYEES WHO WORK IN A VIRTUAL SCHOOL IN CONSIDERATION OF THE CONDITIONS AND REQUIREMENTS RELEVANT TO THAT WORK ENVIRONMENT.

(C) AN EMPLOYEE ASSIGNED TO A VIRTUAL SCHOOL MAY NOT BE REQUIRED TO PROVIDE VIRTUAL AND IN–PERSON INSTRUCTION OR SUPPORT TO STUDENTS SIMULTANEOUSLY.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COUNTY BOARD SHALL DETERMINE THE APPROPRIATE STUDENT–TEACHER RATIO FOR THE SIZE OF A CLASS IN A VIRTUAL SCHOOL BASED ON MULTIPLE FACTORS, INCLUDING GRADE LEVEL, SUBJECT MATTER, AND TEACHER WORKLOAD.

(2) THE SIZE OF A CLASS IN A VIRTUAL SCHOOL SHALL BE CONSISTENT WITH THE COUNTYWIDE AVERAGE CLASS SIZE FOR IN–PERSON CLASSES.

(E) A VIRTUAL SCHOOL SHALL PROVIDE TO A TEACHER AND ANY OTHER EMPLOYEE EMPLOYED TO TEACH OR PROVIDE DIRECT INSTRUCTION IN A VIRTUAL SCHOOL:

(1) THE TECHNOLOGY AND EQUIPMENT REQUIRED TO PERFORM THE FUNCTIONS OF THE JOB; AND

(2) IF NECESSARY, A PHYSICAL SPACE TO CONDUCT TEACHING OR PROVIDE DIRECT INSTRUCTION IN THE VIRTUAL SCHOOL.

(F) A VIRTUAL SCHOOL SHALL HAVE A PLANNED STAFFING MODEL, INCLUDING PROVISIONS FOR STAFF RECRUITMENT, TRAINING, EVALUATION, AND PROFESSIONAL DEVELOPMENT.

[*7–1406.****] 7–1407.***

A virtual school shall maintain an administrative office in the State that shall be considered its principal place of business.

[*7–1407.****] 7–1408.***

A virtual school shall be evaluated each year by ***[****its sponsor****] THE COUNTY BOARD** based on the following criteria:*

(1) The extent to which the school demonstrates increases in student achievement according to county and State academic standards; and

(2) The accountability and viability of the virtual school, as demonstrated by its academic, fiscal, and operational performance.

[*7–1408.****] 7–1409.***

(A) (1) (I) THE STATE SUPERINTENDENT MAY ASSIGN THE DUTIES RELATED TO THE OVERSIGHT OF VIRTUAL SCHOOLS TO THE APPROPRIATE OFFICE OR DIVISION WITHIN THE DEPARTMENT.

(II) THESE DUTIES SHALL INCLUDE:

1. THE DEVELOPMENT, COMPILATION, AND UPDATING OF BEST PRACTICES FOR TEACHING AND LEARNING IN A VIRTUAL ENVIRONMENT, PROVISION OF SERVICES, AND THE OPERATION AND ADMINISTRATION OF A VIRTUAL SCHOOL; AND

2. LIAISING WITH COUNTY BOARDS THAT OPERATE VIRTUAL SCHOOLS OR OTHER STAKEHOLDERS.

(2) THE OFFICE OR DIVISION ASSIGNED THE DUTIES UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY CREATE AN ADVISORY COMMITTEE TO

PROVIDE ADVICE ON TOPICS REGARDING VIRTUAL SCHOOLS AND VIRTUAL LEARNING.

(B) *The State Board shall adopt regulations to carry out the provisions of this subtitle, including establishing minimum criteria for the establishment and approval of a virtual school.*

SUBTITLE 14A. OPERATION OF PUBLIC SCHOOLS DURING A PROLONGED STATE OF EMERGENCY – VIRTUAL EDUCATION PLANS.

7–14A–01.

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

(B) "LEARNING LOSS" MEANS A GENERAL OR SPECIFIC LOSS OF KNOWLEDGE OR SKILLS DUE TO AN EXTENDED GAP OR DISCONTINUITY IN A STUDENT'S REGULAR EDUCATION PROGRAM.

(C) "PROLONGED STATE OF EMERGENCY" MEANS A STATE OF EMERGENCY DECLARED BY THE GOVERNOR UNDER TITLE 14 OF THE PUBLIC SAFETY ARTICLE THAT PREVENTS REGULAR, IN–PERSON ATTENDANCE AT A PUBLIC SCHOOL FOR AT LEAST 14 SCHOOL DAYS.

(D) "STUDENT ELIGIBLE FOR AID" MEANS A CHILD WHO MEETS THE CERTIFICATION OF INCOME ELIGIBILITY UNDER ANY OF THE FOLLOWING:

(1) SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM;

(2) TEMPORARY ASSISTANCE FOR NEEDY FAMILIES;

(3) FOSTER CARE;

(4) HEAD START;

(5) EVEN START;

(6) MIGRANT STUDENTS;

(7) HOMELESS STUDENTS;

(8) MEDICAID AND THE MARYLAND CHILDREN'S HEALTH PROGRAM, UP TO 189% OF THE FEDERAL POVERTY LEVEL;

(9) FREE OR REDUCED PRICE MEALS FOR SCHOOLS NOT PARTICIPATING IN THE U.S. DEPARTMENT OF AGRICULTURE COMMUNITY ELIGIBILITY PROVISION; AND

(10) AN ALTERNATIVE FORM DEVELOPED BY THE DEPARTMENT FOR THE COMPENSATORY EDUCATION FORMULA UNDER § 5–222 OF THIS ARTICLE.

(E) "VIRTUAL EDUCATION" MEANS ACADEMIC INSTRUCTION:

(1) BY WHICH ONE OR MORE TECHNOLOGIES ARE USED TO DELIVER A SIGNIFICANT PORTION OF THE TEACHING TO STUDENTS ENTIRELY OR PRIMARILY ONLINE; AND

(2) IN WHICH STUDENTS AND INSTRUCTORS PARTICIPATE REMOTELY FROM SEPARATE LOCATIONS.

~~**7–1404.**~~ ***7–14A–02.***

(A) IF THERE IS A ~~SUSTAINED EMERGENCY, AS DECLARED BY THE GOVERNOR OR THE GOVERNING BODY OF A COUNTY, THAT PREVENTS REGULAR, IN–PERSON ATTENDANCE AT A PUBLIC SCHOOL OVER SEVERAL SCHOOL DAYS~~ *PROLONGED STATE OF EMERGENCY*, A COUNTY BOARD MAY ~~ELECT TO~~ TRANSITION THE ~~SCHOOL~~ *PUBLIC SCHOOLS IN THE COUNTY* TO VIRTUAL EDUCATION *UNDER AN APPROVED VIRTUAL EDUCATION PLAN*, SUBJECT TO THE LIMITATIONS OF THIS SECTION.

(B) (1) *(I)* ON OR BEFORE JUNE 1, 2023, A COUNTY BOARD SHALL, IN CONSULTATION WITH COUNTY ADMINISTRATORS AND SCHOOL STAFF, *ADOPT A VIRTUAL EDUCATION PLAN FOR USE DURING A PROLONGED STATE OF EMERGENCY.*

(II) A COUNTY BOARD SHALL ~~**UPDATE**~~ ***USE*** **THE COUNTY BOARD'S CONTINUITY OF LEARNING PLAN, IN EFFECT DURING THE ~~COVID–19 PANDEMIC~~ *2020–2021 SCHOOL YEAR*, TO FORM A ~~TEMPORARY~~ VIRTUAL EDUCATION PLAN. ~~THAT INCLUDES:~~**

(2) A VIRTUAL EDUCATION PLAN SHALL INCLUDE THE FOLLOWING COMPONENTS:

(I) A STAFFING AND PERSONNEL ASSIGNMENT PLAN;

(II) A STUDENT INSTRUCTION PLAN;

(III) A STUDENT ASSESSMENT AND LEARNING SUPPORT PLAN;

(IV) A SOCIAL AND EMOTIONAL LEARNING PLAN;

(V) A COMMUNITY COMMUNICATIONS PLAN;

(VI) A TECHNOLOGY PLAN;

(VII) A NUTRITIONAL AND HEALTH SERVICES PLAN; AND

(VIII) A PLAN FOR RETURN TO IN–PERSON INSTRUCTION.

~~(I) ATTENTION TO STUDENT EQUITY THROUGHOUT ALL ASPECTS OF THE PLAN IN ORDER TO ENSURE THAT ALL STUDENTS ENGAGED IN VIRTUAL EDUCATION CONTINUE TO RECEIVE A THOROUGH AND FREE EDUCATION;~~

~~(II) A METHOD TO ACCURATELY MEASURE ATTENDANCE;~~

~~(III) A PROCESS TO PROVIDE A FREE AND APPROPRIATE PUBLIC EDUCATION TO A STUDENT WITH A DISABILITY ENROLLED IN TEMPORARY VIRTUAL EDUCATION;~~

~~(IV) A METHOD TO MEASURE LEARNING LOSS DURING THE COURSE OF VIRTUAL EDUCATION THAT:~~

~~1. INCLUDES BENCHMARKS AT THE INITIATION AND COMPLETION OF VIRTUAL EDUCATION AND PERIODICALLY WHILE IT IS IN EFFECT; AND~~

~~2. DOES NOT SIGNIFICANTLY INTERRUPT INSTRUCTION;~~

~~(V) INSTRUCTIONAL PROCEDURES DESIGNED TO GUARANTEE STUDENT ENGAGEMENT DURING SYNCHRONOUS VIRTUAL EDUCATION, INCLUDING:~~

~~1. ACTIVE PARTICIPATION;~~

~~2. VERIFIED PRESENCE DURING THE ENTIRETY OF CLASS TIME; AND~~

~~3. WHEN APPROPRIATE, ACTIVATED STUDENT CAMERAS;~~

~~(VI) PROPER ASSIGNMENTS FOR ALL SCHOOL PERSONNEL THAT, TO THE EXTENT PRACTICABLE, REASONABLY BALANCE WORKLOADS;~~

~~(VII) A PLAN TO PROVIDE NECESSARY INSTRUCTIONAL MATERIAL TO STUDENTS IN ACCORDANCE WITH SUBSECTION (D) OF THIS SECTION;~~

~~(VIII) A PLAN FOR REGULAR STUDENT CHECK–INS IN ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION;~~

~~(IX) A BEHAVIORAL HEALTH PLAN IN ACCORDANCE WITH SUBSECTION (F) OF THIS SECTION;~~

~~(X) A PLAN FOR REGULAR COMMUNICATION WITH PARENTS IN ACCORDANCE WITH SUBSECTION (G) OF THIS SECTION; AND~~

~~(XI) A PROCESS TO TRANSITION FROM A TEMPORARY VIRTUAL SCHOOL BACK TO ORDINARY SCHOOL ATTENDANCE.~~

~~(2)~~ *(C)* **A COUNTY BOARD SHALL UPDATE THE ~~TEMPORARY~~ VIRTUAL EDUCATION PLAN ~~REQUIRED UNDER THIS SUBSECTION~~ EVERY 2 YEARS.**

~~(3)~~ *(D)* *(1)* **IF ~~AN~~ *A PROLONGED STATE OF* EMERGENCY REQUIRES THE CESSATION OF IN–SCHOOL ATTENDANCE AT A PUBLIC SCHOOL *AND THE COUNTY BOARD DETERMINES VIRTUAL EDUCATION IS REQUIRED*, A COUNTY BOARD IMMEDIATELY SHALL ~~PUT~~ *IMPLEMENT* THE ~~TEMPORARY~~ VIRTUAL EDUCATION PLAN ~~INTO PLACE~~ AND TRANSITION THE PUBLIC SCHOOL TO ~~A TEMPORARY VIRTUAL SCHOOL~~ *VIRTUAL EDUCATION*.**

~~(4)~~ *(2)* **(I) ~~AS SOON AS IS PRACTICABLE, THE~~ *A* COUNTY BOARD ~~SHALL:~~**

~~1.~~ **~~ADJUST~~ *MAY ADJUST* THE ~~TEMPORARY~~ VIRTUAL EDUCATION PLAN TO FIT THE SPECIFIC NEEDS OF THE SCHOOLS AFFECTED AND THE PARTICULARITIES OF THE EMERGENCY~~; AND~~**

~~2.~~ **~~SUBMIT THE~~.**

(II) ***A COUNTY BOARD SHALL SUBMIT AN* ADJUSTED PLAN TO THE STATE BOARD *AS SOON AS PRACTICABLE*.**

~~(II) IN ADJUSTING THE PLAN UNDER THIS PARAGRAPH, THE COUNTY BOARD SHALL DESIGNATE A LEAD VIRTUAL STAFF MEMBER WHO SHALL ASSIST STUDENTS AND STAFF WITH ENGAGEMENT IN VIRTUAL EDUCATION.~~

~~(5)~~ *(E)* *(1)* **WITHIN 10 CALENDAR DAYS OF RECEIPT OF A ~~TEMPORARY~~ VIRTUAL EDUCATION PLAN, THE STATE BOARD SHALL:**

(I) ACCEPT THE PLAN; OR

(II) RETURN THE PLAN TO THE COUNTY BOARD FOR SPECIFIC MODIFICATION.

~~(6)~~ *(2)* IF AN ADJUSTED ~~TEMPORARY~~ VIRTUAL EDUCATION PLAN IS RETURNED, THE COUNTY BOARD SHALL MODIFY AND RESUBMIT THE PLAN WITHIN 5 CALENDAR DAYS AFTER THE DATE THE PLAN IS RETURNED.

~~(7)~~ *(F)* THE COUNTY BOARD SHALL PUBLISH THE MOST RECENT ~~TEMPORARY~~ VIRTUAL EDUCATION PLAN AVAILABLE ON THE COUNTY BOARD'S WEBSITE.

7–14A–03.

(A) THE COMPONENTS OF A VIRTUAL EDUCATION PLAN ADOPTED UNDER § 7–14A–02 OF THIS SUBTITLE SHALL INCLUDE THE INFORMATION INDICATED IN THIS SECTION.

(B) THE STAFFING AND PERSONNEL ASSIGNMENT PLAN SHALL PROVIDE AN APPROPRIATE ASSIGNMENT FOR ALL SCHOOL PERSONNEL AND, TO THE EXTENT PRACTICABLE, REASONABLY BALANCED WORKLOADS.

(C) (1) THE STUDENT INSTRUCTION PLAN SHALL INCLUDE:

(I) PROVISION OF INSTRUCTION THROUGH THE APPROPRIATE BALANCE OF SYNCHRONOUS AND ASYNCHRONOUS LEARNING;

(II) ACCESS TO THE SAME CURRICULUM, SUBJECT TO THE EQUIVALENT STANDARDS, AS PROVIDED THROUGH IN–PERSON INSTRUCTION;

(III) STUDENT ENGAGEMENT PROCEDURES, INCLUDING METHODS TO ENCOURAGE ACTIVE PARTICIPATION, VERIFIED STUDENT PRESENCE DURING THE ENTIRE CLASS PERIOD, AND ACTIVATED CAMERAS, WHEN APPROPRIATE;

(IV) A METHOD FOR PROVIDING INSTRUCTIONAL MATERIALS TO STUDENTS; AND

(V) ATTENTION TO STUDENT EQUITY TO ENSURE ALL STUDENTS ARE RECEIVING A THOROUGH AND APPROPRIATE EDUCATION DURING THE PERIOD OF VIRTUAL EDUCATION.

(2) A COUNTY BOARD SHALL ENSURE THAT STUDENTS WITH A DISABILITY ARE RECEIVING THEIR REQUIRED SERVICES AND A FREE AND APPROPRIATE PUBLIC EDUCATION THROUGH VIRTUAL EDUCATION.

(D) THE STUDENT ASSESSMENT AND LEARNING SUPPORT PLAN SHALL INCLUDE:

(1) THE ADMINISTRATION OF REGULAR ASSESSMENTS, PROVIDED THAT THE ADMINISTRATION DOES NOT SIGNIFICANTLY DISRUPT REGULAR INSTRUCTION;

(2) A PROCESS FOR ESTABLISHING BENCHMARKS AT THE START AND END OF VIRTUAL EDUCATION, AND PERIODICALLY DURING THE COURSE OF VIRTUAL EDUCATION, IF REQUIRED; AND

(3) PROVISION OF ADDITIONAL LEARNING SUPPORTS FOR STUDENTS IDENTIFIED AS HAVING LEARNING LOSS.

(E) THE SOCIAL AND EMOTIONAL LEARNING PLAN SHALL INCLUDE:

(1) AN INTERACTIVE SOCIAL AND EMOTIONAL WELLNESS COMPONENT DESIGNED FOR THE VIRTUAL EDUCATION ENVIRONMENT;

(2) REGULAR STUDENT CHECK–INS IN ACCORDANCE WITH § 7–14A–04 OF THIS SUBTITLE; AND

(3) THE DEVELOPMENT OF A STUDENT BEHAVIORAL HEALTH PLAN IN ACCORDANCE WITH § 7–14A–04 OF THIS SUBTITLE.

(F) A COMMUNITY COMMUNICATIONS PLAN SHALL INCLUDE:

(1) A CULTURALLY APPROPRIATE FAMILY ENGAGEMENT PLAN THAT HAS METHODS OF ENGAGING WITH:

(I) PARENTS AND GUARDIANS AND STUDENTS FROM VARIOUS ETHNIC AND RACIAL BACKGROUNDS;

(II) STUDENTS ELIGIBLE FOR AID; AND

(III) PARENTS AND STUDENTS WHOSE PRIMARY LANGUAGE IS NOT ENGLISH;

(2) MULTIPLE METHODS FOR COMMUNICATING WITH STUDENTS, PARENTS AND GUARDIANS, AND OTHER COMMUNITY STAKEHOLDERS DURING THE PERIOD OF VIRTUAL EDUCATION; AND

(3) IMPORTANT INFORMATION THAT MUST BE PROVIDED.

(G) THE TECHNOLOGY PLAN SHALL INCLUDE:

(1) THE PROVISION OF TECHNOLOGY, INCLUDING HARDWARE AND SOFTWARE, TO STUDENTS AND SCHOOL PERSONNEL TO RECEIVE AND PROVIDE INSTRUCTION AND SUPPORT SERVICES; AND

(2) ACCESS TO BROADBAND AND INTERNET SERVICES TO ALL STUDENTS AND SCHOOL PERSONNEL.

(H) THE NUTRITIONAL AND HEALTH SERVICES PLAN SHALL INCLUDE:

(1) THE PLACES AND TIMES THAT STUDENTS AND OTHER ELIGIBLE INDIVIDUALS MAY RECEIVE FREE MEALS; AND

(2) THE AVAILABILITY OF HEALTH SERVICES TO ELIGIBLE INDIVIDUALS.

(I) THE PLAN FOR RETURN TO IN–PERSON INSTRUCTION SHALL INCLUDE:

(1) PLANS FOR THE RAPID RETURN TO IN–PERSON LEARNING AS SOON AS IT IS SAFE TO DO SO;

(2) A CLEAR PROCESS FOR STUDENT ENGAGEMENT ON RETURN TO IN–PERSON LEARNING; AND

(3) IDENTIFIED STRATEGIES FOR A RETURN TO IN–PERSON LEARNING FOLLOWING A PROLONGED STATE OF EMERGENCY.

7–14A–04.

~~(C) A TEMPORARY VIRTUAL SCHOOL SHALL:~~

~~(1) TO THE EXTENT PRACTICABLE, PROVIDE EACH STUDENT WITH ACCESS TO THE SAME CURRICULUM, SUBJECT TO THE SAME STANDARDS, THAT THE STUDENT WOULD HAVE HAD ACCESS TO IF THE SCHOOL HAD NOT TRANSITIONED TO VIRTUAL EDUCATION;~~

~~(2) WHENEVER PRACTICABLE, PROVIDE INSTRUCTION THROUGH SYNCHRONOUS VIRTUAL EDUCATION; AND~~

~~(3) PROVIDE REGULAR ASSESSMENTS TO MEASURE LEARNING LOSS IN CORE AREAS OF INSTRUCTION.~~

~~(D) THE ADMINISTRATOR OF A TEMPORARY VIRTUAL SCHOOL SHALL PROVIDE APPROPRIATE INSTRUCTIONAL MATERIALS, INCLUDING ANY NECESSARY HARDWARE OR SOFTWARE, TO THE PARENT OR GUARDIAN OF EACH ENROLLED STUDENT.~~

~~(E)~~ *(A)* **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, ~~AN ADMINISTRATOR OF A TEMPORARY VIRTUAL SCHOOL~~ *THE PRINCIPAL* SHALL REQUIRE A STAFF MEMBER TO CONDUCT REGULAR CHECK–INS WITH STUDENTS AT LEAST ONCE PER WEEK.**

(2) IF A REGULAR CHECK–IN REVEALS THAT A STUDENT IS STRUGGLING WITH THE EDUCATIONAL, EMOTIONAL, BEHAVIORAL, OR PSYCHOLOGICAL STRESSORS OF VIRTUAL EDUCATION, ~~AN ADMINISTRATOR~~ *THE PRINCIPAL* SHALL REQUIRE A STAFF MEMBER TO CHECK IN WITH STRUGGLING STUDENTS MULTIPLE TIMES PER WEEK.

(3) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, AND IN ACCORDANCE WITH THE BEHAVIORAL HEALTH PLAN ESTABLISHED UNDER SUBSECTION ~~(F)~~ *(B)* OF THIS SECTION, ~~AN ADMINISTRATOR~~ *THE PRINCIPAL* MAY ASSIGN A COMMUNITY SCHOOL COORDINATOR, STAFF MEMBER, OR TEAM OF STAFF TO CONDUCT THE CHECK–INS REQUIRED UNDER THIS SUBSECTION.

(II) IF A STUDENT IS IDENTIFIED AS STRUGGLING WITH EMOTIONAL, BEHAVIORAL, OR PSYCHOLOGICAL STRESSORS IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, ~~AN ADMINISTRATOR~~ *THE PRINCIPAL* SHALL ARRANGE FOR A SCHOOL PSYCHOLOGIST, A PUPIL PERSONNEL WORKER, A SCHOOL SOCIAL WORKER, A SCHOOL COUNSELOR, OR A BEHAVIORAL HEALTH SPECIALIST TO PERFORM ADDITIONAL CHECK–INS WITH THE STUDENT.

~~(F)~~ *(B)* **(1) THE ~~ADMINISTRATOR OF A TEMPORARY VIRTUAL SCHOOL~~ *SCHOOL PERSONNEL ASSIGNED UNDER SUBSECTION (A)(3)(II) OF THIS SECTION* SHALL DEVELOP A BEHAVIORAL HEALTH PLAN *FOR A STRUGGLING STUDENT UNDER SUBSECTION (A) OF THIS SECTION* THAT INCLUDES:**

(I) PROPER ASSIGNMENTS FOR ALL BEHAVIORAL AND MENTAL HEALTH STAFF;

(II) METHODS FOR ALL STUDENTS TO ACCESS BEHAVIORAL AND MENTAL HEALTH SUPPORTS, INCLUDING THROUGH TELEHEALTH IF NECESSARY;

(III) PROCEDURES FOR REFERRAL TO PROPER BEHAVIORAL AND MENTAL HEALTH SUPPORTS FOR STUDENTS WHO ARE STRUGGLING; AND

(IV) INCREASED ATTENTION AND CARE FOR STUDENTS STRUGGLING WITH THE EMOTIONAL, BEHAVIORAL, OR PSYCHOLOGICAL STRESSORS OF VIRTUAL EDUCATION.

(2) IN ESTABLISHING A BEHAVIORAL HEALTH PLAN UNDER THIS SUBSECTION, A ~~TEMPORARY VIRTUAL SCHOOL ADMINISTRATOR~~ *PRINCIPAL* MAY USE A MULTITIER SYSTEM OF SUPPORTS MODEL.

~~(G) (1) THE ADMINISTRATOR OF A TEMPORARY VIRTUAL SCHOOL SHALL DEVELOP A CULTURALLY APPROPRIATE PARENT AND FAMILY ENGAGEMENT PLAN, INCLUDING A SPECIFIC STRATEGY TO ENGAGE WITH:~~

~~(I) PARENTS AND FAMILIES OF STUDENTS FROM DIFFERENT ETHNIC AND RACIAL BACKGROUNDS;~~

~~(II) STUDENTS ELIGIBLE FOR AID; AND~~

~~(III) FAMILIES WHO PRIMARILY SPEAK A LANGUAGE OTHER THAN ENGLISH.~~

~~(2) AN ADMINISTRATOR OF A TEMPORARY VIRTUAL SCHOOL SHALL USE MULTIPLE METHODS OF COMMUNICATION DURING VIRTUAL EDUCATION TO ENSURE THAT STUDENTS AND PARENTS RECEIVE THE FOLLOWING INFORMATION:~~

~~(I) A DAILY SCHEDULE OF ACTIVITIES AND INSTRUCTION, INCLUDING THE ANTICIPATED SCHEDULE FOR UPCOMING SCHOOL DAYS;~~

~~(II) AN OVERVIEW OF SCHOOL PRIORITIES AND ACTIVITIES FOR THE NEXT 4 WEEKS; AND~~

~~(III) 1. A LIST OF THE SERVICES THAT ARE AVAILABLE, INCLUDING NUTRITIONAL OR TRANSPORTATION SERVICES AND LEARNING CENTERS ESTABLISHED IN ACCORDANCE WITH SUBSECTION (I) OF THIS SECTION; AND~~

~~2. INSTRUCTIONS ON HOW TO ACCESS THE SERVICES, INCLUDING THE LOCATIONS AND TIMES THE SERVICES WILL BE AVAILABLE.~~

~~(3) IF POSSIBLE, AN ADMINISTRATOR SHALL PROVIDE THE INFORMATION REQUIRED UNDER PARAGRAPH (2) OF THIS SUBSECTION IN THE NATIVE SPOKEN LANGUAGE OF THE PARENTS OF EACH STUDENT.~~

7–14A–05.

~~(II)~~ *(A)* (1) A ~~TEMPORARY VIRTUAL~~ *PUBLIC* SCHOOL SHALL ~~STRIVE TO PREVENT LEARNING LOSS~~ *ESTABLISH A SYSTEM OF LEARNING SUPPORTS DURING A PERIOD OF VIRTUAL EDUCATION* BY:

(I) 1. ESTABLISHING A VIRTUAL TUTORING SYSTEM; OR

2. PROVIDING INSTRUCTIONAL TIME FOR VIRTUAL LEARNING THAT IS IN ADDITION TO THE DAILY AND HOURLY ATTENDANCE REQUIREMENTS UNDER § 7–103 OF THIS TITLE; AND

(II) DEVELOPING A PLAN TO FOCUS ON STUDENTS WITH THE GREATEST NEED AND THE MOST LEARNING LOSS, INCLUDING:

1. STUDENTS WITH DISABILITIES; AND

2. STUDENTS IN HISTORICALLY UNDERSERVED GROUPS, INCLUDING:

A. ENGLISH LANGUAGE LEARNERS; AND

B. STUDENTS ELIGIBLE FOR AID.

(2) IN ~~COMPLETING~~ *SATISFYING* ITS DUTIES UNDER THIS SUBSECTION, A ~~TEMPORARY VIRTUAL~~ *PUBLIC* SCHOOL MAY NOT REQUIRE STAFF MEMBERS WHOSE TERMS OF EMPLOYMENT ARE SUBJECT TO A COLLECTIVE BARGAINING AGREEMENT TO WORK IN EXCESS OF NEGOTIATED TERMS ON WORK HOURS.

