

## Chapter 9

**(Senate Bill 507)**

AN ACT concerning

**Annual Curative Bill**

FOR the purpose of generally curing previous Acts of the General Assembly with possible title or other defects; establishing in Charles County an annual fee for providing live entertainment or outdoor table service by a holder of a Class D beer license, Class H beer and light wine license, Class D beer and light wine license, Class C beer, wine and liquor license, or Class D beer, wine and liquor license; authorizing the Montgomery County Board of License Commissioners by majority vote to approve an application for a Class B beer, wine and liquor license for a restaurant located in the City of Gaithersburg in Montgomery County that meets certain requirements, including a requirement concerning the distance of the restaurant from any church or other place of worship; providing that a certain prohibition on carrying or possessing a certain weapon on public school property does not apply in certain circumstances to a certain off-duty law enforcement officer who is authorized to carry a concealed handgun in the State; altering the circumstances under which a person is not entitled to a certain expungement of the person's records; authorizing the Prince George's County Board of Education and the Chief Executive Officer of the Prince George's County public school system to include minimum goals and incentives for maximizing certified county-based minority business participation in the goals and requirements established for a certain Certified County-Based Business Participation Program; altering certain provisions of law relating to the requirement that a certain county or municipality adopt and implement local laws or ordinances necessary to establish a watershed protection and restoration program; establishing the scope of practice of direct-entry midwifery; requiring a licensed direct-entry midwife to be assisted by a certain individual at the time of delivery; prohibiting the State Board of Nursing from renewing the license of certain direct-entry midwives until certain information is reported to the Direct-Entry Midwifery Advisory Committee; requiring a certain company, under certain circumstances, to comply with the minimum valuation standard prescribed by the Maryland Insurance Commissioner by regulation; altering the circumstances under which a certain loan secured by a first mortgage or deed of trust on certain real estate must provide for the amortization of principal over a certain maximum period with payments to be made at least annually in order to be included in the reserve investments of a life insurer; providing for the effect and construction of certain provisions of this Act; making this Act an emergency measure; and generally repealing and reenacting with or without amendments certain Acts of the General Assembly that may be subject to possible title or other defects in order to validate those Acts.

BY repealing and reenacting, without amendments,  
Article 2B – Alcoholic Beverages

Section 3–401(j)(2), 5–202(f)(2), 5–401(j)(2), 6–301(j)(2)(ii), 6–401(j)(3), and  
9–216(g)(1)

Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Criminal Law

Section 4–102(a)(2)

Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Criminal Procedure

Section 10–105(e)

Annotated Code of Maryland  
(2008 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Education

Section 4–125.1(d)(2)

Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Environment

Section 4–202.1

Annotated Code of Maryland  
(2013 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Health Occupations

Section 8–6C–02, 8–6C–05, and 8–6C–10(c)

Annotated Code of Maryland  
(2014 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,

Article – Insurance

Section 5–313(e)

Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)  
(As enacted by Chapter 367 of the Acts of the General Assembly of 2015)

BY repealing and reenacting, without amendments,

Article – Insurance

Section 5–511(g)(1) and (2)

Annotated Code of Maryland

(2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
Article – Natural Resources  
Section 4–701(j)(1)(v)  
Annotated Code of Maryland  
(2012 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
Article – Public Safety  
Section 7–303(b) and (c)  
Annotated Code of Maryland  
(2011 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
Article – Public Utilities  
Section 1–101(pp) and (qq)  
Annotated Code of Maryland  
(2010 Replacement Volume and 2015 Supplement)

BY repealing and reenacting, without amendments,  
Article – Real Property  
Section 14–108.1  
Annotated Code of Maryland  
(2015 Replacement Volume)

BY repealing and reenacting, with amendments,  
Chapter 141 of the Acts of the General Assembly of 2015  
Section 1

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

**Article 2B – Alcoholic Beverages**

3–401.

(j) (2) In addition to the annual license fee, a license holder shall annually pay:

(i) \$200, if the license holder provides live entertainment; and

(ii) \$200, if the license holder provides outdoor table service.

5–202.

(f) (2) In addition to the annual license fee, a license holder shall annually pay:

- (i) \$200, if the license holder provides live entertainment; and
- (ii) \$200, if the license holder provides outdoor table service.

5-401.