~~(I)~~ *(B)* *(1)* ~~IF IT IS IN ACCORDANCE~~ *IN COMPLIANCE* WITH PUBLIC HEALTH GUIDANCE, A COUNTY BOARD THAT HAS ~~TRANSITIONED A~~ PUBLIC ~~SCHOOL~~ *SCHOOLS* ~~TO A TEMPORARY VIRTUAL SCHOOL SHALL:~~

~~(1) WHERE APPROPRIATE AND PRACTICABLE,~~ *OPERATING UNDER A VIRTUAL EDUCATION PLAN SHALL* ESTABLISH LEARNING CENTERS ~~FOR USE DURING AN EXTENDED SCHOOL CLOSURE~~ IN SUITABLE UNOCCUPIED BUILDINGS, INCLUDING STATE BUILDINGS THAT ARE NOT IN USE~~; AND~~.

(2) IF FUNDING IS AVAILABLE DURING THE ~~EXTENDED~~ *PROLONGED* SCHOOL CLOSURE, *A COUNTY BOARD SHALL* ESTABLISH ADDITIONAL LEARNING CENTERS PRIORITIZING:

(I) COMMUNITY SCHOOLS ELIGIBLE FOR CONCENTRATION OF POVERTY GRANTS UNDER § 5–223 OF THIS ARTICLE; AND

(II) 1. AREAS WITH HIGH LEVELS OF ABSENTEEISM DURING THE EXTENDED SCHOOL CLOSURE; OR

2. IF THE DATA UNDER ITEM 1 OF THIS ITEM IS UNAVAILABLE, AREAS WITH HIGH LEVELS OF ABSENTEEISM DURING THE PREVIOUS SCHOOL YEAR.

7–14A–06.

~~(J)~~ ~~(1)~~ *(A)* ON OR BEFORE AUGUST 15, 2022, AND EACH AUGUST 15 THEREAFTER, *ONLY* WHEN APPLICABLE, EACH COUNTY BOARD SHALL COLLECT THE FOLLOWING DATA FROM EACH SCHOOL THAT ENGAGED IN VIRTUAL EDUCATION ~~THROUGH A TEMPORARY VIRTUAL SCHOOL~~ *IN ACCORDANCE WITH THE COUNTY BOARD'S VIRTUAL EDUCATION PLAN* DURING THE PREVIOUS SCHOOL YEAR:

~~(I)~~ *(1)* THE LEARNING MODELS EMPLOYED, INCLUDING:

~~1.~~ *(I)* VIRTUAL EDUCATION;

~~2.~~ *(II)* IN–PERSON INSTRUCTION; AND

~~3.~~ *(III)* HYBRID INSTRUCTION;

~~(II)~~ *(2)* THE PROPORTION OF SCHOOL HOURS SPENT IN EACH LEARNING MODEL;

~~(III)~~ *(3)* STUDENT ATTENDANCE;

~~(IV)~~ *(4)* STUDENT ENGAGEMENT; AND

~~(V)~~ *(5)* TEACHER ATTENDANCE.

~~(2)~~ *(B)* EACH APPLICABLE YEAR, EACH COUNTY BOARD SHALL PUBLISH ON ITS WEBSITE THE DATA REQUIRED UNDER ~~PARAGRAPH (1) OF THIS SUBSECTION~~ *SUBSECTION (A) OF THIS SECTION* DISAGGREGATED BY RACE, ETHNICITY, GENDER, DISABILITY STATUS, ENGLISH PROFICIENCY STATUS, AND INCOME.

~~**7–1405.**~~

~~**(A) IN EACH OF FISCAL YEARS 2024 THROUGH 2026, THE DEPARTMENT SHALL ADMINISTER GRANTS IN ACCORDANCE WITH THIS SECTION TO A COUNTY BOARD TO PROVIDE VIRTUAL EDUCATION COURSES IN A PUBLIC HIGH SCHOOL IN THE COUNTY.**~~

~~**(B) (1) A VIRTUAL EDUCATION COURSE OFFERED UNDER THIS SECTION SHALL BE A COURSE FOR WHICH:**~~

~~**(I) THERE IS INSUFFICIENT STUDENT DEMAND TO OFFER THE COURSE IN EVERY HIGH SCHOOL IN A COUNTY; AND**~~

~~**(II) THERE IS SUFFICIENT STUDENT DEMAND THROUGHOUT THE COUNTY TO ENSURE FULL COURSE ENROLLMENT.**~~

~~**(2) A VIRTUAL EDUCATION COURSE OFFERED UNDER THIS SECTION SHALL BE:**~~

~~**(I) BASED ON COUNTY CURRICULA; OR**~~

~~**(II) IF THE COURSE IS NEWLY ESTABLISHED, DEVELOPED BY THE COUNTY BOARD IN CONSULTATION WITH SUBJECT MATTER EXPERTS AND REPRESENTATIVES FROM THE COLLECTIVE BARGAINING UNIT.**~~

~~**(3) (I) ENROLLMENT FOR A VIRTUAL EDUCATION COURSE OFFERED UNDER THIS SECTION SHALL BE ENTIRELY VOLUNTARY.**~~

~~**(II) PREFERENCE FOR ENROLLMENT IN A VIRTUAL EDUCATION COURSE OFFERED UNDER THIS SECTION SHALL BE GIVEN TO A STUDENT ELIGIBLE FOR AID.**~~

~~**(4) A TEACHER WHO TEACHES A VIRTUAL EDUCATION COURSE OFFERED UNDER THIS SECTION SHALL:**~~

~~**(I) BE AN EMPLOYEE OF THE COUNTY BOARD WITH A CERTIFICATE ISSUED BY THE STATE SUPERINTENDENT UNDER TITLE 6 OF THIS ARTICLE;**~~

~~**(II) BE PROPERLY CREDENTIALED AND PROFESSIONALLY QUALIFIED TO TEACH THE COURSE;**~~

~~(III) TEACH THE COURSE THROUGH SYNCHRONOUS VIRTUAL EDUCATION SOLELY TO STUDENTS ENGAGED IN VIRTUAL EDUCATION AND NOT SIMULTANEOUSLY TO STUDENTS ATTENDING IN PERSON AND TO STUDENTS ENGAGED IN VIRTUAL EDUCATION;~~

~~(IV) HAVE OTHER DUTIES, INCLUDING TEACHING, MENTORING, AND LEADING DUTIES REQUIRED UNDER TITLE 6, SUBTITLE 10 OF THIS ARTICLE, REDUCED BY A REASONABLE AMOUNT TO COMPENSATE FOR THE TIME SPENT TEACHING A VIRTUAL EDUCATION COURSE; AND~~

~~(V) RECEIVE PROFESSIONAL DEVELOPMENT IN VIRTUAL EDUCATION IN ACCORDANCE WITH § 7–1406 OF THIS SUBTITLE.~~

~~(C) TO BE ELIGIBLE TO APPLY FOR A GRANT UNDER THIS SECTION, A COUNTY BOARD THAT OFFERS VIRTUAL EDUCATION COURSES SHALL, IN CONSULTATION WITH SCHOOL ADMINISTRATORS AND STAFF, ESTABLISH AN EQUITY PLAN THAT:~~

~~(1) GUARANTEES THAT ALL STUDENTS ENGAGED IN VIRTUAL LEARNING RECEIVE A THOROUGH AND FREE EDUCATION, REGARDLESS OF THEIR BACKGROUNDS;~~

~~(2) INCLUDES INSTRUCTIONAL PROCEDURES DESIGNED TO GUARANTEE STUDENT ENGAGEMENT DURING SYNCHRONOUS VIRTUAL EDUCATION, INCLUDING:~~

~~(I) ACTIVE PARTICIPATION;~~

~~(II) VERIFIED PRESENCE DURING THE ENTIRETY OF CLASS TIME; AND~~

~~(III) WHEN APPROPRIATE, ACTIVATED STUDENT CAMERAS; AND~~

~~(3) ASSESSES STUDENT COURSE PERFORMANCE WITHOUT SIGNIFICANT INTERRUPTION TO INSTRUCTION.~~

~~(D) THE DEPARTMENT SHALL ADOPT REGULATIONS TO ESTABLISH CRITERIA FOR THE AWARD AND ADMINISTRATION OF GRANTS UNDER THIS SECTION.~~

~~(E) IN EACH OF FISCAL YEARS 2024 THROUGH 2026, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF $500,000 TO THE DEPARTMENT FOR GRANTS TO ESTABLISH VIRTUAL EDUCATION COURSES IN ACCORDANCE WITH THIS SECTION.~~

~~(F) ON OR BEFORE DECEMBER 1, 2025, A COUNTY BOARD THAT OFFERED VIRTUAL EDUCATION COURSES UNDER THIS SECTION SHALL REPORT TO THE GOVERNOR AND THE STATE BOARD, FOR EACH YEAR A VIRTUAL EDUCATION COURSE WAS PROVIDED:~~

~~(1) THE NUMBER OF VIRTUAL EDUCATION COURSES PROVIDED IN ACCORDANCE WITH THIS SECTION;~~

~~(2) THE TYPES OF COURSES OFFERED;~~

~~(3) THE NUMBER OF STUDENTS WHO ENROLLED IN THE VIRTUAL EDUCATION COURSES AND WHICH HIGH SCHOOLS THEY WERE ENROLLED IN; AND~~

~~(4) DATA ON STUDENT OUTCOMES, INCLUDING COURSE PERFORMANCE, DISAGGREGATED BY RACE, ETHNICITY, GENDER, INCOME, ENGLISH LEARNER STATUS, AND DISABILITY STATUS.~~

~~7–1406.~~ *7–14A–07.*

(A) THE DEPARTMENT SHALL ESTABLISH STANDARDS FOR TRAINING TEACHERS ON THE PREPARATION OF ~~VIRTUAL EDUCATION~~ PLANS *FOR THE PROVISION OF VIRTUAL EDUCATION WHEN A PUBLIC SCHOOL IS OPERATING UNDER A VIRTUAL EDUCATION PLAN*.

(B) A COUNTY BOARD SHALL PROVIDE PERIODIC PROFESSIONAL DEVELOPMENT AND SUPPORTS FOR TEACHERS ~~FOLLOWING THE DEPARTMENT'S GUIDANCE REQUIRED UNDER § 6–127 OF THIS ARTICLE~~.

(C) THE DEPARTMENT SHALL PROVIDE FUNDING FOR THE PROFESSIONAL DEVELOPMENT AND SUPPORTS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.

(D) DURING PROLONGED PERIODS OF SCHOOL CLOSURE DURING WHICH A SCHOOL HAS ELECTED TO TRANSITION TO VIRTUAL EDUCATION, THE DEPARTMENT SHALL PROVIDE MENTAL HEALTH SUPPORTS FOR SCHOOL PERSONNEL.

~~7–1407.~~ *7–14A–08.*

(A) THE DEPARTMENT SHALL EXPAND COMPUTER AND INTERNET SECURITY INFRASTRUCTURE FOR VIRTUAL EDUCATION, INCLUDING STAFF TO MAINTAIN SECURITY.

(B) EACH LOCAL SCHOOL SYSTEM SHALL DEDICATE AT LEAST ONE STAFF MEMBER TO OVERSEE COMPUTER AND INTERNET SECURITY INFRASTRUCTURE FOR VIRTUAL EDUCATION.

~~7–1408.~~

~~(A) NOTHING IN THIS SUBTITLE MAY BE CONSTRUED TO PROHIBIT THE PROVISION OF VIRTUAL INSTRUCTION THROUGH A SCHOOL THAT IS NEITHER A VIRTUAL SCHOOL NOR A TEMPORARY VIRTUAL SCHOOL.~~

~~(B) A COUNTY BOARD OR PUBLIC SCHOOL MAY PROVIDE VIRTUAL EDUCATION COURSES TO STUDENTS ENROLLED IN PUBLIC SCHOOLS THAT ARE NEITHER VIRTUAL SCHOOLS NOR TEMPORARY VIRTUAL SCHOOLS IF THE VIRTUAL EDUCATION COURSE:~~

~~(1) IS DEVELOPED IN ACCORDANCE WITH § 7–1002 OF THIS TITLE; OR~~

~~(2) (I) IS IN EXISTENCE ON JUNE 1, 2022;~~

~~(II) IS APPROVED BY THE COUNTY BOARD;~~

~~(III) ADHERES TO STATE–APPROVED STANDARDS;~~

~~(IV) IS PROVIDED THROUGH EXCLUSIVELY SYNCHRONOUS VIRTUAL EDUCATION; AND~~

~~(V) IS TAUGHT BY A TEACHER WHO:~~

~~1. IS NOT SIMULTANEOUSLY REQUIRED TO INSTRUCT STUDENTS ATTENDING THE TEACHER'S CLASSROOM IN PERSON AND THROUGH VIRTUAL EDUCATION; AND~~

~~2. HAS OTHER DUTIES, INCLUDING TEACHING, MENTORING, AND LEADING DUTIES REQUIRED UNDER TITLE 6, SUBTITLE 10 OF THIS ARTICLE, REDUCED BY A REASONABLE AMOUNT TO COMPENSATE FOR THE TIME SPENT TEACHING THE VIRTUAL EDUCATION COURSE.~~

~~(C) A STUDENT IN A PUBLIC SCHOOL MAY BE ENROLLED IN:~~

~~(1) EXCLUSIVELY VIRTUAL EDUCATION COURSES IF:~~

~~(I) THE COURSES MEET THE REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION; AND~~

~~(II) THE STUDENT AND THE STUDENT'S FAMILY RECEIVE SUPPORTS IN THE MANNER PRESCRIBED UNDER § 7–1404(C) THROUGH (G) OF THIS SUBTITLE; OR~~

~~(2) A COURSE OF VIRTUAL EDUCATION INSTRUCTION IN A PUBLIC ELEMENTARY SCHOOL, IF:~~

~~(I) THE STUDENT AND THE STUDENT'S FAMILY RECEIVE SUPPORTS IN THE MANNER PRESCRIBED UNDER § 7–1404(C) THROUGH (G) OF THIS SUBTITLE; AND~~

~~(II) THE COURSE OF INSTRUCTION:~~

~~1. IS APPROVED BY THE COUNTY BOARD;~~

~~2. ADHERES TO STATE–APPROVED STANDARDS;~~

~~3. IS PROVIDED THROUGH EXCLUSIVELY SYNCHRONOUS VIRTUAL EDUCATION; AND~~

~~4. IS TAUGHT BY A TEACHER WHO:~~

~~A. IS NOT SIMULTANEOUSLY REQUIRED TO INSTRUCT STUDENTS ATTENDING THE TEACHER'S CLASSROOM IN PERSON AND THROUGH VIRTUAL EDUCATION; AND~~

~~B. HAS OTHER DUTIES, INCLUDING TEACHING, MENTORING, AND LEADING DUTIES REQUIRED UNDER TITLE 6, SUBTITLE 10 OF THIS ARTICLE, REDUCED BY A REASONABLE AMOUNT TO COMPENSATE FOR THE TIME SPENT TEACHING THE VIRTUAL EDUCATION COURSE.~~

~~[~~7–1408.~~] 7–1409.~~

~~The State Board shall adopt regulations to carry out the provisions of this subtitle, including establishing minimum criteria for the establishment [and approval] of a virtual school OR THE TRANSITION TO A TEMPORARY VIRTUAL SCHOOL.~~

7–14A–09.

THE STATE BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS SUBTITLE, INCLUDING ESTABLISHING MINIMUM CRITERIA FOR THE ADOPTION AND IMPLEMENTATION OF VIRTUAL EDUCATION PLANS BY A COUNTY BOARD DURING A PROLONGED STATE OF EMERGENCY.

9.9–103.

(a) There are community schools in the State.

(b) A community school shall:

(1) Promote active family and community engagement, including educational opportunities for adults and family members of students at the school who live in the neighborhood of the school;

(2) Have a community school coordinator, as described under § 9.9–104 of this title;

(3) Promote expanded and enriched learning time and opportunities provided after school, during weekends, and in the summer that emphasize mastering 21st–century skills through practical learning opportunities and community problem–solving;

(4) Promote collaborative leadership and practices that empower parents, students, teachers, principals, and community partners to build a culture of professional learning, collective trust, and shared responsibility using strategies such as site–based leadership teams and teacher learning communities;

(5) Have a parent teacher organization or a school family council; **[**and**]**

(6) **ADDRESS AND MITIGATE THE EFFECTS OF LEARNING LOSS CAUSED BY THE EFFECTS OF THE COVID–19 PANDEMIC AND CHRONIC ABSENTEEISM CAUSED BY SCHOOL CLOSURE AND A LACK OF IN–PERSON INSTRUCTION; AND**

(7) Have a community school leadership team.

(c) (1) There shall be a Director of Community Schools in the Department.

(2) The Director of Community Schools in the Department shall coordinate professional development for community school coordinators at each community school.

(3) In addition to the funding provided for the Director of Community Schools position in the Department, the Governor may include in the annual budget bill an appropriation of at least $100,000 to the Department for the Director of Community Schools to provide training and technical assistance to community schools and for additional staff.

~~SECTION 3. AND BE IT FURTHER ENACTED, That, on or before June 30, 2023, the State Department of Education shall use any funds held under the Maryland Virtual Learning Opportunities Fund on May 31, 2022, to provide grants under §§ 7–129 and 7–1405 of the Education Article, as established by Section 2 of this Act.~~

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2022, the State Superintendent of Schools shall submit a report to the State Board of Education and, in accordance with § 2–1257 of the State Government Article, the General Assembly on findings and recommendations regarding the appropriate balance of the number of hours of synchronous learning and asynchronous learning for instructional effectiveness of students in virtual schools based on research that has systematically examined this issue and collaboration with local school systems.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) (1) Subject to paragraph (2) of this subsection, a virtual school established and operated by a county board of education under § 4–109 of the Education Article and approved by the State Department of Education under § 7–1402 of the Education Article before the effective date of this Act, including a virtual education program established through the Eastern Shore of Maryland Educational Consortium for students enrolled in public schools in counties that are members of the Consortium, may continue to operate as a virtual school through the 2023–2024 school year.

(2) The State Department of Education may revoke approval of a virtual school authorized to continue operations under paragraph (1) of this subsection if during the previous school year the virtual school performs in the bottom 10% of schools as determined by metrics of the State accountability system.

(b) A virtual school that is authorized to continue operations under subsection (a) of this section is encouraged to seek all available opportunities to bring the virtual school into compliance with the requirements for virtual schools under Title 7, Subtitle 14 of the Education Article as enacted under Section 1 of this Act as soon as practicable if not otherwise inconsistent with the law.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) On or before July 1, 2024, the State Department of Education, in consultation with current public school teachers, current public school administrators, academic experts, and state and national experts in online education, shall:

(1) study best practices for the provision of virtual education, including:

(i) the successes and failures of virtual education during the COVID–19 pandemic and how lessons learned can be incorporated into virtual education going forward;

(ii) how to ensure equitable education to all students in a virtual education setting;

(iii) whether particular students excel or are harmed under virtual education, the causes of those outcomes, and whether student enrollment in a virtual school should be limited or expanded based on those outcomes;

(iv) accommodations that may need to be made in order to provide some students with a fair and appropriate public education;

(v) the best methods to select students for enrollment in a virtual school;

(vi) criteria for selecting staff to work in and administrators to lead virtual schools;

(vii) methods to accurately assess student progress during virtual education;

(viii) the types of tools and resources that are necessary for a student to fully learn when engaged in virtual education and how a county board can provide the tools and resources;

(ix) the behavioral health costs to virtual education and how those costs might be mitigated;

(x) how best to actively involve parents and families in the virtual education process; and

(xi) how needed services, including nutritional services, may be best provided to a student enrolled in a virtual school; and

(2) develop criteria for the establishment of virtual schools that:

(i) incorporate the data gathered under item (1) of this subsection; and

(ii) are at least as rigorous as the criteria listed under Title 7, Subtitle 14 of the Education Article as enacted by Section 1 of this Act.

(b) On or before September 1, 2024, the Department shall report to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly on the results of the study and the criteria developed under subsection (a) of this section.

(c) Notwithstanding any other provision of law, a county board of education may not establish and the State Department of Education and the State Board of Education may not approve a new elementary grade band virtual school on or before December 1, 2024.

SECTION ~~4.~~ *5.* AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2022.

May 27, 2022

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 1202 – *Local Government Cybersecurity – Coordination and Operations (Local Cybersecurity Support Act of 2022).*

This bill makes several changes to the State's cybersecurity infrastructure, practices, and procedures, by codifying, in part, and expanding the executive order that established the Maryland Cyber Defense Initiative; establishing the Cybersecurity Preparedness Unit in the Maryland Department of Emergency Management and the Information Sharing and Analysis Center within the Department of Information Technology; requiring specified local government entities to create or update cybersecurity preparedness and response plans and complete cybersecurity preparedness assessments, as specified; and requiring the Department of Information Technology to provide guidance to local governments to bring their cybersecurity practices into compliance with cybersecurity standards.

Senate Bill 754, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1202.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 1202

AN ACT concerning

Local Government Cybersecurity – Coordination and Operations (Local Cybersecurity Support Act of 2022)

FOR the purpose of establishing the Cyber Preparedness Unit in the Maryland Department of Emergency Management; establishing certain responsibilities of the Unit; requiring ~~certain local entities~~ local governments to report certain cybersecurity incidents in a certain manner and under certain circumstances; requiring the ~~Maryland Joint~~ *State Security* Operations Center to notify appropriate agencies of a

cybersecurity incident in a certain manner; ~~establishing the Cybersecurity Fusion Center in the Maryland Department of Emergency Management; establishing certain responsibilities of the Fusion Center; establishing the Local Cybersecurity Support Fund, the purposes of the Fund, and certain eligibility requirements to receive assistance from the Fund;~~ establishing the Office of Security Management within the Department of Information Technology and certain Office positions; establishing certain responsibilities and authority of the Office; requiring ~~each unit of the Legislative or Judicial Branch of State government,~~ each unit of local government, and any local agencies that use a certain network to certify certain compliance to the Department of Information Technology ~~on or before a certain date each year~~ *in a certain manner*; ~~requiring certain local entities to submit a certain report to the Office on or before a certain date each year;~~ requiring the Office to submit a certain report to the Governor and certain committees of the General Assembly on or before a certain date each year; *establishing the Information Sharing and Analysis Center in the Department of Information Technology; establishing certain responsibilities for the Center;* requiring the State Chief Information Security Officer and the Secretary of Emergency Management to conduct a certain review, make recommendations, establish certain guidance, and submit a certain report on or before a certain date; requiring the State Chief Information Security Officer to commission a certain feasibility study and report recommendations on or before a certain date; requiring the Governor to include an appropriation in a certain annual budget to cover the cost of the feasibility study; *authorizing funds to be transferred by budget amendment from the Dedicated Purpose Account in a certain fiscal year to implement the Act;* and generally relating to local government cybersecurity coordination and operations.

BY renumbering
Article – State Finance and Procurement
Section 3A–101 through 3A–702, respectively, and the title "Title 3A. Department of Information Technology"
to be Section 3.5–101 through 3.5–702, respectively, and the title "Title 3.5. Department of Information Technology"
Annotated Code of Maryland
(2021 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 10–221(b)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 21–2C–03(h)(2)(i)
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Human Services
Section 7–806(a), (b)(1), (c)(1), (d)(1) and (2)(i), and (g)(1)
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 31–103(a)(2)(i) and (b)(2)
Annotated Code of Maryland
(2017 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 1–403(c)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 14–103
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY adding to
Article – Public Safety
Section 14–104.1
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 3.5–101(a) and (e) and 3.5–301(a)
Annotated Code of Maryland
(2021 Replacement Volume)
(As enacted by Section 1 of this Act)

BY adding to
Article – State Finance and Procurement
Section 3.5–2A–01 through 3.5–2A–04 to be under the new subtitle "Subtitle 2A. Office of Security Management"; and *3.5–315,* 3.5–405*, and 4–308* ~~and 6–226(a)(2)(ii)146.~~
Annotated Code of Maryland
(2021 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement

Section 3.5–301(j), 3.5–302(c), 3.5–303(c)(2)(ii)2., 3.5–307(a)(2), 3.5–309(c)(2), (i)(3), and (l)(1)(i), 3.5–311(a)(2)(i), and 3.5–404
Annotated Code of Maryland
(2021 Replacement Volume)
(As enacted by Section 1 of this Act)

~~BY repealing and reenacting, without amendments,~~
~~Article – State Finance and Procurement~~
~~Section 6–226(a)(2)(i)~~
~~Annotated Code of Maryland~~
~~(2021 Replacement Volume)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – State Finance and Procurement~~
~~Section 6–226(a)(2)(ii)144. and 145. and 12–107(b)(2)(i)10. and 11.~~
~~Annotated Code of Maryland~~
~~(2021 Replacement Volume)~~

BY repealing and reenacting, with amendments,
Article – State Government
Section 2–1224(f)
Annotated Code of Maryland
(2021 Replacement Volume)

BY adding to
Article – State Government
Section 2–1224(i)
Annotated Code of Maryland
(2021 Replacement Volume)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 3A–101 through 3A–702, respectively, and the title "Title 3A. Department of Information Technology" of Article – State Finance and Procurement of the Annotated Code of Maryland be renumbered to be Section(s) 3.5–101 through 3.5–702, respectively, and the title "Title 3.5. Department of Information Technology".

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

Article – Criminal Procedure

10–221.

(b) Subject to Title **[**3A**]** **3.5**, Subtitle 3 of the State Finance and Procurement Article, the regulations adopted by the Secretary under subsection (a)(1) of this section and the rules adopted by the Court of Appeals under subsection (a)(2) of this section shall:

(1) regulate the collection, reporting, and dissemination of criminal history record information by a court and criminal justice units;

(2) ensure the security of the criminal justice information system and criminal history record information reported to and collected from it;

(3) regulate the dissemination of criminal history record information in accordance with Subtitle 1 of this title and this subtitle;

(4) regulate the procedures for inspecting and challenging criminal history record information;

(5) regulate the auditing of criminal justice units to ensure that criminal history record information is:

(i) accurate and complete; and

(ii) collected, reported, and disseminated in accordance with Subtitle 1 of this title and this subtitle;

(6) regulate the development and content of agreements between the Central Repository and criminal justice units and noncriminal justice units; and

(7) regulate the development of a fee schedule and provide for the collection of the fees for obtaining criminal history record information for other than criminal justice purposes.

Article – Health – General

21–2C–03.

(h) (2) The Board is subject to the following provisions of the State Finance and Procurement Article:

(i) Title **[**3A**] 3.5**, Subtitle 3 (Information Processing), to the extent that the Secretary of Information Technology determines that an information technology project of the Board is a major information technology development project;

Article – Human Services

7–806.

(a) (1) Subject to paragraph (2) of this subsection, the programs under § 7–804(a) of this subtitle, § 7–902(a) of this title, and **[**§ 3A–702**] § 3.5–702** of the State Finance and Procurement Article shall be funded as provided in the State budget.

(2) For fiscal year 2019 and each fiscal year thereafter, the program under **[**§ 3A–702**] § 3.5–702** of the State Finance and Procurement Article shall be funded at an amount that:

(i) is equal to the cost that the Department of Aging is expected to incur for the upcoming fiscal year to provide the service and administer the program; and

(ii) does not exceed 5 cents per month for each account out of the surcharge amount authorized under subsection (c) of this section.

(b) (1) There is a Universal Service Trust Fund created for the purpose of paying the costs of maintaining and operating the programs under:

(i) § 7–804(a) of this subtitle, subject to the limitations and controls provided in this subtitle;

(ii) § 7–902(a) of this title, subject to the limitations and controls provided in Subtitle 9 of this title; and

(iii) **[**§ 3A–702**] § 3.5–702** of the State Finance and Procurement Article, subject to the limitations and controls provided in Title **[**3A**] 3.5**, Subtitle 7 of the State Finance and Procurement Article.

(c) (1) The costs of the programs under § 7–804(a) of this subtitle, § 7–902(a) of this title, and **[**§ 3A–702**] § 3.5–702** of the State Finance and Procurement Article shall be funded by revenues generated by:

(i) a surcharge to be paid by the subscribers to a communications service; and

(ii) other funds as provided in the State budget.

(d) (1) The Secretary shall annually certify to the Public Service Commission the costs of the programs under § 7–804(a) of this subtitle, § 7–902(a) of this title, and **[**§ 3A–702**] § 3.5–702** of the State Finance and Procurement Article to be paid by the Universal Service Trust Fund for the following fiscal year.

(2) (i) The Public Service Commission shall determine the surcharge for the following fiscal year necessary to fund the programs under § 7–804(a) of this subtitle, § 7–902(a) of this title, and **[**§ 3A–702**] § 3.5–702** of the State Finance and Procurement Article.

(g) (1) The Legislative Auditor may conduct postaudits of a fiscal and compliance nature of the Universal Service Trust Fund and the expenditures made for purposes of § 7–804(a) of this subtitle, § 7–902(a) of this title, and **[**§ 3A–702**] § 3.5–702** of the State Finance and Procurement Article.

Article – Insurance

31–103.

(a) The Exchange is subject to:

(2) the following provisions of the State Finance and Procurement Article:

(i) Title **[**3A**] 3.5**, Subtitle 3 (Information Processing), to the extent that the Secretary of Information Technology determines that an information technology project of the Exchange is a major information technology development project;

(b) The Exchange is not subject to:

(2) Title **[**3A**] 3.5**, Subtitle 3 (Information Processing) of the State Finance and Procurement Article, except to the extent determined by the Secretary of Information Technology under subsection (a)(2)(i) of this section;

Article – Natural Resources

1–403.

(c) The Department shall develop the electronic system consistent with the statewide information technology master plan developed under Title **[**3A**] 3.5**, Subtitle 3 of the State Finance and Procurement Article.

Article – Public Safety

14–103.

(a) There is a Maryland Department of Emergency Management established as a principal department of the Executive Branch of State government.

(b) The Department has primary responsibility and authority for developing emergency management policies and is responsible for coordinating disaster risk reduction, consequence management, and disaster recovery activities.

(c) The Department may act to:

(1) reduce the disaster risk and vulnerability of persons and property located in the State;

(2) develop and coordinate emergency planning and preparedness; and

(3) coordinate emergency management activities and operations:

(i) relating to an emergency that involves two or more State agencies;

(ii) between State agencies and political subdivisions;

(iii) with local governments;

(iv) with agencies of the federal government and other states; and

(v) with private and nonprofit entities.

14–104.1.

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

~~**(2) "FUND" MEANS THE LOCAL CYBERSECURITY SUPPORT FUND.**~~

~~**(3) "FUSION CENTER" MEANS THE CYBERSECURITY FUSION CENTER.**~~

~~**(4)**~~ **(2) "LOCAL GOVERNMENT" INCLUDES LOCAL SCHOOL SYSTEMS, LOCAL SCHOOL BOARDS, AND LOCAL HEALTH DEPARTMENTS.**

~~**(5)**~~ **(3) "UNIT" MEANS THE CYBER PREPAREDNESS UNIT.**

(B) (1) THERE IS A CYBER PREPAREDNESS UNIT IN THE DEPARTMENT.

(2) IN COORDINATION WITH THE STATE CHIEF INFORMATION SECURITY OFFICER, THE UNIT SHALL:

(I) SUPPORT LOCAL GOVERNMENTS IN DEVELOPING A VULNERABILITY ASSESSMENT AND CYBER ASSESSMENT ~~**THROUGH THE MARYLAND NATIONAL GUARD'S INNOVATIVE READINESS TRAINING PROGRAM OR THE U.S. DEPARTMENT OF HOMELAND SECURITY CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY**~~**, INCLUDING PROVIDING LOCAL GOVERNMENTS WITH THE RESOURCES AND INFORMATION ON BEST PRACTICES TO COMPLETE THE ASSESSMENTS;**

(II) DEVELOP AND REGULARLY UPDATE AN ONLINE DATABASE OF CYBERSECURITY TRAINING RESOURCES FOR LOCAL GOVERNMENT PERSONNEL, INCLUDING TECHNICAL TRAINING RESOURCES, CYBERSECURITY CONTINUITY OF OPERATIONS TEMPLATES, CONSEQUENCE MANAGEMENT PLANS, AND TRAININGS ON MALWARE AND RANSOMWARE DETECTION;

~~(III) ESTABLISH AND PROVIDE STAFF FOR A STATEWIDE HELPLINE TO PROVIDE REAL–TIME EMERGENCY ASSISTANCE AND RESOURCE INFORMATION TO ANY LOCAL GOVERNMENT THAT HAS EXPERIENCED A CYBER INCIDENT OR ATTACK;~~

~~(IV)~~ *(III)* ASSIST LOCAL GOVERNMENTS IN:

1. THE DEVELOPMENT OF CYBERSECURITY PREPAREDNESS AND RESPONSE PLANS; ~~AND~~

2. IMPLEMENTING BEST PRACTICES AND GUIDANCE DEVELOPED BY THE STATE CHIEF INFORMATION SECURITY OFFICER; *AND*

3. IDENTIFYING AND ACQUIRING RESOURCES TO COMPLETE APPROPRIATE CYBERSECURITY VULNERABILITY ASSESSMENTS;

~~(V)~~ *(IV)* CONNECT LOCAL GOVERNMENTS TO APPROPRIATE RESOURCES FOR ANY OTHER PURPOSE RELATED TO CYBERSECURITY PREPAREDNESS AND RESPONSE;

~~(VI) DEVELOP APPROPRIATE REPORTS ON LOCAL CYBERSECURITY PREPAREDNESS;~~

~~(VII)~~ *(V)* AS NECESSARY AND IN COORDINATION WITH THE NATIONAL GUARD, LOCAL EMERGENCY MANAGERS, AND OTHER STATE AND LOCAL ENTITIES, CONDUCT REGIONAL CYBERSECURITY PREPAREDNESS EXERCISES; AND

~~(VIII)~~ *(VI)* ESTABLISH REGIONAL ASSISTANCE GROUPS TO DELIVER AND COORDINATE SUPPORT SERVICES TO LOCAL GOVERNMENTS, AGENCIES, OR REGIONS.

(3) THE UNIT SHALL SUPPORT THE OFFICE OF SECURITY MANAGEMENT IN THE DEPARTMENT OF INFORMATION TECHNOLOGY DURING EMERGENCY RESPONSE EFFORTS.

(C) (1) EACH LOCAL GOVERNMENT SHALL REPORT A CYBERSECURITY INCIDENT, INCLUDING AN ATTACK ON A STATE SYSTEM BEING USED BY THE LOCAL GOVERNMENT~~, TO TO THE APPROPRIATE LOCAL EMERGENCY MANAGER, THE SECURITY OPERATIONS CENTER IN THE DEPARTMENT OF INFORMATION TECHNOLOGY, AND THE MARYLAND JOINT OPERATIONS CENTER IN THE DEPARTMENT~~, *TO THE APPROPRIATE LOCAL EMERGENCY MANAGER AND THE STATE SECURITY OPERATIONS CENTER IN THE DEPARTMENT OF INFORMATION TECHNOLOGY* IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.

(2) FOR THE REPORTING OF CYBERSECURITY INCIDENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE ~~DEPARTMENT~~ STATE CHIEF INFORMATION SECURITY OFFICER SHALL DETERMINE:

(I) THE CRITERIA FOR DETERMINING WHEN AN INCIDENT MUST BE REPORTED;

(II) THE MANNER IN WHICH TO REPORT; AND

(III) THE TIME PERIOD WITHIN WHICH A REPORT MUST BE MADE.

(3) THE ~~MARYLAND JOINT OPERATIONS CENTER~~ *STATE SECURITY OPERATIONS CENTER* SHALL IMMEDIATELY NOTIFY APPROPRIATE AGENCIES OF A CYBERSECURITY INCIDENT REPORTED UNDER THIS SUBSECTION THROUGH THE STATE SECURITY OPERATIONS CENTER.

(D) (1) FIVE POSITION IDENTIFICATION NUMBERS (PINS) SHALL BE CREATED FOR THE PURPOSE OF HIRING STAFF TO CONDUCT THE DUTIES OF THE MARYLAND DEPARTMENT OF EMERGENCY MANAGEMENT CYBERSECURITY PREPAREDNESS UNIT.

(2) FOR FISCAL YEAR 2024 AND EACH FISCAL YEAR THEREAFTER, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL AN APPROPRIATION OF AT LEAST:

(I) $220,335 FOR 3 PINS FOR ADMINISTRATOR III POSITIONS; AND

(II) $137,643 FOR 2 PINS FOR ADMINISTRATOR II POSITIONS.

~~**(D) (1) THERE IS A CYBERSECURITY FUSION CENTER IN THE DEPARTMENT.**~~

~~**(2) THE FUSION CENTER SHALL:**~~

~~**(I) COORDINATE INFORMATION ON CYBERSECURITY BY SERVING AS A CENTRAL LOCATION FOR INFORMATION SHARING ACROSS STATE AND LOCAL GOVERNMENT, FEDERAL GOVERNMENT PARTNERS, AND PRIVATE ENTITIES;**~~

~~**(II) WITH THE OFFICE OF SECURITY MANAGEMENT IN THE DEPARTMENT OF INFORMATION TECHNOLOGY, SUPPORT CYBERSECURITY COORDINATION BETWEEN LOCAL UNITS OF GOVERNMENT THROUGH EXISTING LOCAL GOVERNMENT STAKEHOLDER ORGANIZATIONS;**~~

~~(III) PROVIDE SUPPORT TO THE STATE CHIEF INFORMATION SECURITY OFFICER AND THE UNIT DURING CYBERSECURITY INCIDENTS THAT AFFECT STATE AND LOCAL GOVERNMENTS;~~

~~(IV) SUPPORT RISK–BASED PLANNING FOR THE USE OF FEDERAL RESOURCES; AND~~

~~(V) CONDUCT ANALYSIS OF CYBERSECURITY INCIDENTS.~~

~~(E) (1) THERE IS A LOCAL CYBERSECURITY SUPPORT FUND.~~

~~(2) THE PURPOSE OF THE FUND IS TO:~~

~~(I) PROVIDE FINANCIAL ASSISTANCE TO LOCAL GOVERNMENTS TO IMPROVE CYBERSECURITY PREPAREDNESS, INCLUDING:~~

~~1. UPDATING CURRENT DEVICES AND NETWORKS WITH THE MOST UP–TO–DATE CYBERSECURITY PROTECTIONS;~~

~~2. SUPPORTING THE PURCHASE OF NEW HARDWARE, SOFTWARE, DEVICES, AND FIREWALLS TO IMPROVE CYBERSECURITY PREPAREDNESS;~~

~~3. RECRUITING AND HIRING INFORMATION TECHNOLOGY STAFF FOCUSED ON CYBERSECURITY; AND~~

~~4. PAYING OUTSIDE VENDORS FOR CYBERSECURITY STAFF TRAINING; AND~~

~~(II) ASSIST LOCAL GOVERNMENTS APPLYING FOR FEDERAL CYBERSECURITY PREPAREDNESS GRANTS.~~

~~(3) THE SECRETARY SHALL ADMINISTER THE FUND.~~

~~(4) (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.~~

~~(5) THE FUND CONSISTS OF:~~

~~(I) MONEY APPROPRIATED IN THE STATE BUDGET TO THE FUND;~~

~~(II) INTEREST EARNINGS; AND~~

~~(III) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.~~

~~(6) THE FUND MAY BE USED ONLY:~~

~~(I) TO PROVIDE FINANCIAL ASSISTANCE TO LOCAL GOVERNMENTS TO IMPROVE CYBERSECURITY PREPAREDNESS, INCLUDING:~~

~~1. UPDATING CURRENT DEVICES AND NETWORKS WITH THE MOST UP–TO–DATE CYBERSECURITY PROTECTIONS;~~

~~2. SUPPORTING THE PURCHASE OF NEW HARDWARE, SOFTWARE, DEVICES, AND FIREWALLS TO IMPROVE CYBERSECURITY PREPAREDNESS;~~

~~3. RECRUITING AND HIRING INFORMATION TECHNOLOGY STAFF FOCUSED ON CYBERSECURITY; AND~~

~~4. PAYING OUTSIDE VENDORS FOR CYBERSECURITY STAFF TRAINING;~~

~~(II) TO ASSIST LOCAL GOVERNMENTS APPLYING FOR FEDERAL CYBERSECURITY PREPAREDNESS GRANTS; AND~~

~~(III) FOR ADMINISTRATIVE EXPENSES ASSOCIATED WITH PROVIDING THE ASSISTANCE DESCRIBED UNDER ITEM (I) OF THIS PARAGRAPH.~~

~~(7) (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 FUND.~~

~~(8) EXPENDITURES FROM THE FUND MAY BE MADE ONLY IN ACCORDANCE WITH THE STATE BUDGET.~~

~~(F) TO BE ELIGIBLE TO RECEIVE ASSISTANCE FROM THE FUND, EACH LOCAL GOVERNMENT THAT USES THE NETWORK ESTABLISHED IN ACCORDANCE WITH § 3.5–404 OF THE STATE FINANCE AND PROCUREMENT ARTICLE SHALL MEET THE REQUIREMENTS OF §§ 3.5–404(D) AND 3.5–405 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.~~

Article – State Finance and Procurement

3.5–101.

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

(e) "Unit of State government" means an agency or unit of the Executive Branch of State government.

SUBTITLE 2A. OFFICE OF SECURITY MANAGEMENT.

3.5–2A–01.

IN THIS SUBTITLE, "OFFICE" MEANS THE OFFICE OF SECURITY MANAGEMENT.

3.5–2A–02.

THERE IS AN OFFICE OF SECURITY MANAGEMENT WITHIN THE DEPARTMENT.

3.5–2A–03.

(A) THE HEAD OF THE OFFICE IS THE STATE CHIEF INFORMATION SECURITY OFFICER.

(B) THE STATE CHIEF INFORMATION SECURITY OFFICER SHALL:

(1) BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE;

(2) SERVE AT THE PLEASURE OF THE GOVERNOR;

(3) BE SUPERVISED BY THE SECRETARY; AND

(4) SERVE AS THE CHIEF INFORMATION SECURITY OFFICER OF THE DEPARTMENT.

(C) AN INDIVIDUAL APPOINTED AS THE STATE CHIEF INFORMATION SECURITY OFFICER UNDER SUBSECTION (B) OF THIS SECTION SHALL:

(1) AT A MINIMUM, HOLD A BACHELOR'S DEGREE;

(2) HOLD APPROPRIATE INFORMATION TECHNOLOGY OR CYBERSECURITY CERTIFICATIONS;

(3) HAVE EXPERIENCE:

(I) IDENTIFYING, IMPLEMENTING, ~~AND~~ *OR* ASSESSING SECURITY CONTROLS;

(II) IN INFRASTRUCTURE, SYSTEMS ENGINEERING, ~~AND~~ *OR* CYBERSECURITY;

(III) MANAGING HIGHLY TECHNICAL SECURITY, SECURITY OPERATIONS CENTERS, AND INCIDENT RESPONSE TEAMS IN A COMPLEX CLOUD ENVIRONMENT AND SUPPORTING MULTIPLE SITES; AND

(IV) WORKING WITH COMMON INFORMATION SECURITY MANAGEMENT FRAMEWORKS;

(4) HAVE EXTENSIVE KNOWLEDGE OF INFORMATION TECHNOLOGY AND CYBERSECURITY FIELD CONCEPTS, BEST PRACTICES, AND PROCEDURES, WITH AN UNDERSTANDING OF EXISTING ENTERPRISE CAPABILITIES AND LIMITATIONS TO ENSURE THE SECURE INTEGRATION AND OPERATION OF SECURITY NETWORKS AND SYSTEMS; AND

(5) HAVE KNOWLEDGE OF CURRENT SECURITY REGULATIONS ~~AND LEGISLATIVE CONTENT~~.

~~(C)~~ (D) THE STATE CHIEF INFORMATION SECURITY OFFICER SHALL PROVIDE CYBERSECURITY ADVICE AND RECOMMENDATIONS TO THE GOVERNOR ON REQUEST.

~~(D)~~ (E) (1) (I) THERE IS A DIRECTOR OF LOCAL CYBERSECURITY, WHO SHALL BE APPOINTED BY THE STATE CHIEF INFORMATION SECURITY OFFICER.

(II) THE DIRECTOR OF LOCAL CYBERSECURITY SHALL WORK IN COORDINATION WITH THE MARYLAND DEPARTMENT OF EMERGENCY MANAGEMENT TO PROVIDE TECHNICAL ASSISTANCE, COORDINATE RESOURCES, AND IMPROVE CYBERSECURITY PREPAREDNESS FOR UNITS OF LOCAL GOVERNMENT.

(2) (I) THERE IS A DIRECTOR OF STATE CYBERSECURITY, WHO SHALL BE APPOINTED BY THE STATE CHIEF INFORMATION SECURITY OFFICER.

(II) THE DIRECTOR OF STATE CYBERSECURITY IS RESPONSIBLE FOR IMPLEMENTATION OF THIS SECTION WITH RESPECT TO UNITS OF STATE GOVERNMENT.

~~(E)~~ (F) THE DEPARTMENT SHALL PROVIDE THE OFFICE WITH SUFFICIENT STAFF TO PERFORM THE FUNCTIONS OF THIS SUBTITLE.

~~(F) (G) THE OFFICE MAY PROCURE RESOURCES, INCLUDING REGIONAL COORDINATORS, NECESSARY TO FULFILL THE REQUIREMENTS OF THIS SUBTITLE.~~

3.5–2A–04.

(A) (1) THE OFFICE IS RESPONSIBLE FOR:

~~(1)~~ (I) THE DIRECTION, COORDINATION, AND IMPLEMENTATION OF THE OVERALL CYBERSECURITY STRATEGY AND POLICY FOR UNITS OF STATE GOVERNMENT; ~~AND~~

~~(2) (II) THE COORDINATION OF RESOURCES AND EFFORTS TO IMPLEMENT CYBERSECURITY BEST PRACTICES AND IMPROVE OVERALL CYBERSECURITY PREPAREDNESS AND RESPONSE FOR UNITS OF LOCAL GOVERNMENT, LOCAL SCHOOL BOARDS, LOCAL SCHOOL SYSTEMS, AND LOCAL HEALTH DEPARTMENTS.; AND~~ *AND*

~~(III)~~ *(II)* ~~SUPPORTING~~ *COORDINATING WITH* THE MARYLAND DEPARTMENT OF EMERGENCY MANAGEMENT CYBER PREPAREDNESS UNIT DURING EMERGENCY RESPONSE EFFORTS.

(2) THE OFFICE IS NOT RESPONSIBLE FOR THE INFORMATION TECHNOLOGY INSTALLATION AND MAINTENANCE OPERATIONS NORMALLY CONDUCTED BY A UNIT OF STATE GOVERNMENT, A UNIT OF LOCAL GOVERNMENT, A LOCAL SCHOOL BOARD, A LOCAL SCHOOL SYSTEM, OR A LOCAL HEALTH DEPARTMENT.

(B) THE OFFICE SHALL:

(1) ESTABLISH STANDARDS TO CATEGORIZE ALL INFORMATION COLLECTED OR MAINTAINED BY OR ON BEHALF OF EACH UNIT OF STATE GOVERNMENT;

(2) ESTABLISH STANDARDS TO CATEGORIZE ALL INFORMATION SYSTEMS MAINTAINED BY OR ON BEHALF OF EACH UNIT OF STATE GOVERNMENT;

(3) DEVELOP GUIDELINES GOVERNING THE TYPES OF INFORMATION AND INFORMATION SYSTEMS TO BE INCLUDED IN EACH CATEGORY;

(4) ESTABLISH SECURITY REQUIREMENTS FOR INFORMATION AND INFORMATION SYSTEMS IN EACH CATEGORY;

(5) ASSESS THE CATEGORIZATION OF INFORMATION AND INFORMATION SYSTEMS AND THE ASSOCIATED IMPLEMENTATION OF THE SECURITY REQUIREMENTS ESTABLISHED UNDER ITEM (4) OF THIS SUBSECTION;

(6) IF THE STATE CHIEF INFORMATION SECURITY OFFICER DETERMINES THAT THERE ARE SECURITY VULNERABILITIES OR DEFICIENCIES IN ~~THE IMPLEMENTATION OF THE SECURITY REQUIREMENTS ESTABLISHED UNDER ITEM (4) OF THIS SUBSECTION, DETERMINE WHETHER AN INFORMATION SYSTEM SHOULD BE ALLOWED TO CONTINUE TO OPERATE OR BE CONNECTED TO THE NETWORK ESTABLISHED IN ACCORDANCE WITH § 3.5–404 OF THIS TITLE;~~ *ANY INFORMATION SYSTEMS, DETERMINE AND DIRECT OR TAKE ACTIONS NECESSARY TO CORRECT OR REMEDIATE THE VULNERABILITIES OR DEFICIENCIES, WHICH MAY INCLUDE REQUIRING THE INFORMATION SYSTEM TO BE DISCONNECTED;*

(7) IF THE STATE CHIEF INFORMATION SECURITY OFFICER DETERMINES THAT THERE IS A CYBERSECURITY THREAT CAUSED BY AN ENTITY CONNECTED TO THE NETWORK ESTABLISHED UNDER § 3.5–404 OF THIS TITLE THAT INTRODUCES A SERIOUS RISK TO ENTITIES CONNECTED TO THE NETWORK OR TO THE STATE, TAKE OR DIRECT ACTIONS REQUIRED TO MITIGATE THE THREAT;

~~(7)~~ *(8)* MANAGE SECURITY AWARENESS TRAINING FOR ALL APPROPRIATE EMPLOYEES OF UNITS OF STATE GOVERNMENT;

~~(8)~~ *(9)* ASSIST IN THE DEVELOPMENT OF DATA MANAGEMENT, DATA GOVERNANCE, AND DATA SPECIFICATION STANDARDS TO PROMOTE STANDARDIZATION AND REDUCE RISK;

~~(9)~~ *(10)* ASSIST IN THE DEVELOPMENT OF A DIGITAL IDENTITY STANDARD AND SPECIFICATION APPLICABLE TO ALL PARTIES COMMUNICATING, INTERACTING, OR CONDUCTING BUSINESS WITH OR ON BEHALF OF A UNIT OF STATE GOVERNMENT;

~~(10)~~ *(11)* DEVELOP AND MAINTAIN INFORMATION TECHNOLOGY SECURITY POLICY, STANDARDS, AND GUIDANCE DOCUMENTS, CONSISTENT WITH BEST PRACTICES DEVELOPED BY THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY;

~~(11)~~ *(12)* **TO THE EXTENT PRACTICABLE, SEEK, IDENTIFY, AND INFORM RELEVANT STAKEHOLDERS OF ANY AVAILABLE FINANCIAL ASSISTANCE PROVIDED BY THE FEDERAL GOVERNMENT OR NON–STATE ENTITIES TO SUPPORT THE WORK OF THE OFFICE;**

~~(12) REVIEW AND CERTIFY~~ SUPPORT LOCAL GOVERNMENTS ~~DEVELOPING LOCAL CYBERSECURITY PREPAREDNESS AND RESPONSE PLANS;~~

(13) PROVIDE TECHNICAL ASSISTANCE TO LOCALITIES IN MITIGATING AND RECOVERING FROM CYBERSECURITY INCIDENTS; AND

(14) PROVIDE TECHNICAL SERVICES, ADVICE, AND GUIDANCE TO UNITS OF LOCAL GOVERNMENT TO IMPROVE CYBERSECURITY PREPAREDNESS, PREVENTION, RESPONSE, AND RECOVERY PRACTICES.

(C) THE OFFICE, IN COORDINATION WITH THE MARYLAND DEPARTMENT OF EMERGENCY MANAGEMENT, SHALL:

(1) ASSIST LOCAL POLITICAL SUBDIVISIONS, INCLUDING COUNTIES, SCHOOL SYSTEMS, SCHOOL BOARDS, AND LOCAL HEALTH DEPARTMENTS, IN:

(I) THE DEVELOPMENT OF CYBERSECURITY PREPAREDNESS AND RESPONSE PLANS; AND

(II) IMPLEMENTING BEST PRACTICES AND GUIDANCE DEVELOPED BY THE DEPARTMENT; *AND*

(2) CONNECT LOCAL ENTITIES TO APPROPRIATE RESOURCES FOR ANY OTHER PURPOSE RELATED TO CYBERSECURITY PREPAREDNESS AND RESPONSE~~; AND~~

~~(3) DEVELOP APPROPRIATE REPORTS ON LOCAL CYBERSECURITY PREPAREDNESS.~~

(D) THE OFFICE, IN COORDINATION WITH THE MARYLAND DEPARTMENT OF EMERGENCY MANAGEMENT, MAY:

(1) CONDUCT REGIONAL EXERCISES, AS NECESSARY, IN COORDINATION WITH THE NATIONAL GUARD, LOCAL EMERGENCY MANAGERS, AND OTHER STATE AND LOCAL ENTITIES; AND

(2) ESTABLISH REGIONAL ASSISTANCE GROUPS TO DELIVER OR COORDINATE SUPPORT SERVICES TO LOCAL POLITICAL SUBDIVISIONS, AGENCIES, OR REGIONS.