(j) (2) In addition to the annual license fee, a license holder shall annually pay:

- (i) \$200, if the license holder provides live entertainment; and
- (ii) \$200, if the license holder provides outdoor table service.

6-301.

(j) (2) (ii) In addition to the annual license fee, a license holder shall annually pay:

- 1. \$200, if the license holder provides live entertainment;
- and
- 2. \$200, if the license holder provides outdoor table service.

6-401.

(j) (3) In addition to the annual license fee, a license holder shall annually pay:

- (i) \$200, if the license holder provides live entertainment; and
- (ii) \$200, if the license holder provides outdoor table service.

**DRAFTER’S NOTE:**

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 492 (House Bill 137) of the Acts of 2015.

9-216.

(g) (1) Notwithstanding the provisions of subsection (a) of this section, the Montgomery County Board of License Commissioners by majority vote may approve an

application for a restaurant for a Class B beer, wine and liquor license if the following conditions are satisfied:

(i) The restaurant is located in a shopping center in the City of Gaithersburg in Montgomery County that is bordered by Maryland Route 355, Central Avenue, Poplarwood Place, and North Westland Drive;

(ii) The restaurant is located more than 275 feet from any place of worship; and

(iii) A prior owner or tenant at the site of the restaurant held an alcoholic beverages license.

**DRAFTER'S NOTE:**

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 66 (House Bill 95) of the Acts of 2015.

**Article – Criminal Law**

4–102.

(a) This section does not apply to:

(2) an off-duty law enforcement officer or a person who has retired as a law enforcement officer in good standing from a law enforcement agency of the United States, the State, or a local unit in the State who is a parent, guardian, or visitor of a student attending a school located on the public school property, provided that:

(i) the officer or retired officer is displaying the officer's or retired officer's badge or credential;

(ii) the weapon carried or possessed by the officer or retired officer is concealed; and

(iii) the officer or retired officer is authorized to carry a concealed handgun in the State;

**DRAFTER'S NOTE:**

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 293 (House Bill 1032) of the Acts of 2015.

**Article – Criminal Procedure**

10–105.

(e) (1) If the State’s Attorney files a timely objection to the petition, the court shall hold a hearing.

(2) If the court at the hearing finds that the person is entitled to expungement, the court shall order the expungement of all police records and court records about the charge.

(3) If the court finds that the person is not entitled to expungement, the court shall deny the petition.

(4) The person is not entitled to expungement if:

(i) the petition is based on the entry of probation before judgment, except a probation before judgment for a crime where the act on which the conviction is based is no longer a crime, and the person within 3 years of the entry of the probation before judgment has been convicted of a crime other than a minor traffic violation or a crime where the act on which the conviction is based is no longer a crime; or

(ii) the person is a defendant in a pending criminal proceeding.

**DRAFTER’S NOTE:**

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 314 (House Bill 304) of the Acts of 2015.

**Article – Education**

4–125.1.

(d) If the county board exercises the authority granted in subsection (c) of this section, the county board and the Chief Executive Officer shall:

(2) Establish goals and requirements for the Program that may include:

(i) Minimum percentages for certified county–based business participation;

(ii) Utilization of county–based small businesses;

(iii) Minimum goals and incentives for maximizing certified county-based minority business participation; and

(iv) The goals established under § 4-125(d) of this subtitle.

**DRAFTER'S NOTE:**

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 445 (House Bill 634) of the Acts of 2015.

**Article – Environment**

4-202.1.

(a) (1) Except as provided in paragraphs (2) and (3) of this subsection, this section applies to a county or municipality that is subject to a national pollutant discharge elimination system Phase I municipal separate storm sewer system permit.

(2) This section does not apply to a county or municipality that, on or before July 1, 2012, has enacted and implemented a system of charges under § 4-204 of this subtitle for the purpose of funding a watershed protection and restoration program, or similar program, in a manner consistent with the requirements of this section.

(3) Except as provided in subsection (j) of this section, this section does not apply in Montgomery County.

(b) A county or municipality shall adopt and implement local laws or ordinances necessary to establish a watershed protection and restoration program.

(c) (1) A watershed protection and restoration program established under this section:

(i) May include a stormwater remediation fee; and

(ii) Shall include a local watershed protection and restoration fund.