~~(C)~~ (E) *(1)* ON OR BEFORE DECEMBER 31 EACH YEAR, THE OFFICE SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, AND THE JOINT COMMITTEE ON CYBERSECURITY, INFORMATION TECHNOLOGY, AND BIOTECHNOLOGY ON THE ACTIVITIES OF THE OFFICE AND THE STATE OF CYBERSECURITY PREPAREDNESS IN MARYLAND, INCLUDING:

~~(1)~~ *(I)* THE ACTIVITIES AND ACCOMPLISHMENTS OF THE OFFICE DURING THE PREVIOUS 12 MONTHS AT THE STATE AND LOCAL LEVELS; AND

~~(2)~~ *(II)* A COMPILATION AND ANALYSIS OF THE DATA FROM THE INFORMATION CONTAINED IN THE REPORTS RECEIVED BY THE OFFICE UNDER § 3.5–405 OF THIS TITLE, INCLUDING:

~~(I)~~ *1.* A SUMMARY OF THE ISSUES IDENTIFIED BY THE CYBERSECURITY PREPAREDNESS ASSESSMENTS CONDUCTED THAT YEAR;

~~(II)~~ *2.* THE STATUS OF VULNERABILITY ASSESSMENTS OF ALL UNITS OF STATE GOVERNMENT AND A TIMELINE FOR COMPLETION AND COST TO REMEDIATE ANY VULNERABILITIES EXPOSED;

~~(III)~~ *3.* RECENT AUDIT FINDINGS OF ALL UNITS OF STATE GOVERNMENT AND OPTIONS TO IMPROVE FINDINGS IN FUTURE AUDITS, INCLUDING RECOMMENDATIONS FOR STAFF, BUDGET, AND TIMING;

~~(IV)~~ *4.* ANALYSIS OF THE STATE'S EXPENDITURE ON CYBERSECURITY RELATIVE TO OVERALL INFORMATION TECHNOLOGY SPENDING FOR THE PRIOR 3 YEARS AND RECOMMENDATIONS FOR CHANGES TO THE BUDGET, INCLUDING AMOUNT, PURPOSE, AND TIMING TO IMPROVE STATE AND LOCAL CYBERSECURITY PREPAREDNESS;

~~(V)~~ *5.* EFFORTS TO SECURE FINANCIAL SUPPORT FOR CYBER RISK MITIGATION FROM FEDERAL OR OTHER NON–STATE RESOURCES;

~~(VI)~~ *6.* KEY PERFORMANCE INDICATORS ON THE CYBERSECURITY STRATEGIES IN THE DEPARTMENT'S INFORMATION TECHNOLOGY MASTER PLAN, INCLUDING TIME, BUDGET, AND STAFF REQUIRED FOR IMPLEMENTATION; AND

~~(VII)~~ *7.* ANY ADDITIONAL RECOMMENDATIONS FOR IMPROVING STATE AND LOCAL CYBERSECURITY PREPAREDNESS.

(2) A REPORT SUBMITTED UNDER THIS SUBSECTION MAY NOT CONTAIN INFORMATION THAT REVEALS CYBERSECURITY VULNERABILITIES AND RISKS IN THE STATE.

3.5–301.

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

(j) "Nonvisual access" means the ability, through keyboard control, synthesized speech, Braille, or other methods not requiring sight to receive, use, and manipulate information and operate controls necessary to access information technology in accordance with standards adopted under **[**§ 3A–303(b)**] § 3.5–303(B)** of this subtitle.

3.5–302.

(c) Notwithstanding any other provision of law, except as provided in subsection (a) of this section and **[**§§ 3A–307(a)(2), 3A–308, and 3A–309**] §§ 3.5–307(A)(2), 3.5–308, AND 3.5–309** of this subtitle, this subtitle applies to all units of the Executive Branch of State government including public institutions of higher education other than Morgan State University, the University System of Maryland, St. Mary's College of Maryland, and Baltimore City Community College.

3.5–303.

(c) On or before January 1, 2020, the Secretary, or the Secretary's designee, shall:

(2) establish a process for the Secretary or the Secretary's designee to:

(ii) 2. for information technology procured by a State unit on or after January 1, 2020, enforce the nonvisual access clause developed under **[**§ 3A–311**] § 3.5–311** of this subtitle, including the enforcement of the civil penalty described in **[**§ 3A–311(a)(2)(iii)1**] § 3.5–311(A)(2)(III)1** of this subtitle.

3.5–307.

(a) (2) A unit of State government other than a public institution of higher education may not make expenditures for major information technology development projects ***OR CYBERSECURITY PROJECTS*** except as provided in **[**§ 3A–308**] § 3.5–308** of this subtitle.

3.5–309.

(c) The Secretary:

(2) subject to the provisions of § 2–201 of this article and **[**§ 3A–307**]** **§ 3.5–307** of this subtitle, may receive and accept contributions, grants, or gifts of money or property.

(i) The Fund may be used:

(3) notwithstanding **[**§ 3A–301(b)(2)**]** **§ 3.5–301(B)(2)** of this subtitle, for the costs of the first 12 months of operation and maintenance of a major information technology development project.

(l) (1) Notwithstanding subsection (b) of this section and in accordance with paragraph (2) of this subsection, money paid into the Fund under subsection (e)(2) of this section shall be used to support:

(i) the State telecommunication and computer network established under **[**§ 3A–404**]** **§ 3.5–404** of this title, including program development for these activities; and

3.5–311.

(a) (2) On or after January 1, 2020, the nonvisual access clause developed in accordance with paragraph (1) of this subsection shall include a statement that:

(i) within 18 months after the award of the procurement, the Secretary, or the Secretary's designee, will determine whether the information technology meets the nonvisual access standards adopted in accordance with **[**§ 3A–303(b)**]** **§ 3.5–303(B)** of this subtitle;

3.5–315.

(A) THERE IS AN INFORMATION SHARING AND ANALYSIS CENTER IN THE DEPARTMENT.

(B) THE INFORMATION SHARING AND ANALYSIS CENTER SHALL:

(1) COORDINATE INFORMATION ON CYBERSECURITY BY SERVING AS A CENTRAL LOCATION FOR INFORMATION SHARING ACROSS STATE AND LOCAL GOVERNMENT, FEDERAL GOVERNMENT PARTNERS, AND PRIVATE ENTITIES;

(2) WITH THE OFFICE OF SECURITY MANAGEMENT, SUPPORT CYBERSECURITY COORDINATION BETWEEN LOCAL UNITS OF GOVERNMENT THROUGH EXISTING LOCAL GOVERNMENT STAKEHOLDER ORGANIZATIONS;

(3) PROVIDE SUPPORT TO THE STATE CHIEF INFORMATION SECURITY OFFICER AND THE CYBER PREPAREDNESS UNIT, IN THE MARYLAND DEPARTMENT OF EMERGENCY MANAGEMENT, DURING CYBERSECURITY INCIDENTS THAT AFFECT STATE AND LOCAL GOVERNMENTS;

(4) SUPPORT RISK–BASED PLANNING FOR THE USE OF FEDERAL RESOURCES; AND

(5) CONDUCT ANALYSES OF CYBERSECURITY INCIDENTS.

3.5–404.

(a) The General Assembly declares that:

(1) it is the policy of the State to foster telecommunication and computer networking among State and local governments, their agencies, and educational institutions in the State;

(2) there is a need to improve access, especially in rural areas, to efficient telecommunication and computer network connections;

(3) improvement of telecommunication and computer networking for State and local governments and educational institutions promotes economic development, educational resource use and development, and efficiency in State and local administration;

(4) rates for the intrastate inter–LATA telephone communications needed for effective integration of telecommunication and computer resources are prohibitive for many smaller governments, agencies, and institutions; and

(5) the use of improved State telecommunication and computer networking under this section is intended not to compete with commercial access to advanced network technology, but rather to foster fundamental efficiencies in government and education for the public good.

(b) (1) The Department shall establish a telecommunication and computer network in the State.

(2) The network shall consist of:

(i) one or more connection facilities for telecommunication and computer connection in each local access transport area (LATA) in the State; and

(ii) facilities, auxiliary equipment, and services required to support the network in a reliable and secure manner.

(c) The network shall be accessible through direct connection and through local intra–LATA telecommunications to State and local governments and public and private educational institutions in the State.

(D) ~~ON OR BEFORE DECEMBER 1 EACH YEAR~~ *IN A MANNER AND FREQUENCY ESTABLISHED IN REGULATIONS ADOPTED BY THE DEPARTMENT*, ~~EACH UNIT OF THE LEGISLATIVE OR JUDICIAL BRANCH OF STATE GOVERNMENT,~~ EACH UNIT OF LOCAL GOVERNMENT~~,~~ AND ANY LOCAL AGENCIES THAT USE THE NETWORK ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION SHALL CERTIFY TO THE DEPARTMENT THAT THE UNIT IS IN COMPLIANCE WITH THE DEPARTMENT'S MINIMUM SECURITY STANDARDS.

3.5–405.

(A) THIS SECTION DOES NOT APPLY TO MUNICIPAL GOVERNMENTS.

(B) ~~ON OR BEFORE DECEMBER 1 EACH YEAR~~ *IN A MANNER AND FREQUENCY ESTABLISHED IN REGULATIONS ADOPTED BY THE DEPARTMENT*, EACH COUNTY GOVERNMENT, LOCAL SCHOOL SYSTEM, AND LOCAL HEALTH DEPARTMENT SHALL~~:~~

~~(1)~~ IN CONSULTATION WITH THE LOCAL EMERGENCY MANAGER, CREATE OR UPDATE A CYBERSECURITY PREPAREDNESS AND RESPONSE PLAN *AND COMPLETE A CYBERSECURITY PREPAREDNESS ASSESSMENT* ~~AND SUBMIT THE PLAN TO THE OFFICE OF SECURITY MANAGEMENT FOR APPROVAL~~;.

~~**(2) COMPLETE A CYBERSECURITY PREPAREDNESS ASSESSMENT AND REPORT THE RESULTS TO THE OFFICE IN ACCORDANCE WITH GUIDELINES DEVELOPED BY THE OFFICE; AND**~~

~~**(3) REPORT TO THE OFFICE:**~~

~~**(I) THE NUMBER OF INFORMATION TECHNOLOGY STAFF POSITIONS, INCLUDING VACANCIES;**~~

~~**(II) THE ENTITY'S CYBERSECURITY BUDGET AND OVERALL INFORMATION TECHNOLOGY BUDGET;**~~

~~**(III) THE NUMBER OF EMPLOYEES WHO HAVE RECEIVED CYBERSECURITY TRAINING; AND**~~

~~**(IV) THE TOTAL NUMBER OF EMPLOYEES WITH ACCESS TO THE ENTITY'S COMPUTER SYSTEMS AND DATABASES.**~~

~~**(C) THE ASSESSMENT REQUIRED UNDER PARAGRAPH (B)(2) OF THIS SECTION MAY, IN ACCORDANCE WITH THE PREFERENCE OF EACH COUNTY GOVERNMENT, BE PERFORMED BY THE DEPARTMENT OR A VENDOR AUTHORIZED BY THE DEPARTMENT.**~~

4–308.

(A) THE DEPARTMENT MAY ESTABLISH A PROGRAM THAT LEVERAGES STATE PURCHASING POWER TO OFFER FAVORABLE RATES TO UNITS OF LOCAL GOVERNMENT TO PROCURE INFORMATION TECHNOLOGY OR CYBERSECURITY SERVICES FROM CONTRACTORS.

(B) A UNIT OF LOCAL GOVERNMENT MAY NOT BE REQUIRED TO PARTICIPATE IN A PROGRAM ESTABLISHED UNDER SUBSECTION (A) OF THIS SECTION.

~~6–226.~~

~~(a) (2) (i) Notwithstanding any other provision of law, and unless inconsistent with a federal law, grant agreement, or other federal requirement or with the terms of a gift or settlement agreement, net interest on all State money allocated by the State Treasurer under this section to special funds or accounts, and otherwise entitled to receive interest earnings, as accounted for by the Comptroller, shall accrue to the General Fund of the State.~~

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

~~144. the Health Equity Resource Community Reserve Fund;~~ **[**~~and~~**]**

~~145. the Access to Counsel in Evictions Special Fund~~**;** ~~AND~~

~~**146. THE LOCAL CYBERSECURITY SUPPORT FUND.**~~

~~12–107.~~

~~(b) Subject to the authority of the Board, jurisdiction over procurement is as follows:~~

~~(2) the Department of General Services may:~~

~~(i) engage in or control procurement of:~~

~~10. information processing equipment and associated services, as provided in Title~~ **[**~~3A~~**] 3.5**~~, Subtitle 3 of this article; and~~

~~11. telecommunication equipment, systems, or services, as provided in Title [3A] 3.5, Subtitle 4 of this article;~~

Article – State Government

2–1224.

(f) **[**After**]** **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.

(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.

SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 1, 2022, the State Chief Information Security Officer and the Secretary of Emergency Management shall:

(1) review the State budget for efficiency and effectiveness of funding and resources to ensure that the State is equipped to respond to a cybersecurity attack;

(2) make recommendations for any changes to the budget needed to accomplish the goals under item (1) of this section;

(3) establish guidance for units of State government on use and access to State funding related to cybersecurity preparedness; and

(4) report any recommendations and guidance to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) On or before December 1, 2023, the State Chief Information Security Officer shall:

(1) commission a feasibility study on expanding the operations of the State Security Operations Center operated by the Department of Information Technology to include cybersecurity monitoring and alert services for units of local government; and

(2) report any recommendations to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

(b) For fiscal year 2024, the Governor shall include an appropriation in the annual budget to cover the cost of the feasibility study required under subsection (a) of this section.

~~SECTION 5. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.~~

SECTION 5. AND BE IT FURTHER ENACTED, That:

(a) (1) On or before June 30, 2023, each unit of local government shall certify to the Office of Security Management compliance with State minimum cybersecurity standards established by the Department of Information Technology.

(2) Certification shall be reviewed by independent auditors, and any findings must be remediated.

(b) If a unit of local government has not remediated any findings pertaining to State cybersecurity standards found by the independent audit required under subsection (1) of this section by July 1, 2024, the Office of Security Management shall ~~assume responsibility for a unit's cybersecurity through a shared service agreement, administrative privileges, or access to Network Maryland notwithstanding any federal law or regulation that forbids the Office of Security Management from managing a specific system.~~ provide guidance for the unit to achieve compliance with the cybersecurity standards.

SECTION 6. AND BE IT FURTHER ENACTED, That for fiscal year 2023, funds from the Dedicated Purpose Account may be transferred by budget amendment in accordance with § 7–310 of the State Finance and Procurement Article to implement this Act.

SECTION 7. AND BE IT FURTHER ENACTED, That:

(a) On or before ~~June~~ October 1, 2022, the State Chief Information Security Officer shall establish guidelines to determine when a cybersecurity incident shall be disclosed to the public.

(b) On or before November 1, 2022, the State Chief Information Security Officer shall submit a report on the guidelines established under subsection (a) of this section to the Governor and, in accordance with § 2–1257 of the State Government Article, the House Health and Government Operations Committee and the Senate Education, Health, and Environmental Affairs Committee.

SECTION 8. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

May 27, 2022

The Honorable Adrienne A. Jones
Speaker of the House
H–101 State House
Annapolis, Maryland 21401

Dear Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 1336 – *Greater Baltimore Transit Governance and Funding Commission.*

This bill establishes an entirely new commission to make findings and recommendations as it relates to mass transit in the greater Baltimore region. Currently, the Maryland Department of Transportation Maryland Transit Administration (MDOT MTA) oversees transit in the greater Baltimore region. In addition to their responsibilities for running day–to–day operations, they have experts that oversee and implement multiple transit projects and studies in this exact area. These ongoing studies take into consideration multiple aspects from environmental, social, and economic impacts associated with every proposed course of action. For example, the Statewide Transit Plan will provide a 50–year vision of coordinated local, regional, and intercity transit across the State. The commission proposed in House Bill 1336 duplicates the work of the MDOT MTA and may contradict the State's goals for transit. Further, the bill does not contemplate or consider the commuter rail service that runs in both the Baltimore and Washington regions, as it only addresses the greater Baltimore region mass transit.

In order to advance transit in Maryland, it is critical that any studies or initiatives view transit from a lens of state connectivity. In addition to the Statewide Transit Plan, MDOT MTA is advancing the following studies and plans:

Regional Transit Plan for Central Maryland
Transit Priority Initiatives
Transit Hub Initiatives
Capital Needs Inventory
Shared Mobility Work Plan
Cornerstone Plans
MARC Brunswick Line Study
Access to Opportunity Microtransit Pilot

House Bill 1336 undermines the General Assembly's original intent of streamlining all transportation agencies under the Maryland Department of Transportation. This bill would effectively remove the interdepartmental coordination and collaboration designed to look holistically at the State's transportation needs.

For these reasons, I have vetoed House Bill 1336.

Sincerely,

Lawrence J. Hogan Jr.
Governor

House Bill 1336

AN ACT concerning

Greater Baltimore Transit Governance and Funding Commission

FOR the purpose of establishing the Greater Baltimore Transit Governance and Funding Commission to study and make findings and recommendations relating to the funding, governance, and performance of mass transit in the greater Baltimore region; and generally relating to the Greater Baltimore Transit Governance and Funding Commission and mass transit.

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

(a) In this section, "Commission" means the Greater Baltimore Transit Governance and Funding Commission.

(b) There is a Greater Baltimore Transit Governance and Funding Commission.

(c) (1) The Commission consists of the following members:

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

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

(iii) One individual who is an expert in mass transit issues in the greater Baltimore region, appointed by the Governor; ~~and~~

(iv) <u>One representative from Amalgamated Transit Union Local 1300, appointed by the Governor;</u>

(v) <u>One representative from a transportation trade association, appointed by the Governor;</u>

(vi) <u>One representative from the business community in the greater Baltimore region, appointed by the Governor; and</u>

(vii) Three individuals from Baltimore City, two individuals from Baltimore County, ~~and~~ one individual from Anne Arundel County, and one individual from Howard County, each of whom shall:

1. Be appointed by the mayor or county executive of their respective jurisdiction; and

2. Have one or more of the following qualifications:

A. Residence in a community impacted by the lack of mass transit options or funding;

B. Expertise in mass transit issues in the greater Baltimore region;

C. Representation of a local nonprofit or advocacy group specializing in transportation issues;

D. Representation of an academic institution in the State; or

E. Representation of a historically underserved community with respect to mass transit options or funding.

(2) To the extent practicable, the membership of the Commission shall reflect the racial, gender, ethnic, and geographic diversity of the ~~State~~ Baltimore–Columbia–Towson Metropolitan Statistical Area, according to the most recent available census data.

(d) The President of the Senate and the Speaker of the House shall jointly designate the chair of the Commission.

(e) The ~~Department of Legislative Services and the~~ Baltimore Metropolitan Council shall provide staff for the Commission.

(f) (1) The Commission shall meet at least four times per calendar year.

(2) A majority of members of the Commission shall constitute a quorum for the transaction of business.

(3) 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.

(4) All Commission members shall continue to serve until the reporting required in subsection (h) of this section is complete and submitted to the General Assembly and the Governor.

(g) The Commission shall:

(1) Review the findings of the Baltimore Regional Transit Governance and Funding Study published by the Baltimore Regional Transportation Board in August of 2021;

(2) Make recommendations to the General Assembly and the Governor regarding changes to the funding and governance of transit in the greater Baltimore region;

(3) Study, analyze, and recommend alternative governance and funding models for the Baltimore area transit system to the current State–led model; and

(4) Perform the following tasks:

(i) Identify potential approaches that:

1. Equitably distribute governance and funding responsibilities in mass transit; and

2. Improve performance, accountability, and ridership on Baltimore's transit system;

(ii) Review the Maryland Department of Transportation's projected capital needs for comparison with the repair and service needs of the greater Baltimore public transit system;

(iii) Study examples from peer regions of successful structures for shared public transportation funding and oversight;

(iv) Review potential alternative distributions of responsibilities for public transportation planning, oversight, and funding among State and local governments to improve the planning and delivery of public transportation in the greater Baltimore region;

(v) Review potential alternative entities or governance structures for regional mass transit that include:

1. The study of whether a new regional transportation entity could be created or existing entities could be given new responsibilities; and

2. Exploration of the general powers, duties, funding, financing, and budget authority of any potential entity;

(vi) Locate potential State, local, or regional funding sources for public transportation;

(vii) Coordinate with State, local, and other providers of public and private transit in the region; and

(viii) Complete any additional steps needed to improve coordination among public transportation services in the region.

(h) (1) On or before December 1, 2022, the Commission shall submit an interim report of its findings and recommendations to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

(2) On or before December 1, 2023, the Commission shall submit a final report of its findings and recommendations to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2022. It shall remain effective for a period of 1 year and 7 months and, at the end of December 31, 2023, this Act, with no further action required by the General Assembly, shall be abrogated and of no further force and effect.

May 27, 2022

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 1346 – *State Government – Cybersecurity – Coordination and Governance*.

This bill expands and enhances the State's regulatory framework for State and local government cybersecurity. Specifically, the bill codifies and expands the Maryland Cyber Defense Initiative; establishes various assessment and reporting requirements for State agencies and local governments; requires the Department of Information Technology to ensure each agency's compliance with cybersecurity standards under certain circumstances; and requires the Department of Information Technology to develop a centralization transition strategy and conduct a self–performance and capacity assessment.

Senate Bill 812, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1346.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 1346

AN ACT concerning

State Government – Cybersecurity – Coordination and Governance

FOR the purpose of ~~establishing the Cybersecurity Coordination and Operations Office in the Maryland Department of Emergency Management; requiring the Secretary of Emergency Management to appoint an Executive Director as head of the Cybersecurity Coordination and Operations Office; requiring the Office of Security Management to be provided with staff for the Cybersecurity Coordination and Operations Office; requiring the Cybersecurity Coordination and Operations Office to establish regional assistance groups to deliver or coordinate support services to political subdivisions, agencies, or regions in accordance with certain requirements; requiring the Cybersecurity Coordination and Operations Office to offer certain training opportunities for counties and municipalities;~~ establishing the Office of Security Management within the Department of Information Technology (DoIT); establishing certain responsibilities and authority of the Office of Security Management; *establishing the Maryland Cybersecurity Coordinating Council;* ~~centralizing authority and control of the procurement of all information technology for the Executive Branch of State government in DoIT;~~ ~~establishing the Cybersecurity Coordination and Operations Unit in DoIT; requiring the Secretary of Information Technology to appoint an Executive Director as head of the Cybersecurity Coordination and Operations Unit; requiring the Office of Security Management to provide staff for the Cybersecurity Coordination and Operations Unit; requiring the Cybersecurity Coordination and Operations Unit to establish regional assistance groups to deliver or coordinate support services to political subdivisions, agencies, or regions in accordance with certain requirements; requiring the Cybersecurity Coordination and Operations Unit to offer certain training opportunities for counties and municipalities;~~ requiring the Secretary of Information Technology to develop and maintain a statewide cybersecurity ~~master plan~~ *strategy*; ~~requiring DoIT to develop and require basic security requirements to be included in certain contracts;~~ *requiring certain IT units to certify compliance with certain cybersecurity standards;* ~~requiring each unit of the Legislative or Judicial Branch of State government and any division of the University System of Maryland that uses a certain network to certify certain compliance to DoIT on or before a certain date~~

~~each year;~~ requiring each unit of the Executive Branch of State government and certain local entities to report certain cybersecurity incidents in a certain manner and under certain circumstances; requiring the ~~Maryland Joint~~ *State Security* Operations Center to notify certain agencies of a cybersecurity incident reported in a certain manner; ~~establishing the Maryland Cybersecurity Coordinating Council; exempting meetings of the Council from the Open Meetings Act;~~ requiring the Council to study aspects of the State's cybersecurity vulnerabilities and procurement potential, including partnerships with other states; requiring the Council to promote certain education and training opportunities; *requiring the Department of General Services to study the security and financial implications of executing partnerships with other states to procure information technology and cybersecurity products and services; requiring the Department of General Services to establish certain basic security requirements to be included in certain contracts;* requiring DoIT to complete implementation of a certain governance, risk, and compliance module on or before a certain date; *requiring the Office to prepare a transition strategy towards cybersecurity centralization; requiring each agency in the Executive Branch of State government to certify to the Office that the agency is in compliance with certain standards; requiring the Office to assume responsibility for a certain agency's cybersecurity except under certain circumstances; requiring DoIT to hire a contractor to conduct a performance and capacity assessment of DoIT; authorizing funds to be transferred by budget amendment from the Dedicated Purpose Account in a certain fiscal year to implement the Act;* ~~transferring certain appropriations, books and records, and employees to DoIT;~~ and generally relating to State cybersecurity coordination.

BY renumbering
Article – State Finance and Procurement
Section 3A–101 through 3A–702, respectively, and the title "Title 3A. Department of Information Technology"
to be Section 3.5–101 through 3.5–702, respectively, and the title "Title 3.5. Department of Information Technology"
Annotated Code of Maryland
(2021 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 10–221(b)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 21–2C–03(h)(2)(i)
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,

Article – Human Services
Section 7–806(a), (b)(1), (c)(1), (d)(1) and (2)(i), and (g)(1)
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 31–103(a)(2)(i) and (b)(2)
Annotated Code of Maryland
(2017 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 1–403(c)
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

~~BY adding to~~
~~Article – Public Safety~~
~~Section 14–104.1~~
~~Annotated Code of Maryland~~
~~(2018 Replacement Volume and 2021 Supplement)~~

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 3.5–101(a) and (e) and 3.5–301(a)
Annotated Code of Maryland
(2021 Replacement Volume)
(As enacted by Section 1 of this Act)

BY adding to
Article – State Finance and Procurement
Section 3.5–2A–01 through ~~3.5–2A–07~~ ~~3.5–2A–08~~ *3.5–2A–06* to be under the new subtitle "Subtitle 2A. Office of Security Management"; and *3.5–404(d) and (e),* 3.5–405 ~~and,~~ ~~12–107(b)(2)(i)12.~~ 3.5–406, *4–316.1, and 13–115*
Annotated Code of Maryland
(2021 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section ~~3.5–301(j)~~ *3.5–301(i) and (j)*, ~~3.5–302(c)~~ 3.5–302, 3.5–303, ~~3.5–305,~~ 3.5–307 ~~through 3.5–314,~~, 3.5–309(c), (i), and (l), *and* 3.5–311(a)(2)(i)~~, and~~ ~~3.5–401, and 3.5–404~~
Annotated Code of Maryland
(2021 Replacement Volume)
(As enacted by Section 1 of this Act)

~~BY repealing~~
~~Article – State Finance and Procurement~~
~~Section 3.5–306~~
~~Annotated Code of Maryland~~
~~(2021 Replacement Volume)~~
~~(As enacted by Section 1 of this Act)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – State Finance and Procurement~~
~~Section 12–107(b)(2)(i)10. and 11.~~
~~Annotated Code of Maryland~~
~~(2021 Replacement Volume)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 3A–101 through 3A–702, respectively, and the title "Title 3A. Department of Information Technology" of Article – State Finance and Procurement of the Annotated Code of Maryland be renumbered to be Section(s) 3.5–101 through 3.5–702, respectively, and the title "Title 3.5. Department of Information Technology".

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

Article – Criminal Procedure

10–221.

(b) Subject to Title **[**3A**]** **3.5**, Subtitle 3 of the State Finance and Procurement Article, the regulations adopted by the Secretary under subsection (a)(1) of this section and the rules adopted by the Court of Appeals under subsection (a)(2) of this section shall:

(1) regulate the collection, reporting, and dissemination of criminal history record information by a court and criminal justice units;

(2) ensure the security of the criminal justice information system and criminal history record information reported to and collected from it;

(3) regulate the dissemination of criminal history record information in accordance with Subtitle 1 of this title and this subtitle;

(4) regulate the procedures for inspecting and challenging criminal history record information;

(5) regulate the auditing of criminal justice units to ensure that criminal history record information is:

(i) accurate and complete; and

(ii) collected, reported, and disseminated in accordance with Subtitle 1 of this title and this subtitle;

(6) regulate the development and content of agreements between the Central Repository and criminal justice units and noncriminal justice units; and

(7) regulate the development of a fee schedule and provide for the collection of the fees for obtaining criminal history record information for other than criminal justice purposes.

Article – Health – General

21–2C–03.

(h) (2) The Board is subject to the following provisions of the State Finance and Procurement Article:

(i) Title **[**3A**] 3.5**, Subtitle 3 (Information Processing), to the extent that the Secretary of Information Technology determines that an information technology project of the Board is a major information technology development project;

Article – Human Services

7–806.

(a) (1) Subject to paragraph (2) of this subsection, the programs under § 7–804(a) of this subtitle, § 7–902(a) of this title, and **[**§ 3A–702**] § 3.5–702** of the State Finance and Procurement Article shall be funded as provided in the State budget.

(2) For fiscal year 2019 and each fiscal year thereafter, the program under **[**§ 3A–702**] § 3.5–702** of the State Finance and Procurement Article shall be funded at an amount that:

(i) is equal to the cost that the Department of Aging is expected to incur for the upcoming fiscal year to provide the service and administer the program; and

(ii) does not exceed 5 cents per month for each account out of the surcharge amount authorized under subsection (c) of this section.

(b) (1) There is a Universal Service Trust Fund created for the purpose of paying the costs of maintaining and operating the programs under:

(i) § 7–804(a) of this subtitle, subject to the limitations and controls provided in this subtitle;

(ii) § 7–902(a) of this title, subject to the limitations and controls provided in Subtitle 9 of this title; and

(iii) **[**§ 3A–702**] § 3.5–702** of the State Finance and Procurement Article, subject to the limitations and controls provided in Title **[**3A**] 3.5**, Subtitle 7 of the State Finance and Procurement Article.

(c) (1) The costs of the programs under § 7–804(a) of this subtitle, § 7–902(a) of this title, and **[**§ 3A–702**] § 3.5–702** of the State Finance and Procurement Article shall be funded by revenues generated by:

(i) a surcharge to be paid by the subscribers to a communications service; and

(ii) other funds as provided in the State budget.

(d) (1) The Secretary shall annually certify to the Public Service Commission the costs of the programs under § 7–804(a) of this subtitle, § 7–902(a) of this title, and **[**§ 3A–702**] § 3.5–702** of the State Finance and Procurement Article to be paid by the Universal Service Trust Fund for the following fiscal year.

(2) (i) The Public Service Commission shall determine the surcharge for the following fiscal year necessary to fund the programs under § 7–804(a) of this subtitle, § 7–902(a) of this title, and **[**§ 3A–702**] § 3.5–702** of the State Finance and Procurement Article.

(g) (1) The Legislative Auditor may conduct postaudits of a fiscal and compliance nature of the Universal Service Trust Fund and the expenditures made for purposes of § 7–804(a) of this subtitle, § 7–902(a) of this title, and **[**§ 3A–702**] § 3.5–702** of the State Finance and Procurement Article.

Article – Insurance

31–103.

(a) The Exchange is subject to:

(2) the following provisions of the State Finance and Procurement Article:

(i) Title **[**3A**] 3.5**, Subtitle 3 (Information Processing), to the extent that the Secretary of Information Technology determines that an information technology project of the Exchange is a major information technology development project;

(b) The Exchange is not subject to:

(2) Title **[**3A**] 3.5**, Subtitle 3 (Information Processing) of the State Finance and Procurement Article, except to the extent determined by the Secretary of Information Technology under subsection (a)(2)(i) of this section;

Article – Natural Resources

1–403.

(c) The Department shall develop the electronic system consistent with the statewide information technology master plan developed under Title **[**3A**]** **3.5**, Subtitle 3 of the State Finance and Procurement Article.

~~**Article – Public Safety**~~

~~**14–104.1.**~~

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

~~**(2) "OFFICE" MEANS THE CYBERSECURITY COORDINATION AND OPERATIONS OFFICE ESTABLISHED WITHIN THE DEPARTMENT.**~~

~~**(3) "REGION" MEANS A COLLECTION OF POLITICAL SUBDIVISIONS.**~~

~~**(B) THERE IS A CYBERSECURITY COORDINATION AND OPERATIONS OFFICE WITHIN THE DEPARTMENT.**~~

~~**(C) THE PURPOSE OF THE OFFICE IS TO:**~~

~~**(1) IMPROVE LOCAL, REGIONAL, AND STATEWIDE CYBERSECURITY READINESS AND RESPONSE;**~~

~~**(2) ASSIST POLITICAL SUBDIVISIONS, SCHOOL BOARDS, AND AGENCIES IN THE DEVELOPMENT OF CYBERSECURITY DISRUPTION PLANS;**~~

~~**(3) IN CONSULTATION WITH THE DEPARTMENT OF INFORMATION TECHNOLOGY, COORDINATE WITH POLITICAL SUBDIVISIONS, LOCAL AGENCIES, AND STATE AGENCIES ON THE IMPLEMENTATION OF CYBERSECURITY BEST PRACTICES;**~~

~~**(4) COORDINATE WITH POLITICAL SUBDIVISIONS AND AGENCIES ON THE IMPLEMENTATION OF THE STATEWIDE MASTER PLAN DEVELOPED BY THE DEPARTMENT OF INFORMATION TECHNOLOGY UNDER TITLE 3.5, SUBTITLE 3 OF THE STATE FINANCE AND PROCUREMENT ARTICLE; AND**~~

~~**(5) CONSULT WITH THE STATE CHIEF INFORMATION SECURITY OFFICER AND THE SECRETARY OF INFORMATION TECHNOLOGY TO CONNECT**~~

~~POLITICAL SUBDIVISIONS AND AGENCIES TO THE APPROPRIATE RESOURCES FOR ANY OTHER PURPOSE RELATED TO CYBERSECURITY READINESS AND RESPONSE.~~

~~(D) (1) THE HEAD OF THE OFFICE IS THE EXECUTIVE DIRECTOR, WHO SHALL BE APPOINTED BY THE DIRECTOR.~~

~~(2) THE OFFICE OF SECURITY MANAGEMENT SHALL PROVIDE STAFF FOR THE OFFICE.~~

~~(E) (1) THE OFFICE SHALL ESTABLISH REGIONAL ASSISTANCE GROUPS TO DELIVER OR COORDINATE SUPPORT SERVICES TO POLITICAL SUBDIVISIONS, AGENCIES, OR REGIONS.~~

~~(2) THE OFFICE MAY HIRE OR PROCURE REGIONAL COORDINATORS TO DELIVER OR COORDINATE THE SERVICES UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

~~(3) THE OFFICE SHALL PROVIDE OR COORDINATE SUPPORT SERVICES UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT INCLUDE:~~

~~(I) CONNECTING MULTIPLE POLITICAL SUBDIVISIONS AND AGENCIES WITH EACH OTHER TO SHARE BEST PRACTICES OR OTHER INFORMATION TO INCREASE READINESS OR RESPONSE EFFECTIVENESS;~~

~~(II) PROVIDING TECHNICAL SERVICES FOR THE IMPLEMENTATION OF CYBERSECURITY BEST PRACTICES IN ACCORDANCE WITH SUBSECTION (C)(3) OF THIS SECTION;~~

~~(III) COMPLETING CYBERSECURITY RISK ASSESSMENTS;~~

~~(IV) DEVELOPING CYBER SCORECARDS AND REPORTS ON REGIONAL READINESS;~~

~~(V) CREATING AND UPDATING CYBERSECURITY DISRUPTION PLANS IN ACCORDANCE WITH SUBSECTION (C)(2) OF THIS SECTION; AND~~

~~(VI) CONDUCTING REGIONAL EXERCISES IN COORDINATION WITH THE NATIONAL GUARD, THE DEPARTMENT, THE DEPARTMENT OF INFORMATION TECHNOLOGY, LOCAL EMERGENCY MANAGERS, AND OTHER STATE AND LOCAL ENTITIES.~~

~~(F) (1) THE OFFICE SHALL PROVIDE REGULAR TRAINING OPPORTUNITIES FOR COUNTIES AND MUNICIPAL CORPORATIONS IN THE STATE.~~

~~(2) TRAINING OPPORTUNITIES OFFERED BY THE OFFICE SHALL:~~

~~(I) BE DESIGNED TO ENSURE STAFF FOR COUNTIES AND MUNICIPAL CORPORATIONS ARE CAPABLE OF COOPERATING EFFECTIVELY WITH THE DEPARTMENT IN THE EVENT OF A CYBERSECURITY EMERGENCY; AND~~

~~(II) INCORPORATE BEST PRACTICES AND GUIDELINES FOR STATE AND LOCAL GOVERNMENTS PROVIDED BY THE MULTI-STATE INFORMATION SHARING AND ANALYSIS CENTER AND THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.~~

~~(G) ON OR BEFORE DECEMBER 1 EACH YEAR, THE OFFICE SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE ACTIVITIES OF THE OFFICE.~~

Article – State Finance and Procurement

3.5–101.

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

(e) "Unit of State government" means an agency or unit of the Executive Branch of State government.

SUBTITLE 2A. OFFICE OF SECURITY MANAGEMENT.

3.5–2A–01.

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

(B) "COUNCIL" MEANS THE MARYLAND CYBERSECURITY COORDINATING COUNCIL.

(C) "OFFICE" MEANS THE OFFICE OF SECURITY MANAGEMENT.

~~(D)~~ **~~"REGION" MEANS A COLLECTION OF POLITICAL SUBDIVISIONS.~~**

~~(E)~~ **~~"UNIT" MEANS THE CYBERSECURITY COORDINATION AND OPERATIONS UNIT.~~**

3.5–2A–02.

THERE IS AN OFFICE OF SECURITY MANAGEMENT WITHIN THE DEPARTMENT.

3.5–2A–03.

(A) THE HEAD OF THE OFFICE IS THE STATE CHIEF INFORMATION SECURITY OFFICER.

(B) THE STATE CHIEF INFORMATION SECURITY OFFICER SHALL:

(1) BE APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE;

(2) SERVE AT THE PLEASURE OF THE GOVERNOR;

(3) BE SUPERVISED BY THE SECRETARY; AND

(4) SERVE AS THE CHIEF INFORMATION SECURITY OFFICER OF THE DEPARTMENT.

(C) AN INDIVIDUAL APPOINTED AS THE STATE CHIEF INFORMATION SECURITY OFFICER UNDER SUBSECTION (B) OF THIS SECTION SHALL:

(1) AT A MINIMUM, HOLD A BACHELOR'S DEGREE;

(2) HOLD APPROPRIATE INFORMATION TECHNOLOGY OR CYBERSECURITY CERTIFICATIONS;

(3) HAVE EXPERIENCE:

(I) IDENTIFYING, IMPLEMENTING, ~~AND~~ *OR* ASSESSING SECURITY CONTROLS;

(II) IN INFRASTRUCTURE, SYSTEMS ENGINEERING, ~~AND~~ *OR* CYBERSECURITY;

(III) MANAGING HIGHLY TECHNICAL SECURITY, SECURITY OPERATIONS CENTERS, AND INCIDENT RESPONSE TEAMS IN A COMPLEX CLOUD ENVIRONMENT AND SUPPORTING MULTIPLE SITES; AND

(IV) WORKING WITH COMMON INFORMATION SECURITY MANAGEMENT FRAMEWORKS;

(4) HAVE EXTENSIVE KNOWLEDGE OF INFORMATION TECHNOLOGY AND CYBERSECURITY FIELD CONCEPTS, BEST PRACTICES, AND PROCEDURES, WITH AN UNDERSTANDING OF EXISTING ENTERPRISE CAPABILITIES AND LIMITATIONS TO

ENSURE THE SECURE INTEGRATION AND OPERATION OF SECURITY NETWORKS AND SYSTEMS; AND

(5) HAVE KNOWLEDGE OF CURRENT SECURITY REGULATIONS ~~AND LEGISLATIVE CONTENT~~.

~~(C)~~ (D) THE STATE CHIEF INFORMATION SECURITY OFFICER SHALL PROVIDE CYBERSECURITY ADVICE AND RECOMMENDATIONS TO THE GOVERNOR ON REQUEST.

~~(D)~~ (E) (1) (I) THERE IS A DIRECTOR OF LOCAL CYBERSECURITY WHO SHALL BE APPOINTED BY THE STATE CHIEF INFORMATION SECURITY OFFICER.

(II) THE DIRECTOR OF LOCAL CYBERSECURITY SHALL WORK IN COORDINATION WITH THE MARYLAND DEPARTMENT OF EMERGENCY MANAGEMENT TO PROVIDE TECHNICAL ASSISTANCE, COORDINATE RESOURCES, AND IMPROVE CYBERSECURITY PREPAREDNESS FOR UNITS OF LOCAL GOVERNMENT.

(2) (I) THERE IS A DIRECTOR OF STATE CYBERSECURITY WHO SHALL BE APPOINTED BY THE STATE CHIEF INFORMATION SECURITY OFFICER.

(II) THE DIRECTOR OF STATE CYBERSECURITY IS RESPONSIBLE FOR IMPLEMENTATION OF THIS SECTION WITH RESPECT TO UNITS OF STATE GOVERNMENT.

~~(E)~~ (F) THE DEPARTMENT SHALL PROVIDE THE OFFICE WITH SUFFICIENT STAFF TO PERFORM THE FUNCTIONS OF THIS SUBTITLE.

~~(F)~~ (G) ~~THE OFFICE MAY PROCURE RESOURCES, INCLUDING REGIONAL COORDINATORS, NECESSARY TO FULFILL THE REQUIREMENTS OF THIS SUBTITLE.~~

3.5–2A–04.

(A) (1) THE OFFICE IS RESPONSIBLE FOR:

~~(1)~~ (I) THE DIRECTION, COORDINATION, AND IMPLEMENTATION OF THE OVERALL CYBERSECURITY STRATEGY AND POLICY FOR UNITS OF STATE GOVERNMENT; ~~AND~~

~~(2)~~ (II) ~~THE COORDINATION OF RESOURCES AND EFFORTS TO IMPLEMENT CYBERSECURITY BEST PRACTICES AND IMPROVE OVERALL CYBERSECURITY PREPAREDNESS AND RESPONSE FOR UNITS OF LOCAL~~

~~GOVERNMENT, LOCAL SCHOOL BOARDS, LOCAL SCHOOL SYSTEMS, AND LOCAL HEALTH DEPARTMENTS.; AND~~ *AND*

~~(III)~~ *(II)* ~~SUPPORTING~~ *COORDINATING WITH* THE MARYLAND DEPARTMENT OF EMERGENCY MANAGEMENT CYBER PREPAREDNESS UNIT DURING EMERGENCY RESPONSE EFFORTS.

(2) THE OFFICE IS NOT RESPONSIBLE FOR THE INFORMATION TECHNOLOGY INSTALLATION AND MAINTENANCE OPERATIONS NORMALLY CONDUCTED BY A UNIT OF STATE GOVERNMENT, A UNIT OF LOCAL GOVERNMENT, A LOCAL SCHOOL BOARD, A LOCAL SCHOOL SYSTEM, OR A LOCAL HEALTH DEPARTMENT.

(B) THE OFFICE SHALL:

(1) ESTABLISH STANDARDS TO CATEGORIZE ALL INFORMATION COLLECTED OR MAINTAINED BY OR ON BEHALF OF EACH UNIT OF STATE GOVERNMENT;

(2) ESTABLISH STANDARDS TO CATEGORIZE ALL INFORMATION SYSTEMS MAINTAINED BY OR ON BEHALF OF EACH UNIT OF STATE GOVERNMENT;

(3) DEVELOP GUIDELINES GOVERNING THE TYPES OF INFORMATION AND INFORMATION SYSTEMS TO BE INCLUDED IN EACH CATEGORY;

(4) ESTABLISH SECURITY REQUIREMENTS FOR INFORMATION AND INFORMATION SYSTEMS IN EACH CATEGORY;

(5) ASSESS THE CATEGORIZATION OF INFORMATION AND INFORMATION SYSTEMS AND THE ASSOCIATED IMPLEMENTATION OF THE SECURITY REQUIREMENTS ESTABLISHED UNDER ITEM (4) OF THIS SUBSECTION;

(6) IF THE STATE CHIEF INFORMATION SECURITY OFFICER DETERMINES THAT THERE ARE SECURITY VULNERABILITIES OR DEFICIENCIES IN ~~THE IMPLEMENTATION OF THE SECURITY REQUIREMENTS ESTABLISHED UNDER ITEM (4) OF THIS SUBSECTION, DETERMINE WHETHER AN INFORMATION SYSTEM SHOULD BE ALLOWED TO CONTINUE TO OPERATE OR BE CONNECTED TO THE NETWORK ESTABLISHED IN ACCORDANCE WITH § 3.5–404 OF THIS TITLE;~~ *ANY INFORMATION SYSTEMS, DETERMINE AND DIRECT OR TAKE ACTIONS NECESSARY TO CORRECT OR REMEDIATE THE VULNERABILITIES OR DEFICIENCIES, WHICH MAY INCLUDE REQUIRING THE INFORMATION SYSTEM TO BE DISCONNECTED;*

(7) IF THE STATE CHIEF INFORMATION SECURITY OFFICER DETERMINES THAT THERE IS A CYBERSECURITY THREAT CAUSED BY AN ENTITY

CONNECTED TO THE NETWORK ESTABLISHED UNDER § 3.5–404 OF THIS TITLE THAT INTRODUCES A SERIOUS RISK TO ENTITIES CONNECTED TO THE NETWORK OR TO THE STATE, TAKE OR DIRECT ACTIONS REQUIRED TO MITIGATE THE THREAT;

~~(7)~~ *(8)* MANAGE SECURITY AWARENESS TRAINING FOR ALL APPROPRIATE EMPLOYEES OF UNITS OF STATE GOVERNMENT;

~~(8)~~ *(9)* ASSIST IN THE DEVELOPMENT OF DATA MANAGEMENT, DATA GOVERNANCE, AND DATA SPECIFICATION STANDARDS TO PROMOTE STANDARDIZATION AND REDUCE RISK;

~~(9)~~ *(10)* ASSIST IN THE DEVELOPMENT OF A DIGITAL IDENTITY STANDARD AND SPECIFICATION APPLICABLE TO ALL PARTIES COMMUNICATING, INTERACTING, OR CONDUCTING BUSINESS WITH OR ON BEHALF OF A UNIT OF STATE GOVERNMENT;

~~(10)~~ *(11)* DEVELOP AND MAINTAIN INFORMATION TECHNOLOGY SECURITY POLICY, STANDARDS, AND GUIDANCE DOCUMENTS, CONSISTENT WITH BEST PRACTICES DEVELOPED BY THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY;

~~(11)~~ *(12)* TO THE EXTENT PRACTICABLE, SEEK, IDENTIFY, AND INFORM RELEVANT STAKEHOLDERS OF ANY AVAILABLE FINANCIAL ASSISTANCE PROVIDED BY THE FEDERAL GOVERNMENT OR NON–STATE ENTITIES TO SUPPORT THE WORK OF THE OFFICE;

~~(12) REVIEW AND CERTIFY~~ SUPPORT LOCAL GOVERNMENTS ~~DEVELOPING LOCAL CYBERSECURITY PREPAREDNESS AND RESPONSE PLANS;~~

(13) PROVIDE TECHNICAL ASSISTANCE TO LOCALITIES IN MITIGATING AND RECOVERING FROM CYBERSECURITY INCIDENTS; AND

(14) PROVIDE TECHNICAL SERVICES, ADVICE, AND GUIDANCE TO UNITS OF LOCAL GOVERNMENT TO IMPROVE CYBERSECURITY PREPAREDNESS, PREVENTION, RESPONSE, AND RECOVERY PRACTICES.

(C) THE OFFICE, IN COORDINATION WITH THE MARYLAND DEPARTMENT OF EMERGENCY MANAGEMENT, SHALL:

(1) ASSIST LOCAL POLITICAL SUBDIVISIONS, INCLUDING COUNTIES, SCHOOL SYSTEMS, SCHOOL BOARDS, AND LOCAL HEALTH DEPARTMENTS, IN:

(I) THE DEVELOPMENT OF CYBERSECURITY PREPAREDNESS AND RESPONSE PLANS; AND

(II) IMPLEMENTING BEST PRACTICES AND GUIDANCE DEVELOPED BY THE DEPARTMENT; *AND*

(2) CONNECT LOCAL ENTITIES TO APPROPRIATE RESOURCES FOR ANY OTHER PURPOSE RELATED TO CYBERSECURITY PREPAREDNESS AND RESPONSE~~; AND~~

~~(3) DEVELOP APPROPRIATE REPORTS ON LOCAL CYBERSECURITY PREPAREDNESS~~.

(D) THE OFFICE, IN COORDINATION WITH THE MARYLAND DEPARTMENT OF EMERGENCY MANAGEMENT, MAY:

(1) CONDUCT REGIONAL EXERCISES, AS NECESSARY, IN COORDINATION WITH THE NATIONAL GUARD, LOCAL EMERGENCY MANAGERS, AND OTHER STATE AND LOCAL ENTITIES; AND

(2) ESTABLISH REGIONAL ASSISTANCE GROUPS TO DELIVER OR COORDINATE SUPPORT SERVICES TO LOCAL POLITICAL SUBDIVISIONS, AGENCIES, OR REGIONS.

(E) *(1)* ON OR BEFORE DECEMBER 31 EACH YEAR, THE OFFICE SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, AND THE JOINT COMMITTEE ON CYBERSECURITY, INFORMATION TECHNOLOGY, AND BIOTECHNOLOGY ON THE ACTIVITIES OF THE OFFICE AND THE STATE OF CYBERSECURITY PREPAREDNESS IN MARYLAND, INCLUDING:

~~(1)~~ *(I)* THE ACTIVITIES AND ACCOMPLISHMENTS OF THE OFFICE DURING THE PREVIOUS 12 MONTHS AT THE STATE AND LOCAL LEVELS; AND

~~(2)~~ *(II)* A COMPILATION AND ANALYSIS OF THE DATA FROM THE INFORMATION CONTAINED IN THE REPORTS RECEIVED BY THE OFFICE UNDER § 3.5–405 OF THIS TITLE, INCLUDING:

~~(I)~~ *1.* A SUMMARY OF THE ISSUES IDENTIFIED BY THE CYBERSECURITY PREPAREDNESS ASSESSMENTS CONDUCTED THAT YEAR;

~~(II)~~ *2.* THE STATUS OF VULNERABILITY ASSESSMENTS OF ALL UNITS OF STATE GOVERNMENT AND A TIMELINE FOR COMPLETION AND COST TO REMEDIATE ANY VULNERABILITIES EXPOSED;

~~(III)~~ *3.* RECENT AUDIT FINDINGS OF ALL UNITS OF STATE GOVERNMENT AND OPTIONS TO IMPROVE FINDINGS IN FUTURE AUDITS, INCLUDING RECOMMENDATIONS FOR STAFF, BUDGET, AND TIMING;

~~(IV)~~ *4.* ANALYSIS OF THE STATE'S EXPENDITURE ON CYBERSECURITY RELATIVE TO OVERALL INFORMATION TECHNOLOGY SPENDING FOR THE PRIOR 3 YEARS AND RECOMMENDATIONS FOR CHANGES TO THE BUDGET, INCLUDING AMOUNT, PURPOSE, AND TIMING TO IMPROVE STATE AND LOCAL CYBERSECURITY PREPAREDNESS;

~~(V)~~ *5.* EFFORTS TO SECURE FINANCIAL SUPPORT FOR CYBER RISK MITIGATION FROM FEDERAL OR OTHER NON–STATE RESOURCES;

~~(VI)~~ *6.* KEY PERFORMANCE INDICATORS ON THE CYBERSECURITY STRATEGIES IN THE DEPARTMENT'S INFORMATION TECHNOLOGY MASTER PLAN, INCLUDING TIME, BUDGET, AND STAFF REQUIRED FOR IMPLEMENTATION; AND

~~(VII)~~ *7.* ANY ADDITIONAL RECOMMENDATIONS FOR IMPROVING STATE AND LOCAL CYBERSECURITY PREPAREDNESS.

(2) A REPORT SUBMITTED UNDER THIS SUBSECTION MAY NOT CONTAIN INFORMATION THAT REVEALS CYBERSECURITY VULNERABILITIES AND RISKS IN THE STATE.

3.5–2A–05.

(A) THERE IS A MARYLAND CYBERSECURITY COORDINATING COUNCIL.

(B) (1) THE COUNCIL CONSISTS OF THE FOLLOWING MEMBERS:

~~(1) THE SECRETARY OF BUDGET AND MANAGEMENT, OR THE SECRETARY'S DESIGNEE;~~

~~(2) THE SECRETARY OF GENERAL SERVICES, OR THE SECRETARY'S DESIGNEE;~~

~~(3) THE SECRETARY OF HEALTH, OR THE SECRETARY'S DESIGNEE;~~

~~(4) THE SECRETARY OF HUMAN SERVICES, OR THE SECRETARY'S DESIGNEE;~~

~~(5) THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES, OR THE SECRETARY'S DESIGNEE;~~

~~(6) THE SECRETARY OF TRANSPORTATION, OR THE SECRETARY'S DESIGNEE;~~

~~(7) THE SECRETARY OF DISABILITIES, OR THE SECRETARY'S DESIGNEE;~~

(I) THE SECRETARY OF EACH OF THE PRINCIPAL DEPARTMENTS LISTED IN § 8–201 OF THE STATE GOVERNMENT ARTICLE, OR A SECRETARY'S DESIGNEE;

~~(8)~~ (II) THE STATE CHIEF INFORMATION SECURITY OFFICER;

~~(9)~~ (III) THE ADJUTANT GENERAL OF THE MARYLAND NATIONAL GUARD, OR THE ADJUTANT GENERAL'S DESIGNEE;

~~(10) THE SECRETARY OF EMERGENCY MANAGEMENT, OR THE SECRETARY'S DESIGNEE;~~

~~(11)~~ (IV) THE SUPERINTENDENT OF STATE POLICE, OR THE SUPERINTENDENT'S DESIGNEE;

~~(12)~~ (V) THE DIRECTOR OF THE GOVERNOR'S OFFICE OF HOMELAND SECURITY, OR THE DIRECTOR'S DESIGNEE;

~~(13)~~ (VI) THE EXECUTIVE DIRECTOR OF THE DEPARTMENT OF LEGISLATIVE SERVICES, OR THE EXECUTIVE DIRECTOR'S DESIGNEE;

~~(14)~~ (VII) ONE REPRESENTATIVE OF THE ADMINISTRATIVE OFFICE OF THE COURTS;

~~(15)~~ (VIII) THE CHANCELLOR OF THE UNIVERSITY SYSTEM OF MARYLAND, OR THE CHANCELLOR'S DESIGNEE; AND

~~(16)~~ (IX) ANY OTHER STAKEHOLDER THAT THE STATE CHIEF INFORMATION SECURITY OFFICER DEEMS APPROPRIATE.

(2) IF A DESIGNEE SERVES ON THE COUNCIL IN PLACE OF AN OFFICIAL LISTED IN PARAGRAPH (1) OF THIS SUBSECTION, THE DESIGNEE SHALL

REPORT INFORMATION FROM THE COUNCIL MEETINGS AND OTHER COMMUNICATIONS TO THE OFFICIAL.