(2) (i) If a county or municipality established a stormwater remediation fee under this section on or before July 1, 2013, the county or municipality may repeal or reduce the fee before July 1, 2016, if:

1. The county or municipality identifies dedicated revenues, funds, or other sources of funds that will be:

A. Deposited into its local watershed protection and restoration fund; and

B. Utilized by the county or municipality to meet the requirements of its national pollutant discharge elimination system Phase I municipal separate storm sewer system permit;

2. Subject to subparagraph (iii) of this paragraph, the county or municipality has filed with the Department a financial assurance plan in accordance with subsection (j) of this section; and

3. The Department determines the financial assurance plan demonstrates good faith toward achieving sufficient funding in accordance with subsection (j)(4)(ii) of this subsection.

(ii) This paragraph may not be construed as prohibiting a county or municipality from repealing or reducing a fee on or after July 1, 2016.

(d) (1) A county or municipality shall maintain or administer a local watershed protection and restoration fund in accordance with this section.

(2) The purpose of a local watershed protection and restoration fund is to provide financial assistance for the implementation of local stormwater management plans through stormwater management practices and stream and wetland restoration activities.

(e) (1) (i) Except as provided in paragraph (2) of this subsection and subsection (f) of this section, a county or municipality may establish and annually collect a stormwater remediation fee from owners of property located within the county or municipality in accordance with this section.

(ii) Beginning fiscal year 2017, if a county funds the cost of stormwater remediation by using general revenues or through the issuance of bonds, the county shall meet with each municipality within its jurisdiction to mutually agree that the county will:

1. Assume responsibility for the municipality's stormwater remediation obligations;

2. For a municipality that has established a stormwater remediation fee under this section or § 4-204 of this subtitle, adjust the county property tax rate within the municipality to offset the stormwater remediation fee charged by the municipality; or

3. Negotiate a memorandum of understanding with the municipality to mutually agree upon any other action.



(2) (i) Except as provided in subparagraphs (ii) and (iii) of this paragraph, property owned by the State, a unit of State government, a county, a municipality, a veterans' organization that is exempt from taxation under § 501(c)(4) or (19) of the Internal Revenue Code, or a regularly organized volunteer fire department that is used for public purposes may not be charged a stormwater remediation fee under this section.

(ii) 1. Except as provided in subsubparagraph 2 of this subparagraph, property owned by the State or a unit of State government may be charged a stormwater remediation fee by a county under this section if:

A. The State or a unit of State government and a county agree to the collection of an annual stormwater remediation fee from the State or a unit of State government that is based on the share of stormwater management services related to property of the State or a unit of State government located within the county;

B. The county agrees to appropriate into its own local watershed protection and restoration fund, on an annual basis, an amount of money that is based on the share of stormwater management services related to county property on an annual basis; and

C. The county demonstrates to the satisfaction of the State or a unit of State government that the fees collected under item A of this subparagraph and the money appropriated under item B of this subparagraph were deposited into the county's local watershed protection and restoration fund.

2. A county or municipality may not charge a stormwater remediation fee to property specifically covered by a current national pollutant discharge elimination system municipal separate storm sewer system permit or industrial stormwater permit held by the State or a unit of State government.

(iii) A county or municipality may charge a stormwater remediation fee to property owned by a veterans' organization that is exempt from taxation under § 501(c)(4) or (19) of the Internal Revenue Code or a regularly organized volunteer fire department if:

1. The county or municipality determines that the creation of a nondiscriminatory program for applying the stormwater remediation fee to federal properties under the federal facilities pollution control section of the Clean Water Act is necessary in order for the county or municipality to receive federal funding for stormwater remediation; and

2. A veterans' organization that is exempt from taxation under § 501(c)(4) or (19) of the Internal Revenue Code and a regularly organized volunteer fire department that is used for public purposes are provided with the opportunity to apply for an alternate compliance plan established under subsection (k)(3) of this section instead

of paying a stormwater remediation fee charged by a county or municipality under item 1 of this subparagraph.

(3) (i) If a county or municipality establishes a stormwater remediation fee under this section, a county or municipality shall set a stormwater remediation fee for property in an amount that is based on the share of stormwater management services related to the property and provided by the county or municipality.

(ii) A county or municipality may set a stormwater remediation fee under this paragraph based on:

1. A flat rate;
2. An amount that is graduated, based on the amount of impervious surface on each property; or
3. Another method of calculation selected by the county or municipality.