(C) IN ADDITION TO THE MEMBERS LISTED UNDER SUBSECTION (B) OF THIS SECTION, THE FOLLOWING REPRESENTATIVES MAY SERVE AS NONVOTING MEMBERS OF THE COUNCIL:

(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; AND

(3) ONE REPRESENTATIVE OF THE JUDICIARY, APPOINTED BY THE CHIEF JUDGE OF THE COURT OF APPEALS.

~~(C)~~ *(D)* THE CHAIR OF THE COUNCIL IS THE STATE CHIEF INFORMATION SECURITY OFFICER.

~~(D)~~ *(E)* ~~(1)~~ THE COUNCIL SHALL MEET AT LEAST QUARTERLY AT THE REQUEST OF THE CHAIR.

~~**(2) MEETINGS OF THE COUNCIL SHALL BE CLOSED TO THE PUBLIC AND NOT SUBJECT TO TITLE 3 OF THE GENERAL PROVISIONS ARTICLE.**~~

~~(E)~~ *(F)* THE COUNCIL SHALL:

(1) PROVIDE ADVICE AND RECOMMENDATIONS TO THE STATE CHIEF INFORMATION SECURITY OFFICER REGARDING:

(I) THE STRATEGY AND IMPLEMENTATION OF CYBERSECURITY INITIATIVES AND RECOMMENDATIONS; AND

(II) BUILDING AND SUSTAINING THE CAPABILITY OF THE STATE TO IDENTIFY AND MITIGATE CYBERSECURITY RISK AND RESPOND TO AND RECOVER FROM CYBERSECURITY–RELATED INCIDENTS.

(2) USE THE ANALYSIS COMPILED BY THE OFFICE UNDER § 3.5–2A–04(E)(2) OF THIS SUBTITLE TO PRIORITIZE CYBERSECURITY RISK ACROSS THE EXECUTIVE BRANCH OF STATE GOVERNMENT AND MAKE CORRESPONDING RECOMMENDATIONS FOR SECURITY INVESTMENTS ~~IN THE GOVERNOR'S ANNUAL BUDGET~~.

~~(F)~~ *(G)* **IN CARRYING OUT THE DUTIES OF THE COUNCIL, THE COUNCIL** ~~MAY~~ SHALL **CONSULT WITH OUTSIDE EXPERTS, INCLUDING EXPERTS IN THE PRIVATE SECTOR, GOVERNMENT AGENCIES, AND INSTITUTIONS OF HIGHER EDUCATION.**

3.5–2A–06.

~~THE COUNCIL SHALL STUDY THE SECURITY AND FINANCIAL IMPLICATIONS OF EXECUTING PARTNERSHIPS WITH OTHER STATES TO PROCURE INFORMATION TECHNOLOGY AND CYBERSECURITY PRODUCTS AND SERVICES, INCLUDING THE IMPLICATIONS FOR POLITICAL SUBDIVISIONS OF THE STATE.~~

~~3.5–2A–07.~~

THE COUNCIL SHALL:

(1) PROMOTE CYBERSECURITY EDUCATION AND TRAINING OPPORTUNITIES TO STRENGTHEN THE STATE'S CYBERSECURITY CAPABILITIES BY EXPANDING EXISTING AGREEMENTS WITH EDUCATIONAL INSTITUTIONS; *AND*

(2) UTILIZE RELATIONSHIPS WITH INSTITUTIONS OF HIGHER EDUCATION TO ADVERTISE CYBERSECURITY CAREERS AND JOB POSITIONS AVAILABLE IN STATE OR LOCAL GOVERNMENT, INCLUDING THE MARYLAND TECHNOLOGY INTERNSHIP PROGRAM ESTABLISHED UNDER TITLE 18, SUBTITLE 30 OF THE EDUCATION ARTICLE; ~~AND~~

~~(3) ASSIST INTERESTED CANDIDATES WITH APPLYING FOR CYBERSECURITY POSITIONS IN STATE OR LOCAL GOVERNMENT~~**.**

~~3.5–2A–08.~~

~~(A) THERE IS A CYBERSECURITY COORDINATION AND OPERATIONS UNIT WITHIN THE DEPARTMENT.~~

~~(B) THE PURPOSE OF THE UNIT IS TO:~~

~~(1) IMPROVE LOCAL, REGIONAL, AND STATEWIDE CYBERSECURITY READINESS AND RESPONSE;~~

~~(2) ASSIST POLITICAL SUBDIVISIONS, SCHOOL BOARDS, AND AGENCIES IN THE DEVELOPMENT OF CYBERSECURITY DISRUPTION PLANS;~~

~~(3) IN CONSULTATION WITH THE MARYLAND DEPARTMENT OF EMERGENCY MANAGEMENT, COORDINATE WITH POLITICAL SUBDIVISIONS, LOCAL~~

~~AGENCIES, AND STATE AGENCIES ON THE IMPLEMENTATION OF CYBERSECURITY BEST PRACTICES;~~

~~(4) COORDINATE WITH POLITICAL SUBDIVISIONS AND AGENCIES ON THE IMPLEMENTATION OF THE STATEWIDE MASTER PLAN DEVELOPED BY THE DEPARTMENT UNDER SUBTITLE 3 OF THIS TITLE; AND~~

~~(5) CONSULT WITH THE STATE CHIEF INFORMATION SECURITY OFFICER AND THE SECRETARY TO CONNECT POLITICAL SUBDIVISIONS AND AGENCIES TO THE APPROPRIATE RESOURCES FOR ANY OTHER PURPOSE RELATED TO CYBERSECURITY READINESS AND RESPONSE.~~

~~(C) (1) THE HEAD OF THE UNIT IS THE EXECUTIVE DIRECTOR, WHO SHALL BE APPOINTED BY THE SECRETARY.~~

~~(2) THE OFFICE SHALL PROVIDE STAFF FOR THE UNIT.~~

~~(D) (1) THE UNIT SHALL ESTABLISH REGIONAL ASSISTANCE GROUPS TO DELIVER OR COORDINATE SUPPORT SERVICES TO POLITICAL SUBDIVISIONS, AGENCIES, OR REGIONS.~~

~~(2) THE UNIT MAY HIRE OR PROCURE REGIONAL COORDINATORS TO DELIVER OR COORDINATE THE SERVICES UNDER PARAGRAPH (1) OF THIS SUBSECTION.~~

~~(3) THE UNIT SHALL PROVIDE OR COORDINATE SUPPORT SERVICES UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT INCLUDE:~~

~~(I) CONNECTING MULTIPLE POLITICAL SUBDIVISIONS AND AGENCIES WITH EACH OTHER TO SHARE BEST PRACTICES OR OTHER INFORMATION TO INCREASE READINESS OR RESPONSE EFFECTIVENESS;~~

~~(II) PROVIDING TECHNICAL SERVICES FOR THE IMPLEMENTATION OF CYBERSECURITY BEST PRACTICES IN ACCORDANCE WITH SUBSECTION (C)(3) OF THIS SECTION;~~

~~(III) COMPLETING CYBERSECURITY RISK ASSESSMENTS;~~

~~(IV) DEVELOPING CYBER SCORECARDS AND REPORTS ON REGIONAL READINESS;~~

~~(V) CREATING AND UPDATING CYBERSECURITY DISRUPTION PLANS IN ACCORDANCE WITH SUBSECTION (C)(2) OF THIS SECTION; AND~~

~~(VI) CONDUCTING REGIONAL EXERCISES IN COORDINATION WITH THE NATIONAL GUARD, THE DEPARTMENT, THE MARYLAND DEPARTMENT OF EMERGENCY MANAGEMENT, LOCAL EMERGENCY MANAGERS, AND OTHER STATE AND LOCAL ENTITIES.~~

~~(E) (1) THE UNIT SHALL PROVIDE REGULAR TRAINING OPPORTUNITIES FOR COUNTIES AND MUNICIPAL CORPORATIONS IN THE STATE.~~

~~(2) TRAINING OPPORTUNITIES OFFERED BY THE UNIT SHALL:~~

~~(I) BE DESIGNED TO ENSURE STAFF FOR COUNTIES AND MUNICIPAL CORPORATIONS ARE CAPABLE OF COOPERATING EFFECTIVELY WITH THE DEPARTMENT IN THE EVENT OF A CYBERSECURITY EMERGENCY; AND~~

~~(II) INCORPORATE BEST PRACTICES AND GUIDELINES FOR STATE AND LOCAL GOVERNMENTS PROVIDED BY THE MULTI-STATE INFORMATION SHARING AND ANALYSIS CENTER AND THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.~~

~~(F) ON OR BEFORE DECEMBER 1 EACH YEAR, THE UNIT SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON THE ACTIVITIES OF THE UNIT.~~

3.5–301.

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

(i) "Master plan" means the statewide information technology master plan ***AND STATEWIDE CYBERSECURITY STRATEGY****.*

(j) "Nonvisual access" means the ability, through keyboard control, synthesized speech, Braille, or other methods not requiring sight to receive, use, and manipulate information and operate controls necessary to access information technology in accordance with standards adopted under **[**§ 3A–303(b)**] § 3.5–303(B)** of this subtitle.

3.5–302.

(a) This subtitle does not apply to changes relating to or the purchase, lease, or rental of information technology by:

(1) public institutions of higher education solely for academic or research purposes;

(2) the Maryland Port Administration;

(3) the University System of Maryland;

(4) St. Mary's College of Maryland;

(5) Morgan State University;

(6) the Maryland Stadium Authority; **[**or**]**

(7) Baltimore City Community College**;**

~~**(8) THE STATE BOARD OF ELECTIONS;**~~

~~**(9) THE OFFICE OF THE ATTORNEY GENERAL;**~~

~~**(10) THE COMPTROLLER;**~~

~~**(11) THE STATE TREASURER;**~~

~~**(12)**~~ ***(8)*** **THE LEGISLATIVE BRANCH OF STATE GOVERNMENT;** ~~**OR**~~

~~**(13)**~~ ***(9)*** **THE JUDICIAL BRANCH OF STATE GOVERNMENT**~~,~~***;***

(10) THE OFFICE OF THE ATTORNEY GENERAL;

(11) THE COMPTROLLER; OR

(12) THE STATE TREASURER.

(b) Except as provided in subsection (a) of this section, this subtitle applies to any project of a unit of the Executive Branch of State government that involves an agreement with a public institution of higher education for a portion of the development of the project, whether the work on the development is done directly or indirectly by the public institution of higher education.

(c) Notwithstanding any other provision of law, except as provided in subsection (a) of this section and **[**§§ 3A–307(a)(2), 3A–308, and 3A–309**] §§** ~~**3.5–306(A)(2), 3.5–307**~~ ***3.5–307(A)(2), 3.5–308,*** **AND** ~~**3.5–308**~~ ***3.5–309*** of this subtitle, this subtitle applies to all units of the Executive Branch of State government including public institutions of higher education other than Morgan State University, the University System of Maryland, St. Mary's College of Maryland, and Baltimore City Community College.

3.5–303.

(a) The Secretary is responsible for carrying out the following duties:

(1) developing, maintaining, revising, and enforcing information technology policies, procedures, and standards;

(2) providing technical assistance, advice, and recommendations to the Governor and any unit of State government concerning information technology matters;

(3) reviewing the annual project plan for each unit of State government to make information and services available to the public over the Internet;

(4) developing and maintaining a statewide information technology master plan that will:

(i) **[**be the basis for**]** **CENTRALIZE** the management and direction of information technology **POLICY** within the Executive Branch of State government **UNDER THE CONTROL OF THE DEPARTMENT**;

(ii) include all aspects of State information technology including telecommunications, security, data processing, and information management;

(iii) consider interstate transfers as a result of federal legislation and regulation;

(iv) **[**work jointly with the Secretary of Budget and Management to ensure that information technology plans and budgets are consistent;

(v)**]** ensure that **THE** State information technology **[**plans, policies,**]** **PLAN AND RELATED POLICIES** and standards are consistent with State goals, objectives, and resources, and represent a long–range vision for using information technology to improve the overall effectiveness of State government; ~~and~~

[(vi)**]** **(V)** include standards to assure nonvisual access to the information and services made available to the public over the Internet; **AND**

(VI) ALLOWS A STATE AGENCY TO MAINTAIN THE AGENCY'S OWN INFORMATION TECHNOLOGY UNIT THAT PROVIDES FOR INFORMATION TECHNOLOGY SERVICES~~, INCLUDING THE PROCUREMENT OF INFORMATION TECHNOLOGY EQUIPMENT AND SERVICES,~~ TO SUPPORT THE MISSION OF THE AGENCY~~.~~;

~~(5) PROVIDING OR COORDINATING THE PROCUREMENT OF MANAGED CYBERSECURITY SERVICES THAT ARE PAID FOR BY THE STATE AND USED BY LOCAL GOVERNMENTS;~~

~~(6)~~ *(5)* DEVELOPING AND MAINTAINING A STATEWIDE CYBERSECURITY ~~MASTER PLAN~~ *STRATEGY* THAT WILL:

(I) CENTRALIZE THE MANAGEMENT AND DIRECTION OF CYBERSECURITY STRATEGY WITHIN THE EXECUTIVE BRANCH OF STATE GOVERNMENT UNDER THE CONTROL OF THE DEPARTMENT; AND

(II) SERVE AS THE BASIS FOR BUDGET ALLOCATIONS FOR CYBERSECURITY PREPAREDNESS FOR THE EXECUTIVE BRANCH OF STATE GOVERNMENT;

[(5)**]** ~~(7)~~ ***(6)*** adopting by regulation and enforcing nonvisual access standards to be used in the procurement of information technology services by or on behalf of units of State government in accordance with subsection (b) of this section;

[(6)**]** ~~(8)~~ ***(7)*** in consultation with the **[**Attorney General,**]** **MARYLAND CYBERSECURITY** ~~**COORDINATING**~~ **COUNCIL,** advising and overseeing a consistent cybersecurity strategy for units of State government, including institutions under the control of the governing boards of the public institutions of higher education;

[(7)**]** ~~(9)~~ ***(8)*** advising and consulting with the Legislative and Judicial branches of State government regarding a cybersecurity strategy; and

[(8)**]** ~~(10)~~ ***(9)*** in consultation with the **[**Attorney General,**]** **MARYLAND CYBERSECURITY** ~~**COORDINATING**~~ **COUNCIL,** developing guidance on consistent cybersecurity strategies for counties, municipal corporations, school systems, and all other political subdivisions of the State.

(b) Nothing in subsection (a) of this section may be construed as establishing a mandate for any entity listed in subsection **[**(a)(8)**]** **(A)(10)** of this section.

(c) On or before January 1, 2020, the Secretary, or the Secretary's designee, shall:

(1) adopt new nonvisual access procurement standards that:

(i) provide an individual with disabilities with nonvisual access in a way that is fully and equally accessible to and independently usable by the individual with disabilities so that the individual is able to acquire the same information, engage in the same interactions, and enjoy the same services as users without disabilities, with substantially equivalent ease of use; and

(ii) are consistent with the standards of § 508 of the federal Rehabilitation Act of 1973; and

(2) establish a process for the Secretary or the Secretary's designee to:

(i) determine whether information technology meets the nonvisual access standards adopted under item (1) of this subsection; and

(ii) 1. for information technology procured by a State unit before January 1, 2020, and still used by the State unit on or after January 1, 2020, work with the vendor to modify the information technology to meet the nonvisual access standards, if practicable; or

2. for information technology procured by a State unit on or after January 1, 2020, enforce the nonvisual access clause developed under **[**§ 3A–311**] § ~~3.5–310~~ 3.5–311** of this subtitle, including the enforcement of the civil penalty described in **[**§ 3A–311(a)(2)(iii)1**] § ~~3.5–310(A)(2)(III)1~~ 3.5–311(A)(2)(III)1** of this subtitle.

(D) (1) THE GOVERNOR SHALL INCLUDE AN APPROPRIATION IN THE ANNUAL BUDGET BILL IN AN AMOUNT NECESSARY TO COVER THE COSTS OF IMPLEMENTING THE STATEWIDE CYBERSECURITY MASTER PLAN DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION WITHOUT THE NEED FOR THE DEPARTMENT TO OPERATE A CHARGE–BACK MODEL FOR CYBERSECURITY SERVICES PROVIDED TO OTHER UNITS OF STATE GOVERNMENT OR UNITS OF LOCAL GOVERNMENT.

(2) ON OR BEFORE JANUARY 31 EACH YEAR, *IN A SEPARATE REPORT OR INCLUDED WITHIN A GENERAL BUDGET REPORT*, THE GOVERNOR SHALL SUBMIT A REPORT IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE TO THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE THAT INCLUDES:

(I) SPECIFIC INFORMATION ON THE INFORMATION TECHNOLOGY BUDGET AND CYBERSECURITY BUDGET THAT THE GOVERNOR HAS SUBMITTED TO THE GENERAL ASSEMBLY FOR THE UPCOMING FISCAL YEAR; AND

(II) HOW THE BUDGETS LISTED UNDER ITEM (I) OF THIS PARAGRAPH COMPARE TO THE ANNUAL OVERVIEW OF THE U.S. PRESIDENT'S BUDGET SUBMISSION ON INFORMATION TECHNOLOGY AND CYBERSECURITY TO CONGRESS CONDUCTED BY THE U.S. OFFICE OF MANAGEMENT AND BUDGET.

~~3.5–305.~~

~~(a) [Except as provided in subsection (b) of this section, in accordance with guidelines established by the Secretary, each unit of State government shall develop and submit to the Secretary:~~

~~(1) information technology policies and standards;~~

~~(2) an information technology plan; and~~

~~(3) an annual project plan outlining the status of efforts to make information and services available to the public over the Internet.~~

~~(b) (1)~~ **]** ~~The governing boards of the public institutions of higher education shall develop and submit information technology policies and standards and an information technology plan for their respective institutions or systems to the Secretary.~~

[~~(2)~~**] (B)** ~~If the Secretary finds that the submissions required under this~~ **[**~~subsection~~**] SECTION** ~~are consistent with the master plan, the Secretary shall incorporate those submissions into the master plan.~~

[~~(3)~~**] (C)** ~~If the Secretary finds that the submissions required under this~~ **[**~~subsection~~**] SECTION** ~~are not consistent with the master plan:~~

~~(i) the Secretary shall return the submissions to the governing boards; and~~

~~(ii) the governing boards shall revise the submissions as appropriate and submit the revised policies, standards, and plans to the Secretary.~~

[~~3.5–306.~~

~~Information technology of each unit of State government shall be consistent with the master plan.~~**]**

[3.5–307.**] 3.5–306.**

(a) (1) **[**A unit of State government**]** **THE DEPARTMENT** may not purchase, lease, or rent information technology **ON BEHALF OF A UNIT OF STATE GOVERNMENT** unless consistent with the master plan **AND THE CYBERSECURITY MASTER PLAN *STRATEGY***.

(2) A unit of State government other than a public institution of higher education **[**may not make**]** **SHALL SUBMIT REQUESTS FOR** expenditures for major information technology development projects **OR CYBERSECURITY PROJECTS** except as provided in **[**§ 3A–308**] § 3.5–307 3.5–308** of this subtitle.

(b) **[**(1)**]** The Secretary may review any information technology project **OR CYBERSECURITY PROJECT** for consistency with the master plan **AND THE CYBERSECURITY MASTER PLAN *STRATEGY***.

[~~(2) Any information technology project selected for review may not be implemented without the approval of the Secretary.~~**]**

(c) (1) A unit of State government shall advise the Secretary of any information technology proposal involving resource sharing, the exchange of goods or services, or a gift, contribution, or grant of real or personal property.

(2) The Secretary shall determine if the value of the resources, services, and property to be obtained by the State under the terms of any proposal submitted in accordance with the provisions of paragraph (1) of this subsection equals or exceeds $100,000.

(3) If the value of any proposal submitted in accordance with this subsection equals or exceeds $100,000 and the Secretary and unit agree to proceed with the proposal, information on the proposal shall be:

(i) advertised for a period of at least 30 days in the eMaryland Marketplace; and

(ii) submitted, simultaneously with the advertisement, to the Legislative Policy Committee for a 60–day review and comment period, during which time the Committee may recommend that the proposal be treated as a procurement contract under Division II of this article.

(4) Following the period for review and comment by the Legislative Policy Committee under paragraph (3) of this subsection, the proposal is subject to approval by the Board of Public Works.

(5) This subsection may not be construed as authorizing an exception from the requirements of Division II of this article for any contract that otherwise would be subject to the State procurement process.

~~**[**3.5–308.**]** **3.5–307.**~~

~~(a) This section does not apply to a public institution of higher education.~~

~~(b) In submitting its information technology project requests, a unit of State government shall designate projects which are major information technology development projects.~~

~~(c) In reviewing information technology project requests, the Secretary may change a unit's designation of a major information technology development project.~~

~~(d) The Secretary shall review and, with the advice of the Secretary of Budget and Management, approve major information technology development projects and specifications for consistency with all statewide plans, policies, and standards, including a systems development life cycle plan.~~

~~(e) The Secretary shall be responsible for overseeing the implementation of major information technology development projects**[**, regardless of fund source**]**.~~

~~(f) With the advice of the Secretary of Budget and Management, expenditures for major information technology development projects shall be subject to the approval of the Secretary who shall approve expenditures only when those projects are consistent with statewide plans, policies, and standards.~~

~~(g) (1) The Secretary shall approve funding for major information technology development projects only when those projects are supported by an approved systems development life cycle plan.~~

~~(2) An approved systems development life cycle plan shall include submission of:~~

~~(i) a project planning request that details initial planning for the project, including:~~

~~1. the project title, appropriation code, and summary;~~

~~2. a description of:~~

~~A. the needs addressed by the project;~~

~~B. the potential risks associated with the project;~~

~~C. possible alternatives; and~~

~~D. the scope and complexity of the project; and~~

~~3. an estimate of:~~

~~A. the total costs required to complete through planning; and~~

~~B. the fund sources available to support planning costs; and~~

~~(ii) a project implementation request to begin full design, development, and implementation of the project after the completion of planning, including:~~

~~1. the project title, appropriation code, and summary;~~

~~2. a description of:~~

~~A. the needs addressed by the project;~~

~~B. the potential risks associated with the project;~~

~~C. possible alternatives;~~

~~D. the scope and complexity of the project; and~~

~~E. how the project meets the goals of the statewide master plan; and~~

~~3. an estimate of:~~

~~A. the total project cost; and~~

~~B. the fund sources available.~~

~~(3) The Secretary may approve funding incrementally, consistent with the systems development life cycle plan.~~

[3.5–309.**]** ~~**3.5–308.**~~

~~(a) There is a Major Information Technology Development Project Fund.~~

~~(b) The purpose of the Fund is to support major information technology development projects.~~

(c) The Secretary:

(1) shall administer the Fund in accordance with this section; and

(2) subject to the provisions of § 2–201 of this article and **[**§ 3A–307**]** ~~**§ 3.5–306**~~ **3.5–307** of this subtitle, may receive and accept contributions, grants, or gifts of money or property.

~~(d) (1) The Fund is a special, nonlapsing fund that is not subject to § 7–302 of this article.~~

~~(2) The State Treasurer shall hold the Fund separately and the Comptroller shall account for the Fund.~~

~~(3) The State Treasurer shall invest and reinvest the money of the Fund in the same manner as other State money may be invested.~~

~~(4) Any investment earnings of the Fund shall be paid into the Fund.~~

~~(e) Except as provided in subsection (f) of this section, the Fund consists of:~~

~~(1) money appropriated in the State budget to the Fund;~~

~~(2) as approved by the Secretary, money received from:~~

~~(i) the sale, lease, or exchange of communication sites, communication facilities, or communication frequencies for information technology purposes; or~~

~~(ii) an information technology agreement involving resource sharing;~~

~~(3) that portion of money earned from pay phone commissions to the extent that the commission rates exceed those in effect in December 1993;~~

~~(4) money received and accepted as contributions, grants, or gifts as authorized under subsection (c) of this section;~~

~~(5) general funds appropriated for major information technology development projects of any unit of State government other than a public institution of higher education that:~~

~~(i) are unencumbered and unexpended at the end of a fiscal year;~~

~~(ii) have been abandoned; or~~

~~(iii) have been withheld by the General Assembly or the Secretary;~~

~~(6) any investment earnings; and~~

~~(7) any other money from any source accepted for the benefit of the Fund.~~

~~(f) The Fund does not include any money:~~

~~(1) received by the Department of Transportation, the Maryland Transportation Authority, Baltimore City Community College, or the Maryland Public Broadcasting Commission;~~

~~(2) received by the Judicial or Legislative branches of State government; or~~

~~(3) generated from pay phone commissions that are credited to other accounts or funds in accordance with other provisions of law or are authorized for other purposes in the State budget or through an approved budget amendment.~~

~~(g) The Governor shall submit with the State budget:~~

~~(1) a summary showing the unencumbered balance in the Fund as of the close of the prior fiscal year and a listing of any encumbrances;~~

~~(2) an estimate of projected revenue from each of the sources specified in subsection (c) of this section for the fiscal year for which the State budget is submitted; and~~

~~(3) a descriptive listing of projects reflecting projected costs for the fiscal year for which the State budget is submitted and any estimated future year costs.~~

~~(h) Expenditures from the Fund shall be made only:~~

~~(1) in accordance with an appropriation approved by the General Assembly in the annual State budget; or~~

~~(2) through an approved State budget amendment under Title 7, Subtitle 2, Part II of this article, provided that a State budget amendment for any project not requested as part of the State budget submission or for any project for which the scope or cost has increased by more than 5% or $250,000 shall be submitted to the budget committees allowing a 30–day period for their review and comment.~~

(i) The Fund may be used:

(1) for major information technology development projects;

(2) as provided in subsections (j) and (l) of this section; or

(3) notwithstanding **[**§ 3A–301(b)(2)**] § 3.5–301(B)(2)** of this subtitle, for the costs of the first 12 months of operation and maintenance of a major information technology development project.

~~(j) Notwithstanding subsection (b) of this section and except for the cost incurred in administering the Fund, each fiscal year up to $1,000,000 of this Fund may be used for:~~

~~(1) educationally related information technology projects;~~

~~(2) application service provider initiatives as provided for in Title 9, Subtitle 22 of the State Government Article; or~~

~~(3) information technology projects, including:~~

~~(i) pilots; and~~

~~(ii) prototypes.~~

~~(k) A unit of State government or local government may submit a request to the Secretary to support the cost of an information technology project with money under subsection (j) of this section.~~

(l) (1) Notwithstanding subsection (b) of this section and in accordance with paragraph (2) of this subsection, money paid into the Fund under subsection (e)(2) of this section shall be used to support:

(i) the State telecommunication and computer network established under **[**§ 3A–404**]** **§ 3.5–404** of this title, including program development for these activities; and

(ii) the Statewide Public Safety Interoperability Radio System, also known as Maryland First (first responder interoperable radio system team), under Title 1, Subtitle 5 of the Public Safety Article.

(2) The Secretary may determine the portion of the money paid into the Fund that shall be allocated to each program described in paragraph (1) of this subsection.