(4) If a county or municipality establishes a stormwater remediation fee under this section, the stormwater remediation fee established under this section is separate from any charges that a county or municipality establishes related to stormwater management for new developments under § 4–204 of this subtitle, including fees for permitting, review of stormwater management plans, inspections, or monitoring.

(f) (1) If a county or municipality establishes a stormwater remediation fee under this section, the county or municipality shall establish policies and procedures, approved by the Department, to reduce any portion of a stormwater remediation fee established under subsection (e) of this section to account for on–site and off–site systems, facilities, services, or activities that reduce the quantity or improve the quality of stormwater discharged from the property.

(2) The policies and procedures established by a county or municipality under paragraph (1) of this subsection shall include:

(i) Guidelines for determining which on–site systems, facilities, services, or activities may be the basis for a fee reduction, including guidelines:

1. Relating to properties with existing advanced stormwater best management practices;
2. Relating to agricultural activities or facilities that are otherwise exempted from stormwater management requirements by the county or municipality; and

3. That account for the costs of, and the level of treatment provided by, stormwater management facilities that are funded and maintained by a property owner;

(ii) The method for calculating the amount of a fee reduction; and

(iii) Procedures for monitoring and verifying the effectiveness of the on-site systems, facilities, services, or activities in reducing the quantity or improving the quality of stormwater discharged from the property.

(3) For the purpose of monitoring and verifying the effectiveness of on-site systems, facilities, services, or activities under paragraph (2)(iii) of this subsection, a county or municipality may:

(i) Conduct on-site inspections;

(ii) Authorize a third party, certified by the Department, to conduct on-site inspections on behalf of the county or municipality; or

(iii) Require a property owner to hire a third party, certified by the Department, to conduct an on-site inspection and provide to the county or municipality the results of the inspection and any other information required by the county or municipality.

(g) (1) A property may not be assessed a stormwater remediation fee by both a county and a municipality.

(2) (i) Before a county may impose a stormwater remediation fee on a property located within a municipality, the county shall:

1. Notify the municipality of the county's intent to impose a stormwater remediation fee on property located within the municipality; and

2. Provide the municipality reasonable time to pass an ordinance authorizing the imposition of a municipal stormwater remediation fee instead of a county stormwater remediation fee.

(ii) If a county currently imposes a stormwater remediation fee on property located within a municipality and the municipality decides to implement its own stormwater remediation fee under this section or § 4-204 of this subtitle, the municipality shall:

1. Notify the county of the municipality's intent to impose its own stormwater remediation fee; and

2. Provide the county reasonable time to discontinue the collection of the county stormwater remediation fee within the municipality before the municipality's stormwater remediation fee becomes effective.

(3) A county or municipality shall establish a procedure for a property owner to appeal a stormwater remediation fee imposed under this section.

(h) (1) (i) If a county or municipality establishes a stormwater remediation fee under this section, the county or municipality shall determine the method, frequency, and enforcement of the collection of the stormwater remediation fee.

(ii) A county or municipality shall include the following statement on a bill or on an insert to a bill to collect a stormwater remediation fee: "This is a local government fee established in response to federal stormwater management requirements. The federal requirements are designed to prevent local sources of pollution from reaching local waterways."

(2) A county or municipality shall deposit any stormwater remediation fees it collects into its local watershed protection and restoration fund.

(3) There shall be deposited in a local watershed protection and restoration fund:

(i) Any funds received from the stormwater remediation fee;

(ii) Funds received under subsections (c)(2) and (e)(2) of this section;

(iii) Interest or other income earned on the investment of money in the local watershed protection and restoration fund; and

(iv) Any additional money made available from any sources for the purposes for which the local watershed protection and restoration fund has been established.

(4) Subject to paragraph (5) of this subsection, a county or municipality shall use the money in its local watershed protection and restoration fund for the following purposes only:

(i) Capital improvements for stormwater management, including stream and wetland restoration projects;

(ii) Operation and maintenance of stormwater management systems and facilities;

(iii) Public education and outreach relating to stormwater management or stream and wetland restoration;

(iv) Stormwater management planning, including:

1. Mapping and assessment of impervious surfaces; and
2. Monitoring, inspection, and enforcement activities to carry out the purposes of the watershed protection and restoration fund;

(v) To the extent that fees imposed under § 4–204 of this subtitle are deposited into the local watershed protection and restoration fund, review of stormwater management plans and permit applications for new development;

(vi) Grants to nonprofit organizations for up to 100% of a project's costs for watershed restoration and rehabilitation projects relating to:

1. Planning, design, and construction of stormwater management practices;
2. Stream and wetland restoration; and
3. Public education and outreach related to stormwater management or stream and wetland restoration; and

(vii) Reasonable costs necessary to administer the local watershed protection and restoration fund.