~~(m) (1) On or before November 1 of each year, the Secretary shall report to the Governor, the Secretary of Budget and Management, and to the budget committees of the General Assembly and submit a copy of the report to the General Assembly, in accordance with § 2–1257 of the State Government Article.~~

~~(2) The report shall include:~~

~~(i) the financial status of the Fund and a summary of its operations for the preceding fiscal year;~~

~~(ii) an accounting for the preceding fiscal year of all money from each of the revenue sources specified in subsection (e) of this section, including any expenditures made from the Fund; and~~

~~(iii) for each project receiving money from the Fund in the preceding fiscal year and for each major information technology development project receiving funding from any source other than the Fund in the preceding fiscal year:~~

~~1. the status of the project;~~

~~2. a comparison of estimated and actual costs of the project;~~

~~3. any known or anticipated changes in scope or costs of the project;~~

~~4. an evaluation of whether the project is using best practices; and~~

~~5. a summary of any monitoring and oversight of the project from outside the agency in which the project is being developed, including a description of any problems identified by any external review and any corrective actions taken.~~

~~(n) On or before January 15 of each year, for each major information technology development project currently in development or for which operations and maintenance funding is being provided in accordance with subsection (i)(3) of this section, subject to § 2–1257 of the State Government Article, the Secretary shall provide a summary report to~~

~~the Department of Legislative Services with the most up–to–date project information including:~~

~~(1) project status;~~

~~(2) any schedule, cost, and scope changes since the last annual report;~~

~~(3) a risk assessment including any problems identified by any internal or external review and any corrective actions taken; and~~

~~(4) any change in the monitoring or oversight status.~~

[~~3A–310.~~**] 3.5–309.**

~~This subtitle may not be construed to give the Secretary authority over:~~

~~(1) the content of educational applications or curriculum at the State or local level; or~~

~~(2) the entities that may participate in such educational programs.~~

[~~3.5–311.~~**] 3.5–310.**

(a) ~~(1) The Secretary or the Secretary's designee, in consultation with other units of State government, and after public comment, shall develop a nonvisual access clause for use in the procurement of information technology and information technology services that specifies that the technology and services:~~

~~(i) must provide equivalent access for effective use by both visual and nonvisual means;~~

~~(ii) will present information, including prompts used for interactive communications, in formats intended for both visual and nonvisual use;~~

~~(iii) can be integrated into networks for obtaining, retrieving, and disseminating information used by individuals who are not blind or visually impaired; and~~

~~(iv) shall be obtained, whenever possible, without modification for compatibility with software and hardware for nonvisual access.~~

(2) On or after January 1, 2020, the nonvisual access clause developed in accordance with paragraph (1) of this subsection shall include a statement that:

(i) within 18 months after the award of the procurement, the Secretary, or the Secretary's designee, will determine whether the information technology meets the nonvisual access standards adopted in accordance with **[**§ 3A–303(b)**] § 3.5–303(B)** of this subtitle;

~~(ii) if the information technology does not meet the nonvisual access standards, the Secretary, or the Secretary's designee, will notify the vendor in writing that the vendor, at the vendor's own expense, has 12 months after the date of the notification to modify the information technology in order to meet the nonvisual access standards; and~~

~~(iii) if the vendor fails to modify the information technology to meet the nonvisual access standards within 12 months after the date of the notification, the vendor:~~

~~1. may be subject to a civil penalty of:~~

~~A. for a first offense, a fine not exceeding $5,000; and~~

~~B. for a subsequent offense, a fine not exceeding $10,000; and~~

~~2. shall indemnify the State for liability resulting from the use of information technology that does not meet the nonvisual access standards.~~

~~(b) (1) Except as provided in paragraph (2) of this subsection, the nonvisual access clause required under subsection (a) of this section shall be included in each invitation for bids or request for proposals and in each procurement contract or modification or renewal of a contract issued under Title 13 of this article, without regard to the method chosen under Title 13, Subtitle 1 of this article for the purchase of new or upgraded information technology and information technology services.~~

~~(2) Except as provided in subsection (a)(4) of this section, the nonvisual access clause required under paragraph (1) of this subsection is not required if:~~

~~(i) the information technology is not available with nonvisual access because the essential elements of the information technology are visual and nonvisual equivalence cannot be developed; or~~

~~(ii) the cost of modifying the information technology for compatibility with software and hardware for nonvisual access would increase the price of the procurement by more than 15%.~~

~~[~~3.5–312.~~]~~ 3.5–311.

~~The Secretary may delegate the duties set forth in this subtitle to carry out its purposes.~~

~~[~~3.5–313.~~]~~ 3.5–312.

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

~~(2) "Agency" includes a unit of State government that receives funds that are not appropriated in the annual budget bill.~~

~~(3) (i) "Payee" means any party who receives from the State an aggregate payment of $25,000 in a fiscal year.~~

~~(ii) "Payee" does not include:~~

~~1. a State employee with respect to the employee's compensation; or~~

~~2. a State retiree with respect to the retiree's retirement allowance.~~

~~(4) "Searchable website" means a website created in accordance with this section that displays and searches State payment data.~~

~~(b) (1) The Department shall develop and operate a single searchable website, accessible to the public at no cost through the Internet.~~

~~(2) On or before the 15th day of the month that follows the month in which an agency makes a payment to a payee, the Department shall update the payment data on the searchable website.~~

~~(c) The searchable website shall contain State payment data, including:~~

~~(1) the name of a payee receiving a payment;~~

~~(2) the location of a payee by postal zip code;~~

~~(3) the amount of a payment; and~~

~~(4) the name of an agency making a payment.~~

~~(d) The searchable website shall allow the user to:~~

~~(1) search data for fiscal year 2008 and each year thereafter; and~~

~~(2) search by the following data fields:~~

~~(i) a payee receiving a payment;~~

~~(ii) an agency making a payment; and~~

~~(iii) the zip code of a payee receiving a payment.~~

~~(e) State agencies shall provide appropriate assistance to the Secretary to ensure the existence and ongoing operation of the single website.~~

~~(f) This section may not be construed to require the disclosure of information that is confidential under State or federal law.~~

~~(g) This section shall be known and may be cited as the "Maryland Funding Accountability and Transparency Act".~~

~~[~~3.5–314.~~]~~ 3.5–313.

~~(a) In this section, "security–sensitive data" means information that is protected against unwarranted disclosure.~~

~~(b) In accordance with guidelines established by the Secretary, each unit of State government shall develop a plan to:~~

~~(1) identify unit personnel who handle security–sensitive data; and~~

~~(2) establish annual security overview training or refresher security training for each employee who handles security–sensitive data as part of the employee's duties.~~

~~3.5–401.~~

~~(a) The Department shall:~~

~~(1) coordinate the development, procurement, management, and operation of telecommunication equipment, systems, and services by State government;~~

~~(2) TO ADDRESS PREPAREDNESS AND RESPONSE CAPABILITIES OF LOCAL JURISDICTIONS, COORDINATE~~ ASSIST WITH ~~THE PROCUREMENT OF MANAGED CYBERSECURITY SERVICES PROCURED BY LOCAL GOVERNMENTS WITH STATE FUNDING;~~

~~[~~(2)~~]~~ (3) ~~acquire and manage common user telecommunication equipment, systems, or services and charge units of State government for their proportionate share of the costs of installation, maintenance, and operation of the common user telecommunication equipment, systems, or services;~~

~~[~~(3)~~]~~ (4) ~~promote compatibility of telecommunication systems by developing policies, procedures, and standards for the [acquisition and] use of telecommunication equipment, systems, and services by units of State government;~~

~~[~~(4)~~]~~ (5) ~~coordinate State government telecommunication systems and services by reviewing requests by units of State government for~~**~~, AND~~**~~, ON REQUEST BY A~~**

~~UNIT, ACQUIRING ON BEHALF OF UNITS~~ A UNIT ~~OF STATE GOVERNMENT,~~ telecommunication equipment, systems, or services;

~~[(5)]~~ **(6)** ~~advise units of State government about [planning, acquisition,]~~ **PLANNING** ~~and operation of telecommunication equipment, systems, or services; and~~

~~[(6)]~~ **(7)** ~~provide radio frequency coordination for State and local governments in accordance with regulations of the Federal Communications Commission.~~

~~(b) The Department may make arrangement for a user other than a unit of State government to have access to and use of State telecommunication equipment, systems, and services and shall charge the user any appropriate amount to cover the cost of installation, maintenance, and operation of the telecommunication equipment, system, or service provided.~~

~~(C) (1) THE DEPARTMENT SHALL DEVELOP AND REQUIRE BASIC SECURITY REQUIREMENTS TO BE INCLUDED IN A CONTRACT:~~

~~(I) IN WHICH A THIRD–PARTY CONTRACTOR WILL HAVE ACCESS TO AND USE STATE TELECOMMUNICATION EQUIPMENT, SYSTEMS, OR SERVICES; OR~~

~~(II) BY A UNIT OF STATE GOVERNMENT THAT IS LESS THAN $50,000 FOR SYSTEMS OR DEVICES THAT WILL CONNECT TO STATE TELECOMMUNICATION EQUIPMENT, SYSTEMS, OR SERVICES.~~

~~(2) THE SECURITY REQUIREMENTS DEVELOPED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CONSISTENT WITH A WIDELY RECOGNIZED SECURITY STANDARD, INCLUDING NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY SP 800–171, ISO27001, OR CYBERSECURITY MATURITY MODEL CERTIFICATION.~~

~~3.5–404.~~

~~(a) The General Assembly declares that:~~

~~(1) it is the policy of the State to foster telecommunication and computer networking among State and local governments, their agencies, and educational institutions in the State;~~

~~(2) there is a need to improve access, especially in rural areas, to efficient telecommunication and computer network connections;~~

~~(3) improvement of telecommunication and computer networking for State and local governments and educational institutions promotes economic development, educational resource use and development, and efficiency in State and local administration;~~

~~(4) rates for the intrastate inter–LATA telephone communications needed for effective integration of telecommunication and computer resources are prohibitive for many smaller governments, agencies, and institutions; and~~

~~(5) the use of improved State telecommunication and computer networking under this section is intended not to compete with commercial access to advanced network technology, but rather to foster fundamental efficiencies in government and education for the public good.~~

~~(b) (1) The Department shall establish a telecommunication and computer network in the State.~~

~~(2) The network shall consist of:~~

~~(i) one or more connection facilities for telecommunication and computer connection in each local access transport area (LATA) in the State; and~~

~~(ii) facilities, auxiliary equipment, and services required to support the network in a reliable and secure manner.~~

~~(c) The network shall be accessible through direct connection and through local intra–LATA telecommunications to State and local governments and public and private educational institutions in the State.~~

~~(D) ON OR BEFORE DECEMBER 1 EACH YEAR, EACH UNIT OF THE LEGISLATIVE OR JUDICIAL BRANCH OF STATE GOVERNMENT AND ANY DIVISION OF THE UNIVERSITY SYSTEM OF MARYLAND THAT USE THE NETWORK ESTABLISHED UNDER SUBSECTION (B) OF THIS SECTION SHALL CERTIFY TO THE DEPARTMENT THAT THE UNIT OR DIVISION IS IN COMPLIANCE WITH THE DEPARTMENT'S MINIMUM SECURITY STANDARDS.~~

3.5–404.

(D) (1) THE OFFICE SHALL ENSURE THAT AT LEAST ONCE EVERY 2 YEARS, OR MORE OFTEN IF REQUIRED BY REGULATIONS ADOPTED BY THE DEPARTMENT, EACH UNIT OF STATE GOVERNMENT SHALL COMPLETE AN EXTERNAL ASSESSMENT.

(2) THE OFFICE SHALL ASSIST EACH UNIT TO REMEDIATE ANY SECURITY VULNERABILITIES OR HIGH–RISK CONFIGURATIONS IDENTIFIED IN THE ASSESSMENT REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(E) (1) IN THIS SUBSECTION, "IT UNIT" MEANS A UNIT OF THE LEGISLATIVE BRANCH OR JUDICIAL BRANCH OF STATE GOVERNMENT, THE OFFICE OF THE ATTORNEY GENERAL, THE OFFICE OF THE COMPTROLLER, OR THE OFFICE

OF THE STATE TREASURER THAT PROVIDES INFORMATION TECHNOLOGY SERVICES FOR ANOTHER UNIT OF GOVERNMENT.

(2) EACH IT UNIT SHALL:

(I) BE EVALUATED BY AN INDEPENDENT AUDITOR WITH CYBERSECURITY EXPERTISE TO DETERMINE WHETHER THE IT UNIT, AND THE UNITS IT PROVIDES INFORMATION TECHNOLOGY SERVICES FOR, MEET RELEVANT CYBERSECURITY STANDARDS RECOMMENDED BY THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY; AND

(II) CERTIFY COMPLIANCE WITH THE RECOMMENDED NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY CYBERSECURITY STANDARDS TO:

1. IF THE IT UNIT IS PART OF THE LEGISLATIVE BRANCH, THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE; ~~AND~~

2. IF THE IT UNIT IS PART OF THE OFFICE OF THE ATTORNEY GENERAL, TO THE ATTORNEY GENERAL;

3. IF THE IT UNIT IS PART OF THE COMPTROLLER'S OFFICE, TO THE COMPTROLLER;

4. IF THE IT UNIT IS PART OF THE STATE TREASURER'S OFFICE, TO THE STATE TREASURER; AND

~~2.~~ 5. IF THE IT UNIT IS PART OF THE JUDICIAL BRANCH OF STATE GOVERNMENT, THE CHIEF JUDGE.

3.5–405.

(A) ON OR BEFORE DECEMBER 1 EACH YEAR, EACH UNIT OF STATE GOVERNMENT SHALL:

(1) ~~COMPLETE A CYBERSECURITY PREPAREDNESS ASSESSMENT AND~~ REPORT THE RESULTS OF ANY CYBERSECURITY PREPAREDNESS ASSESSMENTS PERFORMED IN THE PRIOR YEAR TO THE OFFICE OF SECURITY MANAGEMENT IN ACCORDANCE WITH GUIDELINES DEVELOPED BY THE OFFICE; AND

(2) SUBMIT A REPORT TO THE GOVERNOR AND THE OFFICE OF SECURITY MANAGEMENT THAT INCLUDES:

(I) AN INVENTORY OF ALL INFORMATION SYSTEMS AND APPLICATIONS USED OR MAINTAINED BY THE UNIT;

(II) A FULL DATA INVENTORY OF THE UNIT;

(III) A LIST OF ALL CLOUD OR STATISTICAL ANALYSIS SYSTEM SOLUTIONS USED BY THE UNIT;

(IV) A LIST OF ALL PERMANENT AND TRANSIENT VENDOR INTERCONNECTIONS THAT ARE IN PLACE;

(V) THE NUMBER OF UNIT EMPLOYEES WHO HAVE RECEIVED CYBERSECURITY TRAINING;

(VI) THE TOTAL NUMBER OF UNIT EMPLOYEES WHO USE THE NETWORK;

(VII) THE NUMBER OF INFORMATION TECHNOLOGY STAFF POSITIONS, INCLUDING VACANCIES;

(VIII) THE NUMBER OF NONINFORMATION TECHNOLOGY STAFF POSITIONS, INCLUDING VACANCIES;

(IX) THE UNIT'S INFORMATION TECHNOLOGY BUDGET, ITEMIZED TO INCLUDE THE FOLLOWING CATEGORIES:

1. SERVICES;

2. EQUIPMENT;

3. APPLICATIONS;

4. PERSONNEL;

5. SOFTWARE LICENSING;

6. DEVELOPMENT;

7. NETWORK PROJECTS;

8. MAINTENANCE; AND

9. CYBERSECURITY;

(X) ANY MAJOR INFORMATION TECHNOLOGY INITIATIVES TO MODERNIZE THE UNIT'S INFORMATION TECHNOLOGY SYSTEMS OR IMPROVE CUSTOMER ACCESS TO STATE AND LOCAL SERVICES;

(XI) THE UNIT'S PLANS FOR FUTURE FISCAL YEARS TO IMPLEMENT THE UNIT'S INFORMATION TECHNOLOGY GOALS;

(XII) COMPLIANCE WITH TIMELINES AND METRICS PROVIDED IN THE DEPARTMENT'S MASTER PLAN; AND

(XIII) ANY OTHER KEY PERFORMANCE INDICATORS REQUIRED BY THE OFFICE OF SECURITY MANAGEMENT TO TRACK COMPLIANCE OR CONSISTENCY WITH THE DEPARTMENT'S STATEWIDE INFORMATION TECHNOLOGY MASTER PLAN.

(B) (1) EACH UNIT OF STATE GOVERNMENT SHALL REPORT A CYBERSECURITY INCIDENT IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION TO THE STATE CHIEF INFORMATION SECURITY OFFICER.

(2) FOR THE REPORTING OF CYBERSECURITY INCIDENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE STATE CHIEF INFORMATION SECURITY OFFICER SHALL DETERMINE:

(I) THE CRITERIA FOR DETERMINING WHEN AN INCIDENT MUST BE REPORTED;

(II) THE MANNER IN WHICH TO REPORT; AND

(III) THE TIME PERIOD WITHIN WHICH A REPORT MUST BE MADE.

3.5–406.

~~(C)~~ ~~(1)~~ (A) THIS ~~SUBSECTION~~ *SECTION* DOES NOT APPLY TO MUNICIPAL GOVERNMENTS.

~~(2)~~ (B) ~~ON OR BEFORE DECEMBER 1 EACH YEAR~~ *IN A MANNER AND FREQUENCY ESTABLISHED IN REGULATIONS ADOPTED BY THE DEPARTMENT*, EACH COUNTY GOVERNMENT, LOCAL SCHOOL SYSTEM, AND LOCAL HEALTH DEPARTMENT SHALL:

~~(I)~~ (1) IN CONSULTATION WITH THE LOCAL EMERGENCY MANAGER, CREATE OR UPDATE A CYBERSECURITY PREPAREDNESS AND RESPONSE PLAN ~~AND SUBMIT THE PLAN TO THE OFFICE OF SECURITY MANAGEMENT FOR APPROVAL~~; *AND*

~~(II)~~ (2) COMPLETE A CYBERSECURITY PREPAREDNESS ASSESSMENT ~~AND REPORT THE RESULTS TO THE OFFICE OF SECURITY~~

~~MANAGEMENT IN ACCORDANCE WITH GUIDELINES DEVELOPED BY THE OFFICE; AND~~

~~(III)~~ (3) ~~REPORT TO THE OFFICE OF SECURITY MANAGEMENT:~~

~~1.~~ (I) ~~THE NUMBER OF INFORMATION TECHNOLOGY STAFF POSITIONS, INCLUDING VACANCIES;~~

~~2.~~ (II) ~~THE ENTITY'S CYBERSECURITY BUDGET AND OVERALL INFORMATION TECHNOLOGY BUDGET;~~

~~3.~~ (III) ~~THE NUMBER OF EMPLOYEES WHO HAVE RECEIVED CYBERSECURITY TRAINING; AND~~

~~4.~~ (IV) ~~THE TOTAL NUMBER OF EMPLOYEES WITH ACCESS TO THE ENTITY'S COMPUTER SYSTEMS AND DATABASES~~.

(C) THE ASSESSMENT REQUIRED UNDER PARAGRAPH (B)(2) OF THIS SECTION MAY, IN ACCORDANCE WITH THE PREFERENCE OF EACH COUNTY GOVERNMENT, BE PERFORMED BY THE DEPARTMENT OR BY A VENDOR AUTHORIZED BY THE DEPARTMENT.

~~(3)~~ ~~(I)~~ (D) (1) EACH ~~COUNTY~~ LOCAL GOVERNMENT~~, LOCAL SCHOOL SYSTEM, AND LOCAL HEALTH DEPARTMENT~~ SHALL REPORT A CYBERSECURITY INCIDENT, INCLUDING AN ATTACK ON A STATE SYSTEM BEING USED BY THE LOCAL GOVERNMENT, TO THE APPROPRIATE LOCAL EMERGENCY MANAGER~~, THE SECURITY OPERATIONS CENTER, AND TO THE MARYLAND JOINT OPERATIONS CENTER IN THE DEPARTMENT OF EMERGENCY MANAGEMENT~~ *AND THE STATE SECURITY OPERATIONS CENTER IN THE DEPARTMENT* IN ACCORDANCE WITH ~~SUBPARAGRAPH (II)~~ PARAGRAPH (2) OF THIS ~~PARAGRAPH~~ SUBSECTION ~~TO THE APPROPRIATE LOCAL EMERGENCY MANAGER~~.

~~(II)~~ (2) FOR THE REPORTING OF CYBERSECURITY INCIDENTS TO LOCAL EMERGENCY MANAGERS UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE STATE CHIEF INFORMATION SECURITY OFFICER SHALL DETERMINE:

~~1.~~ (I) THE CRITERIA FOR DETERMINING WHEN AN INCIDENT MUST BE REPORTED;

~~2.~~ (II) THE MANNER IN WHICH TO REPORT; AND

~~3.~~ (III) THE TIME PERIOD WITHIN WHICH A REPORT MUST BE MADE.

(3) THE ~~MARYLAND JOINT~~ *STATE SECURITY* OPERATIONS CENTER SHALL IMMEDIATELY NOTIFY THE APPROPRIATE AGENCIES OF A CYBERSECURITY INCIDENT REPORTED UNDER THIS PARAGRAPH THROUGH THE STATE SECURITY OPERATIONS CENTER.

4–316.1.

THE DEPARTMENT, IN CONSULTATION WITH THE MARYLAND CYBERSECURITY COORDINATING COUNCIL ESTABLISHED IN § 3.5–2A–05 OF THIS ARTICLE, SHALL STUDY THE SECURITY AND FINANCIAL IMPLICATIONS OF EXECUTING PARTNERSHIPS WITH OTHER STATES TO PROCURE INFORMATION TECHNOLOGY AND CYBERSECURITY PRODUCTS AND SERVICES, INCLUDING THE IMPLICATIONS FOR POLITICAL SUBDIVISIONS OF THE STATE.

13–115.

(A) THE DEPARTMENT OF INFORMATION TECHNOLOGY SHALL REQUIRE BASIC SECURITY REQUIREMENTS TO BE INCLUDED IN A CONTRACT:

(1) IN WHICH A THIRD–PARTY CONTRACTOR WILL HAVE ACCESS TO AND USE STATE TELECOMMUNICATION EQUIPMENT, SYSTEMS, OR SERVICES; OR

(2) FOR SYSTEMS OR DEVICES THAT WILL CONNECT TO STATE TELECOMMUNICATION EQUIPMENT, SYSTEMS, OR SERVICES.

(B) THE SECURITY REQUIREMENTS DEVELOPED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE CONSISTENT WITH A WIDELY RECOGNIZED SECURITY STANDARD, INCLUDING NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY SP 800–171, ISO27001, OR CYBERSECURITY MATURITY MODEL CERTIFICATION.

~~12–107.~~

~~(b) Subject to the authority of the Board, jurisdiction over procurement is as follows:~~

~~(2) the Department of General Services may:~~

~~(i) engage in or control procurement of:~~

~~10. information processing equipment and associated services, as provided in Title [3A] 3.5, Subtitle 3 of this article; [and]~~

~~11. telecommunication equipment, systems, or services, as provided in Title [3A] 3.5, Subtitle 4 of this article; AND~~

~~**12. MANAGED CYBERSECURITY SERVICES, AS PROVIDED IN TITLE 3.5, SUBTITLE 3 OF THIS ARTICLE;**~~

SECTION 3. AND BE IT FURTHER ENACTED, That, as a key enabler of the Department of Information Technology's cybersecurity risk management strategy, on or before December 31, 2022, the Department shall complete the implementation of a governance, risk, and compliance module across the Executive Branch of State government that:

(1) has industry–standard capabilities;

(2) is based on NIST, ISO, or other recognized security frameworks or standards; and

(3) enables the Department to identify, monitor, and manage cybersecurity risk on a continuous basis.

SECTION 4. AND BE IT FURTHER ENACTED, That, on or before June 30, 2023, the Office of Security Management, in consultation with the Maryland Cybersecurity Coordinating Council, shall:

(1) prepare a transition strategy toward cybersecurity centralization, including recommendations for:

~~(1)~~ (i) consistent incident response training;

~~(2)~~ (ii) implementing security improvement dashboards to inform budgetary appropriations;

~~(3)~~ (iii) operations logs transition to the Maryland Security Operations Center;

~~(4)~~ (iv) establishing consistent performance accountability metrics for information technology and cybersecurity staff; and

~~(5)~~ (v) whether the Office needs additional staff or contractors to carry out its duties; and

(2) report the transition strategy and recommendations prepared under item (1) of this section to the Governor and, in accordance with § 2–1257 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee.

SECTION 5. AND BE IT FURTHER ENACTED, That:

(a) (1) On or before June 30, 2023, each agency in the Executive Branch of State government shall certify to the Office of Security Management compliance with State minimum cybersecurity standards established by the Department of Information ~~Security~~ Technology.

(2) Except as provided in paragraph (3) of this subsection, certification shall be reviewed by independent auditors, and any findings must be remediated.

(3) Certification for the Department of Public Safety and Correctional Services and any State criminal justice agency shall be reviewed by the Office of Legislative Audits, and any findings must be remediated.

(b) ~~If~~ Except as provided in subsection (c) of this section, if an agency has not remediated any findings pertaining to State cybersecurity standards found by the independent audit required under subsection (a) of this section by July 1, 2024, the Office of Security Management shall ~~assume responsibility for an agency's cybersecurity~~ ensure compliance of an agency's cybersecurity with cybersecurity standards through a shared service agreement, administrative privileges, or access to Network Maryland ~~notwithstanding any federal law or regulation that forbids the Office of Security Management from managing a specific system~~.

(c) Subsection (b) of this section does not apply if a federal law or regulation forbids the Office of Security Management from managing a specific system.

SECTION 6. AND BE IT FURTHER ENACTED, That:

(a) The Department of Information Technology shall hire a contractor to conduct a performance and capacity assessment of the Department to:

(1) evaluate the Department's capacity to implement provisions of this Act; and

(2) recommend additional resources necessary for the Department to implement provisions of this title and meet future needs, including additional budget appropriations, additional staff, altered contracting authority, and pay increases for staff.

(b) The contractor hired by the Department to complete the assessment and report required by this section shall:

(1) on or before December 1, 2023, submit an interim report of its findings and recommendations to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly; and

(2) on or before December 1, 2024, submit a final report of its findings and recommendations to the Governor and, in accordance with § 2–1257 of the State Government Article, the General Assembly.

SECTION 7. AND BE IT FURTHER ENACTED, That for fiscal year 2023, funds from the Dedicated Purpose Account may be transferred by budget amendment in accordance with § 7–310 of the State Finance and Procurement Article to implement this Act.

SECTION 8. AND BE IT FURTHER ENACTED, That:

(a) On or before ~~June~~ October 1, 2022, the State Chief Information Security Officer shall establish guidelines to determine when a cybersecurity incident shall be disclosed to the public.

(b) On or before November 1, 2022, the State Chief Information Security Officer shall submit a report on the guidelines established under subsection (a) of this section to the Governor and, in accordance with § 2–1257 of the State Government Article, the House Health and Government Operations Committee and the Senate Education, Health, and Environmental Affairs Committee.

~~SECTION 4. AND BE IT FURTHER ENACTED, That, on the effective date of this Act, the following shall be transferred to the Department of Information Technology:~~

~~(1) all appropriations, including State and federal funds, held by a unit of the Executive Branch of State government for the purpose of information technology operations or cybersecurity for the unit on the effective date of this Act; and~~

~~(2) all books and records (including electronic records), real and personal property, equipment, fixtures, assets, liabilities, obligations, credits, rights, and privileges held by a unit of the Executive Branch of State government for the purpose of information technology operations or cybersecurity for the unit on the effective date of this Act.~~

~~SECTION 5. AND BE IT FURTHER ENACTED, That all employees of a unit of the Executive Branch of State government who are assigned more than 50% of the time to a function related to information technology operations or cybersecurity for the unit on the effective date of this Act shall, on the effective date of this Act, report to the Secretary of Information Technology or the Secretary's designee.~~

~~SECTION 6. AND BE IT FURTHER ENACTED, That any transaction affected by the transfer of oversight of information technology operations or cybersecurity of a unit of the Executive Branch of State government and validly entered into before the effective date of this Act, and every right, duty, or interest flowing from it, remains valid after the effective date of this Act and may be terminated, completed, consummated, or enforced under the law.~~

~~SECTION 7. AND BE IT FURTHER ENACTED, That all existing laws, regulations, proposed regulations, standards and guidelines, policies, orders and other directives, forms, plans, memberships, contracts, property, investigations, administrative and judicial responsibilities, rights to sue and be sued, and all other duties and responsibilities associated with information technology operations or cybersecurity of a unit of the~~

~~Executive Branch of State government prior to the effective date of this Act shall continue and, as appropriate, be legal and binding on the Department of Information Technology until completed, withdrawn, canceled, modified, or otherwise changed under the law.~~

SECTION ~~8.~~ ~~4.~~ *9.* AND BE IT FURTHER ENACTED, That this Act shall take effect ~~October~~ *July* 1, 2022.

May 27, 2022

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 1389 – *Maryland Department of Health – Prevent Workplace Violence in Health Care Settings Public Awareness Campaign Workgroup*.

This bill requires the Secretary of Health to establish a Prevent Workplace Violence in Health Care Settings Public Awareness Campaign Workgroup to develop a public awareness campaign on preventing workplace violence in health care settings; recognize and accommodate the needs of patients with mental health disorders and substance abuse disorders in the development of the campaign; and create a plan for implementing the public awareness campaign.

Senate Bill 700, which was passed by the General Assembly and enacted without my signature, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1389.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 1389

AN ACT concerning

Maryland Department of Health – Prevent Workplace Violence in Health Care Settings Public Awareness Campaign Workgroup

FOR the purpose of requiring the Secretary of Health to establish the Prevent Workplace Violence in Health Care Settings Public Awareness Campaign Workgroup to develop a public awareness campaign on preventing workplace violence in health care settings and to create a plan for implementing the campaign; and generally relating to the Prevent Workplace Violence in Health Care Settings Public Awareness Campaign Workgroup.

Preamble

WHEREAS, According to the Occupational Safety and Health Administration, approximately 75% of the workplace assaults reported annually occurred in health care settings; and

WHEREAS, Workers in health care settings are four times more likely to be victims of workplace violence than workers in other settings; and

WHEREAS, Violence–related injuries are four times more likely to cause health care workers to take time off from work than other kinds of injuries; and

WHEREAS, Alarmingly, the actual number of violent incidents involving health care is much likely higher than reported, because episodes of workplace violence are grossly underreported; and

WHEREAS, The experience of workplace violence has not only physical consequences, but personal, emotional, and professional consequences as well; and

WHEREAS, Hospitals and health care providers are actively working to prevent workplace violence with electronic systems for reporting and tracking incidences of workplace violence, implementing zero tolerance policies, providing training on de–escalation techniques, increasing security, and disseminating personal wearable safety alarms; and

WHEREAS, While health care providers were lauded as health care heroes and celebrated at the beginning of the COVID–19 pandemic, today they are experiencing an alarming rise in violence in the workplace; and

WHEREAS, The increase in workplace violence is contributing to the burnout of health care professionals who are leaving the profession or changing practice locations; and

WHEREAS, Having an increased public awareness of the magnitude of and consequences associated with workplace violence in health care settings would help combat this phenomenon; now, therefore,

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

(a) (1) The Secretary of Health shall establish a Prevent Workplace Violence in Health Care Settings Public Awareness Campaign Workgroup.

(2) The Workgroup shall include the following members, appointed by the Secretary:

(i) at least one licensed health care provider, including a provider who has experienced workplace violence;

(ii) at least one individual who works in a hospital;

(iii) at least one individual who works in a nursing home;

(iv) at least one public communications professional;

(v) at least one individual who works in a facility that provides mental health services;

(vi) at least one individual who works in a facility that provides treatment for substance abuse disorders;

~~(vii) at least one individual who works in a facility that provides health care services to individuals with disabilities;~~

~~(viii)~~ (vii) at least one representative who works to provide security services at a health care facility; ~~and~~

(viii) one representative from the Maryland State's Attorneys' Association; and

(ix) any other representative that the Secretary determines necessary.

(b) The Workgroup shall:

(1) develop a public awareness campaign on preventing workplace violence in health care settings to:

(i) provide the public with information on:

1. the magnitude of incidences of workplace violence in health care settings in the State; and

2. the consequences of workplace violence in health care settings in the State; and

(ii) urge the public to respect the State's health care providers and protect the State's health care providers from workplace violence;

(2) recognize and accommodate the needs of patients with mental health disorders~~,~~ and substance abuse disorders~~, and disabilities~~ in the development of the campaign; and

(3) create a plan for implementing the public awareness campaign, including distributing information on workplace violence in a health care setting in the State.

(c) On or before November 1, 2022, the Workgroup shall report to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2–1257 of the State Government Article, on the public awareness campaign developed under subsection (b) of this section.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2022.

May 27, 2022

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 1403 – *Maryland Department of Health – Waiver Programs – Waitlist and Registry Reduction (End the Wait Act).*

This bill requires the Maryland Department of Health to develop plans to reduce the waitlists for seven specified waiver programs by 50%, beginning in fiscal 2024; and to develop a plan to reduce the registry for the Autism Waiver that includes conducting eligibility determinations of individuals on the registry and, beginning in fiscal 2024, providing services to at least 50% of individuals determined eligible.

Senate Bill 636, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1403.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 1403

AN ACT concerning

Maryland Department of Health – Waiver Programs – Waitlist and Registry Reduction
(End the Wait Act)

FOR the purpose of requiring the Maryland Department of Health to develop ~~a plan~~ plans to reduce the waitlist or registry for certain waiver programs by a certain percentage beginning in a certain fiscal year; and generally relating to waiver programs administered by the Maryland Department of Health.

BY adding to
Article – Health – General
Section 15–150
Annotated Code of Maryland
(2019 Replacement Volume and 2021 Supplement)

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

Article – Health – General

15–150.

(A) (1) (I) THE DEPARTMENT SHALL DEVELOP ~~A PLAN~~ PLANS TO REDUCE THE WAITLISTS FOR THE FOLLOWING WAIVER PROGRAMS BY 50%, BEGINNING IN FISCAL YEAR 2024:

~~(I)~~ 1. THE COMMUNITY PATHWAYS WAIVER;

~~(II)~~ 2. THE COMMUNITY SUPPORTS WAIVER;

~~(III)~~ 3. THE FAMILY SUPPORTS WAIVER;

~~(IV)~~ 4. THE BRAIN INJURY WAIVER;

~~(V)~~ 5. THE HOME– AND COMMUNITY–BASED OPTIONS WAIVER;

~~(VI)~~ 6. THE MEDICAL DAY CARE SERVICES WAIVER; AND

~~(VII)~~ 7. THE MODEL WAIVER FOR MEDICALLY FRAGILE CHILDREN~~; AND~~

~~(VIII) THE AUTISM WAIVER~~.

(II) THE DEPARTMENT SHALL DEVELOP A PLAN TO REDUCE THE REGISTRY FOR THE AUTISM WAIVER THAT INCLUDES CONDUCTING ELIGIBILITY DETERMINATIONS OF INDIVIDUALS ON THE REGISTRY AND, BEGINNING IN FISCAL YEAR 2024, PROVIDING SERVICES TO AT LEAST 50% OF INDIVIDUALS DETERMINED ELIGIBLE.

(2) THE ~~PLAN~~ PLANS REQUIRED UNDER THIS SUBSECTION SHALL INCLUDE:

(I) AN ASSESSMENT OF WHETHER EACH WAIVER PROGRAM NEEDS TO RECRUIT AND RETAIN NEW PROVIDERS;

~~(I)~~ (II) MEASURES TO RECRUIT AND RETAIN PROVIDERS FOR EACH WAIVER PROGRAM TO EXPAND THE CAPACITY OF THE PROGRAMS;

~~(II)~~ (III) ANY CHANGES IN REIMBURSEMENT RATES NEEDED TO ENSURE PROVIDER CAPACITY TO PROVIDE ~~FOR~~ SERVICES ~~PROVIDED~~ UNDER THE WAIVER PROGRAMS;

(IV) THE EXPECTED TIME FRAME FOR CONDUCTING ELIGIBILITY DETERMINATIONS FOR THE AUTISM WAIVER;

~~(III)~~ (V) THE EXPECTED TIME FRAME FOR REDUCING THE WAITLIST OR REGISTRY FOR EACH WAIVER PROGRAM BY 50%; AND

~~(IV)~~ (VI) THE PROJECTED COST OF THE MEASURES TO BE IMPLEMENTED UNDER THE ~~PLAN~~ PLANS.

(3) PROVISIONS OF THE ~~PLAN~~ PLANS RELATING TO THE AUTISM WAIVER SHALL BE DEVELOPED IN CONJUNCTION WITH THE MARYLAND STATE DEPARTMENT OF EDUCATION.

(B) ON OR BEFORE JANUARY 1, 2023, THE DEPARTMENT SHALL SUBMIT THE ~~PLAN~~ PLANS TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, THE CHAIRS OF THE SENATE BUDGET AND TAXATION COMMITTEE, THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL

AFFAIRS COMMITTEE, THE SENATE FINANCE COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE.

(C) BEGINNING IN FISCAL YEAR 2024, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL SUFFICIENT FUNDS TO CARRY OUT THIS SECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2022.

May 27, 2022

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 1479 – *Maryland Technology Development Corporation – Maryland Equity Investment Fund – Established*.

This bill establishes the Maryland Equity Investment Fund in the Maryland Technology Development Corporation for the purpose of allowing unappropriated general fund surplus to be invested in a "qualified business," with a goal to increase private equity and venture capital in the State.

Senate Bill 885, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1479.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 1479

AN ACT concerning

Maryland Technology Development Corporation – Maryland Equity Investment Fund – Established

FOR the purpose of establishing the Maryland Equity Investment Fund in the Maryland Technology Development Corporation; providing for the investment of certain General Fund surplus in certain private equity and venture capital in the State for a certain purpose through the Fund; altering, for a certain fiscal year, the distribution of certain General Fund surplus; and generally relating to investments in private equity and venture capital in the State and the Maryland Technology Development Corporation.

BY adding to
Article – Economic Development
Section 10–487 to be under the amended part "Part X. Miscellaneous Funds"
Annotated Code of Maryland
(2018 Replacement Volume and 2021 Supplement)

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 7–311(a)(1) and (2)
Annotated Code of Maryland
(2021 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 7–311(j)(1)(iii) and (iv)
Annotated Code of Maryland
(2021 Replacement Volume)

BY adding to
Article – State Finance and Procurement
Section 7–311(j)(1)(v)
Annotated Code of Maryland
(2021 Replacement Volume)

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

Article – Economic Development

Part X. **[**Pre–Seed Builder Fund**]** **MISCELLANEOUS FUNDS**.

10–487.

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

(2) "FUND" MEANS THE MARYLAND EQUITY INVESTMENT FUND.

(3) "PRIVATE EQUITY" MEANS AN ASSET CLASS CONSISTING OF EQUITY SECURITIES AND DEBT IN OPERATING COMPANIES THAT ARE NOT PUBLICLY TRADED ON A STOCK EXCHANGE.

(4) "QUALIFIED BUSINESS" MEANS A BUSINESS THAT, AT THE TIME OF THE FIRST INVESTMENT IN THE BUSINESS:

(I) HAS ITS PRINCIPAL BUSINESS OPERATIONS LOCATED IN THE STATE AND INTENDS TO MAINTAIN ITS PRINCIPAL BUSINESS OPERATIONS IN THE STATE AFTER RECEIVING AN INVESTMENT UNDER THE PROGRAM;

(II) HAS AGREED TO USE THE QUALIFIED INVESTMENT PRIMARILY TO:

1. SUPPORT BUSINESS OPERATIONS IN THE STATE; OR

2. IN THE CASE OF A START–UP COMPANY, ESTABLISH AND SUPPORT BUSINESS OPERATIONS IN THE STATE;

(III) HAS NOT MORE THAN 250 EMPLOYEES; AND

(IV) IS NOT PRIMARILY ENGAGED IN:

1. RETAIL SALES;

2. REAL ESTATE DEVELOPMENT;

3. THE BUSINESS OF INSURANCE, BANKING, OR LENDING; OR

4. THE PROVISION OF PROFESSIONAL SERVICES BY ACCOUNTANTS, ATTORNEYS, OR PHYSICIANS.

~~(4)~~ (5) "SEVERAL SYSTEMS" HAS THE MEANING STATED IN § 20–201 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

~~(5)~~ (6) "VENTURE CAPITAL" MEANS AN INVESTMENT OF CAPITAL TO A BUSINESS AT ANY STAGE OF ITS DEVELOPMENT BEFORE THE BUSINESS MAKES A PUBLIC OFFERING OF STOCK.

(B) THERE IS A MARYLAND EQUITY INVESTMENT FUND IN THE CORPORATION.

(C) THE PURPOSE OF THE FUND IS TO ALLOW UNAPPROPRIATED GENERAL FUND SURPLUS TO BE INVESTED IN ~~THE STATE~~ A QUALIFIED BUSINESS WITH A GOAL TO INCREASE PRIVATE EQUITY AND VENTURE CAPITAL IN THE STATE, WITH THE INTEREST EARNINGS AND INVESTMENT RETURNS REALIZED FROM THOSE INVESTMENTS TO THE BENEFIT OF THE PARTICIPANTS OF THE SEVERAL SYSTEMS.

(D) THE CORPORATION SHALL MANAGE AND SUPERVISE THE FUND.

(E) (1) THE FUND IS A SPECIAL, NONLAPSING REVOLVING FUND THAT IS NOT SUBJECT TO REVERSION UNDER § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

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

(F) THE FUND CONSISTS OF:

(1) MONEY DISTRIBUTED TO THE FUND UNDER § 7–311 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

(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:

(1) FOR THE PURPOSES DESCRIBED IN SUBSECTION (C) OF THIS SECTION; AND

(2) TO PAY THE COSTS NECESSARY TO ADMINISTER THE FUND.

(H) (1) THE STATE TREASURER SHALL INVEST MONEY IN THE FUND IN THE SAME MANNER AS OTHER STATE MONEY.

(2) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, ANY INVESTMENT EARNINGS OF THE FUND AND INVESTMENT RETURNS REALIZED FROM THE INVESTMENTS MADE UNDER THIS SECTION SHALL BE CREDITED TO THE ACCUMULATION FUNDS OF THE SEVERAL SYSTEMS ESTABLISHED UNDER § 21–303 OF THE STATE PERSONNEL AND PENSIONS ARTICLE

~~AT THE DIRECTION OF THE BOARD OF TRUSTEES FOR THE STATE RETIREMENT AND PENSION SYSTEM~~**.**

(II) THE CORPORATION MAY RETAIN 50% OF INVESTMENT RETURNS REALIZED FROM THE INVESTMENTS MADE UNDER THIS SECTION.

Article – State Finance and Procurement

7–311.

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

(2) "Account" means the Revenue Stabilization Account.

(j) (1) Except as provided in paragraph (2) of this subsection, for fiscal year 2007 and for each subsequent fiscal year, the Governor shall include in the budget bill an appropriation:

(iii) for fiscal year 2021, to the Account in the amount of $291,439,149; **[**and**]**

(iv) **EXCEPT AS PROVIDED IN ITEM (V) OF THIS PARAGRAPH,** for fiscal year 2022 and each fiscal year thereafter:

1. to the accumulation funds of the State Retirement and Pension System an amount, up to a maximum of $25,000,000, that is equal to one–quarter of the amount by which the unappropriated General Fund surplus as of June 30 of the second preceding fiscal year exceeds $10,000,000;

2. to the Postretirement Health Benefits Trust Fund established under § 34–101 of the State Personnel and Pensions Article an amount, up to a maximum of $25,000,000, that is equal to one–quarter of the amount by which the unappropriated General Fund surplus as of June 30 of the second preceding fiscal year exceeds $10,000,000; and

3. to the Account equal to the amount by which the unappropriated General Fund surplus as of June 30 of the second preceding fiscal year exceeds $10,000,000, less the amount of the appropriations under items 1 and 2 of this item**; AND**

(V) FOR FISCAL YEAR 2024:

1. TO THE MARYLAND EQUITY INVESTMENT FUND ESTABLISHED UNDER § 10–487 OF THE ECONOMIC DEVELOPMENT ARTICLE AN AMOUNT, UP TO $10,000,000, THAT IS EQUAL TO 10% OF THE AMOUNT BY WHICH

THE UNAPPROPRIATED GENERAL FUND SURPLUS AS OF JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS $10,000,000;

2. TO THE ACCUMULATION FUNDS OF THE STATE RETIREMENT AND PENSION SYSTEM AN AMOUNT, UP TO A MAXIMUM OF $15,000,000, THAT IS EQUAL TO 15% OF THE AMOUNT BY WHICH THE UNAPPROPRIATED GENERAL FUND SURPLUS AS OF JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS $10,000,000;

3. TO THE POSTRETIREMENT HEALTH BENEFITS TRUST FUND ESTABLISHED UNDER § 34–101 OF THE STATE PERSONNEL AND PENSIONS ARTICLE AN AMOUNT, UP TO A MAXIMUM OF $25,000,000, THAT IS EQUAL TO 25% OF THE AMOUNT BY WHICH THE UNAPPROPRIATED GENERAL FUND SURPLUS AS OF JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS $10,000,000; AND

4. TO THE ACCOUNT EQUAL TO THE AMOUNT BY WHICH THE UNAPPROPRIATED GENERAL FUND SURPLUS AS OF JUNE 30 OF THE SECOND PRECEDING FISCAL YEAR EXCEEDS $10,000,000, LESS THE AMOUNT OF THE APPROPRIATIONS UNDER ITEMS 1 THROUGH 3 OF THIS ITEM.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2022.

May 27, 2022

The Honorable Adrienne A. Jones
Speaker of the House of Delegates
H–101 State House
Annapolis, MD 21401

Dear Madam Speaker:

In accordance with Article II, Section 17 of the Maryland Constitution, I have vetoed House Bill 1482 – *State Retirement and Pension System – Divestment From Russia.*

This bill requires the Board of Trustees of the State Retirement and Pension System review its investment holdings in specified accounts to determine the extent to which those funds are invested in specified Russian businesses; and take divestment action with respect to investments in specified Russian businesses, subject to specified conditions and exceptions.

Senate Bill 1005, which was passed by the General Assembly and signed by me, accomplishes the same purpose. Therefore, it is not necessary for me to sign House Bill 1482.

Sincerely,

Lawrence J. Hogan, Jr.
Governor

House Bill 1482

AN ACT concerning

State Retirement and Pension System – Divestment From Russia

FOR the purpose of requiring the Board of Trustees for the State Retirement and Pension System to review certain investment holdings; requiring the Board of Trustees to take certain divestment actions with regard to certain Russian investments; prohibiting the Board of Trustees from making certain new investments; providing certain immunities from liability for certain persons; requiring the Board of Trustees to act in good faith in taking certain actions in a certain manner; requiring the Board of Trustees to make certain recommendations to the Joint Committee on Pensions; and generally relating to the investment of assets of the State Retirement and Pension System.

BY adding to
Article – State Personnel and Pensions
Section 21–123.3
Annotated Code of Maryland
(2015 Replacement Volume and 2021 Supplement)

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

Article – State Personnel and Pensions

21–123.3.

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

(2) (I) "ACTIVELY MANAGED SEPARATE ACCOUNTS" MEANS THE ACCOUNTS OF THE SEVERAL SYSTEMS THAT ARE ACTIVELY MANAGED AT THE DIRECTION OF THE BOARD OF TRUSTEES AND HELD IN SEPARATE ACCOUNTS.

(II) "ACTIVELY MANAGED SEPARATE ACCOUNTS" DOES NOT MEAN INDEXED FUNDS, PRIVATE EQUITY FUNDS, REAL ESTATE FUNDS, OR OTHER

COMMINGLED OR PASSIVELY MANAGED FUNDS.

(3) "COMPANY" MEANS ANY CORPORATION, UTILITY, PARTNERSHIP, JOINT VENTURE, FRANCHISOR, FRANCHISEE, TRUST, ENTITY INVESTMENT VEHICLE, FINANCIAL INSTITUTION, OR A WHOLLY OWNED SUBSIDIARY OF ANY OF THESE ENTITIES.

(4) "DIVESTMENT ACTION" MEANS SELLING, REDEEMING, TRANSFERRING, EXCHANGING, OTHERWISE DISPOSING OF, AND REFRAINING FROM FURTHER INVESTMENT IN CERTAIN INVESTMENTS.

(5) "ELIGIBLE ACCOUNTS" MEANS ACTIVELY MANAGED SEPARATE ACCOUNTS CONTAINING FUNDS OF THE SEVERAL SYSTEMS.

(6) "INVESTMENT" MEANS THE COMMITMENT OF FUNDS OR OTHER ASSETS TO A COMPANY INCLUDING:

(I) THE OWNERSHIP OR CONTROL OF A SHARE OR INTEREST IN THE COMPANY; OR

(II) THE OWNERSHIP OR CONTROL OF A BOND OR OTHER DEBT INSTRUMENT OF A COMPANY.

(7) (I) "RUSSIA" MEANS THE GOVERNMENT OF RUSSIA OR THE GOVERNMENT OF THE RUSSIAN FEDERATION.

(II) "RUSSIA" INCLUDES ALL AGENCIES, INSTITUTIONS, INSTRUMENTALITIES, AND POLITICAL SUBDIVISIONS OF RUSSIA.

(8) "RUSSIA–RESTRICTED INVESTMENT" MEANS AN INVESTMENT IN A COMPANY:

(I) IDENTIFIED BY THE FEDERAL OFFICE OF FOREIGN ASSETS CONTROL AS A RUSSIAN ENTITY WITH WHICH TRANSACTIONS ARE PROHIBITED BY FEDERAL LAW;

(II) OWNED, IN WHOLE OR IN PART, BY RUSSIA;

(III) CONTROLLED BY A COMPANY THAT IS OWNED, IN WHOLE OR IN PART, BY RUSSIA;

(IV) INCORPORATED IN RUSSIA; OR

(V) WHOSE PRINCIPAL PLACE OF BUSINESS IS LOCATED WITHIN RUSSIA, TO THE EXTENT THIS DETERMINATION CAN BE MADE.

(B) THE BOARD OF TRUSTEES SHALL REVIEW THE INVESTMENT HOLDINGS IN ELIGIBLE ACCOUNTS FOR THE PURPOSE OF DETERMINING THE EXTENT TO WHICH FUNDS IN ELIGIBLE ACCOUNTS ARE INVESTED IN RUSSIA–RESTRICTED INVESTMENTS.

(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, THE BOARD OF TRUSTEES:

(1) SHALL TAKE DIVESTMENT ACTION IN ELIGIBLE ACCOUNTS WITH REGARD TO CURRENT INVESTMENTS:

(I) IN ANY RUSSIA–RESTRICTED INVESTMENT; OR

(II) IN ANY SECURITY OR INSTRUMENT ISSUED BY RUSSIA; AND

(2) MAY NOT MAKE ANY NEW INVESTMENTS FROM NET NEW FUNDS IN AN ELIGIBLE ACCOUNT IN ANY RUSSIA–RESTRICTED INVESTMENT.

(D) NOTWITHSTANDING THE PROVISIONS OF THIS SECTION, THE BOARD OF TRUSTEES MAY EXCLUDE FROM THE PROVISIONS OF SUBSECTION (C) OF THIS SECTION A COMPANY:

(1) THAT THE UNITED STATES GOVERNMENT AFFIRMATIVELY DECLARES TO BE EXCLUDED FROM ITS FEDERAL SANCTIONS REGIME RELATING TO RUSSIA; AND

(2) WHOSE DIVESTMENT CANNOT BE EXECUTED FOR FAIR MARKET VALUE OR GREATER.

(E) ON OR BEFORE APRIL 1 AND OCTOBER 1 EACH YEAR, THE BOARD OF TRUSTEES SHALL SUBMIT A REPORT, IN ACCORDANCE WITH § 2–1257 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE BUDGET AND TAXATION COMMITTEE, THE HOUSE APPROPRIATIONS COMMITTEE, AND THE JOINT COMMITTEE ON PENSIONS THAT PROVIDES:

(1) ALL DIVESTMENT ACTIONS TAKEN BY THE BOARD OF TRUSTEES IN ACCORDANCE WITH THIS SECTION;

(2) A LIST OF INVESTMENTS THAT THE BOARD OF TRUSTEES HAS DETERMINED TO BE INELIGIBLE FOR INVESTMENTS OF NET NEW FUNDS UNDER SUBSECTION (C)(2) OF THIS SECTION; AND

(3) OTHER DEVELOPMENTS RELEVANT TO RUSSIA–RESTRICTED INVESTMENTS.

(F) THE BOARD OF TRUSTEES OR ANY OTHER FIDUCIARY OF THE SEVERAL SYSTEMS MAY NOT BE HELD LIABLE FOR ANY ACTIONS TAKEN OR DECISIONS MADE IN GOOD FAITH FOR THE PURPOSE OF COMPLYING WITH OR EXECUTING THE REQUIREMENTS OF ANY DIVESTMENT PROVISIONS UNDER THIS SECTION.

(G) THE BOARD OF TRUSTEES SHALL ACT IN GOOD FAITH TO CARRY OUT DIVESTMENT ACTION AS REQUIRED BY THIS SECTION IN COMPLIANCE WITH ALL APPLICABLE STATE AND FEDERAL LAW, INCLUDING RELEVANT JUDICIAL DECISIONS.

(H) NOTHING IN THIS SECTION SHALL REQUIRE THE BOARD OF TRUSTEES TO TAKE ACTION AS DESCRIBED IN THIS SECTION UNLESS THE BOARD OF TRUSTEES DETERMINES IN GOOD FAITH THAT THE ACTION IS CONSISTENT WITH THE FIDUCIARY RESPONSIBILITIES OF THE BOARD OF TRUSTEES AS DESCRIBED IN SUBTITLE 2 OF THIS TITLE.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) Notwithstanding any other provision of this Act, Section 1 of this Act may not be applied to investments or divestment actions by the Board of Trustees for the State Retirement and Pension System in connection with a Russia–restricted investment if the United States government declares an end to financial sanctions against the Russian Federation related to its invasion of and violation of the sovereignty of Ukraine.

(b) Within 6 months after a declaration or other action described under subsection (a) of this section, the Board of Trustees shall recommend to the Joint Committee on Pensions legislation that would amend Section 1 of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.