(5) A county or municipality may use its local watershed protection and restoration fund as an environmental fund, and may deposit to and expend from the fund additional money made available from other sources and dedicated to environmental uses, provided that the funds received from the stormwater remediation fee, if any, are expended only for the purposes authorized under paragraph (4) of this subsection.

(6) Money in a local watershed protection and restoration fund may not revert or be transferred to the general fund of any county or municipality.

(i) A county or municipality shall report annually, in a manner determined by the Department, on:

(1) The number of properties subject to a stormwater remediation fee, if any;

(2) Any funding structure developed by the county or municipality, including the amount of money collected from each classification of property assessed a fee, if any;

(3) The amount of money deposited into the watershed protection and restoration fund in the previous fiscal year by source;

(4) The percentage and amount of funds in the local watershed protection and restoration fund spent on each of the purposes provided in subsection (h)(4) of this section;

(5) All stormwater management projects implemented in the previous fiscal year; and

(6) Any other information that the Department determines is necessary.

(j) (1) (i) On or before July 1, 2016, and every 2 years thereafter on the anniversary of the date of issuance of its national pollutant discharge elimination system Phase I municipal separate storm sewer system permit, a county, including Montgomery County, or municipality shall file with the Department a financial assurance plan that clearly identifies:

1. Actions that will be required of the county or municipality to meet the requirements of its national pollutant discharge elimination system Phase I municipal separate storm sewer system permit;

2. Projected annual and 5-year costs for the county or municipality to meet the impervious surface restoration plan requirements of its national pollutant discharge elimination system Phase I municipal separate storm sewer system permit;

3. Projected annual and 5-year revenues or other funds that will be used to meet the costs for the county or municipality to meet the impervious surface restoration plan requirements of its national pollutant discharge elimination system Phase I municipal separate storm sewer system permit;

4. Any sources of funds that will be utilized by the county or municipality to meet the requirements of its national pollutant elimination system Phase I municipal separate storm sewer system permit; and

5. Specific actions and expenditures that the county or municipality implemented in the previous fiscal years to meet its impervious surface restoration plan requirements under its national pollutant discharge elimination system Phase I municipal separate storm sewer system permit.

(ii) A county or municipality that files a financial assurance plan under subsection (c)(2) of this section shall file on or before July 1, 2016, a financial assurance plan that meets the requirements of paragraph (4) of this subsection.

(2) A financial assurance plan shall demonstrate that the county or municipality has sufficient funding in the current fiscal year and subsequent fiscal year budgets to meet its estimated costs for the 2-year period immediately following the filing date of the financial assurance plan.

(3) A county or municipality may not file a financial assurance plan under this subsection until the local governing body of the county or municipality:

- (i) Holds a public hearing on the financial assurance plan; and
- (ii) Approves the financial assurance plan.

(4) (i) Subject to subparagraphs (ii) and (iii) of this paragraph, the Department shall make a decision whether the financial assurance plan demonstrates sufficient funding within 90 days after the county or municipality filed the financial assurance plan with the Department.

(ii) For a financial assurance plan that is filed on or before July 1, 2016, funding in the financial assurance plan is sufficient if the financial assurance plan demonstrates that the county or municipality has dedicated revenues, funds, or sources of funds to meet, for the 2-year period immediately following the filing date of the financial assurance plan, 75% of the projected costs of compliance with the impervious surface restoration plan requirements of the county or municipality under its national pollutant discharge elimination system Phase I municipal separate storm sewer system permit over that 2-year period.

(iii) For the filing of a second and subsequent financial assurance plan, funding in the financial assurance plan is sufficient if the financial assurance plan demonstrates that the county or municipality has dedicated revenues, funds, or sources of funds to meet, for the 2-year period immediately following the filing date of the financial assurance plan, 100% of the projected costs of compliance with the impervious surface restoration plan requirements of the county or municipality under its national pollutant discharge elimination system Phase I municipal separate storm sewer system permit over the 2-year period.

(5) (i) If the Department determines that the funding in the financial assurance plan filed on or before July 1, 2016, is insufficient to meet, for the 2-year period immediately following the filing date of the financial assurance plan, 75% of the projected costs of compliance with the impervious surface restoration plan requirements of the county or municipality under its national pollutant discharge elimination system Phase I municipal separate storm sewer system permit, the Department shall issue a warning to the county or municipality and engage with the county or municipality on the development of a plan for meeting the projected costs of compliance.

(ii) 1. If the Department determines that the funding in the second or subsequent financial assurance plan is insufficient to meet, for the 2-year period

immediately following the filing date of the financial assurance plan, 100% of the projected costs of compliance with the impervious surface restoration plan requirements of the county or municipality under its national pollutant discharge elimination system Phase I municipal separate storm sewer system permit, in addition to any other remedy available at law or in equity the Department shall impose an administrative penalty of:

A. For a first offense, up to \$5,000 for each day until the funding in the financial assurance plan is determined to be sufficient in accordance with subsection (j)(4)(iii) of this subsection; and

B. For a second and subsequent offense, up to \$10,000 for each day until the funding in the financial assurance plan is determined to be sufficient in accordance with subsection (j)(4)(iii) of this subsection.

2. Any penalty collected by the Department from a county or municipality under this subparagraph shall be paid into an escrow account to be used by the county or municipality for stormwater management projects pending a determination by the Department that funding in the financial assurance plan is sufficient.

(6) A financial assurance plan required under this subsection shall be made publicly available on the Department's Web site within 14 days after the county or municipality filed the financial assurance plan with the Department.

(7) Beginning September 1, 2016, and every year thereafter, the Department shall submit a report evaluating the compliance of counties and municipalities with the requirements of this section to the Governor and, in accordance with § 2-1246 of the State Government Article, the Senate Education, Health, and Environmental Affairs Committee and the House Environment and Transportation Committee.

(k) (1) If a county or municipality establishes a stormwater remediation fee under this section, the county or municipality shall establish a program to exempt from the requirements of this section any property able to demonstrate substantial financial hardship as a result of the stormwater remediation fee.

(2) A county or municipality may establish a separate hardship exemption program or include a hardship exemption as part of a system of offsets established under subsection (f)(1) of this section.

(3) (i) A county or municipality shall authorize a charitable nonprofit group or organization that is exempt from taxation under § 501(c)(3) or (d) of the Internal Revenue Code and can demonstrate substantial financial hardship to implement an alternate compliance plan in lieu of paying a stormwater remediation fee for property owned by the group or organization.



(ii) 1. Subject to subparagraph 2 of this subparagraph, the Department may adopt regulations to establish the alternate compliance plan authorized under subparagraph (i) of this paragraph.

2. The regulations adopted by the Department under subparagraph 1 of this subparagraph do not apply in a county that has implemented an alternate compliance program before July 1, 2015.

(l) The Department may adopt regulations to implement and enforce this section.

**DRAFTER'S NOTE:**

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 124 (Senate Bill 863) of the Acts of 2015.

**Article – Health Occupations**

8–6C–02.

(a) The practice of direct–entry midwifery includes:

(1) Providing the necessary supervision, care, and advice to a patient during a low–risk pregnancy, labor, delivery, and postpartum period; and

(2) Newborn care authorized under this subtitle that is provided in a manner that is:

(i) Consistent with national direct–entry midwifery standards; and

(ii) Based on the acquisition of clinical skills necessary for the care of pregnant women and newborns, including antepartum, intrapartum, and postpartum care.

(b) The practice of direct–entry midwifery also includes:

(1) Obtaining informed consent to provide services to the patient;

(2) Discussing:

(i) Any general risk factors associated with the services to be provided;

(ii) Any specific risk factors pertaining to the health and circumstances of the individual patient;

- and
- (iii) Conditions that preclude care by a licensed direct-entry midwife;
  - (iv) The conditions under which consultation, transfer of care, or transport of the patient must be implemented;
- (3) Obtaining a health history of the patient and performing a physical examination;
  - (4) Developing a written plan of care specific to the patient, to ensure continuity of care throughout the antepartum, intrapartum, and postpartum periods, that includes:
    - (i) A plan for the management of any specific risk factors pertaining to the individual health and circumstances of the individual patient; and
    - (ii) A plan to be followed in the event of an emergency, including a plan for transportation;
  - (5) Evaluating the results of patient care;
  - (6) Consulting and collaborating with a health care practitioner regarding the care of a patient, and referring and transferring care to a health care provider, as required;
  - (7) Referral of all patients, within 72 hours after delivery, to a pediatric health care practitioner for care of the newborn;
  - (8) As approved by the Board:
    - (i) Obtaining and administering medications; and
    - (ii) Obtaining and using equipment and devices;
  - (9) Obtaining appropriate screening and testing, including laboratory tests, urinalysis, and ultrasound;
  - (10) Providing prenatal care during the antepartum period, with consultation or referral as required;
  - (11) Providing care during the intrapartum period, including:
    - (i) Monitoring and evaluating the condition of the patient and fetus;

- (ii) At the onset of active labor notifying the pediatric health care practitioner that delivery is imminent;
  - (iii) Performing emergency procedures, including:
    - 1. Administering approved medications;
    - 2. Administering intravenous fluids for stabilization;
    - 3. Performing an emergency episiotomy; and
    - 4. Providing care while on the way to a hospital under circumstances in which emergency medical services have not been activated;
  - (iv) Activating emergency medical services for an emergency; and
  - (v) Delivering in an out-of-hospital setting;
- (12) Participating in peer review as required under § 8-6C-18(e)(2) of this subtitle;
- (13) Providing care during the postpartum period, including:
- (i) Suturing of first and second degree perineal or labial lacerations, or suturing of an episiotomy with the administration of a local anesthetic; and
  - (ii) Making further contact with the patient within 48 hours, within 2 weeks, and at 6 weeks after the delivery to assess for hemorrhage, preeclampsia, thrombo-embolism, infection, and emotional well-being;
- (14) Providing routine care for the newborn for up to 72 hours after delivery, exclusive of administering immunizations, including:
- (i) Immediate care at birth, including resuscitating as needed, performing a newborn examination, and administering intramuscular vitamin K and eye ointment for prevention of ophthalmia neonatorum;
  - (ii) Assessing newborn feeding and hydration;
  - (iii) Performing metabolic screening and reporting on the screening in accordance with the regulations related to newborn screenings that are adopted by the Department;
  - (iv) Performing critical congenital heart disease screening and reporting on the screening in accordance with the regulations related to newborn screenings that are adopted by the Department;

(v) If unable to perform the screening required under item (iii) or (iv) of this item, referring the newborn to a pediatric health care practitioner to perform the screening within 24 to 48 hours after delivery; and

(vi) Referring the infant to an audiologist for a hearing screening in accordance with the regulations related to newborn screenings that are adopted by the Department;

(15) Within 24 hours after delivery, notifying a pediatric health care practitioner of the delivery;

(16) Within 72 hours after delivery:

(i) Transferring health records to the pediatric health care practitioner, including documentation of the performance of the screenings required under item (14)(iii) and (iv) of this subsection; and

(ii) Referring the newborn to a pediatric health care practitioner;

(17) Providing the following care of the newborn beyond the first 72 hours after delivery:

(i) Weight checks and general observation of the newborn's activity, with abnormal findings communicated to the newborn's pediatric health care practitioner;

(ii) Assessment of newborn feeding and hydration; and

(iii) Breastfeeding support and counseling; and

(18) Providing limited services to the patient after the postpartum period, including:

(i) Breastfeeding support and counseling; and

(ii) Counseling and referral for all family planning methods.

(c) The practice of direct-entry midwifery does not include:

(1) Pharmacological induction or augmentation of labor or artificial rupture of membranes prior to the onset of labor;

(2) Surgical delivery or any surgery except an emergency episiotomy;

(3) Use of forceps or vacuum extractor;

- (4) Except for the administration of a local anesthetic, administration of an anesthetic;
- (5) Administration of any kind of narcotic analgesic; or
- (6) Administration of any prescription medication in a manner that violates this subtitle.

8-6C-05.

At the time of delivery, a licensed direct-entry midwife shall be assisted by a second individual who:

- (1) Has completed the American Academy of Pediatrics/American Heart Association Neonatal Resuscitation Program (NRP) within the previous 2 years; and
- (2) Has the skills and equipment necessary to perform a full resuscitation of the newborn in accordance with the principles of NRP.

8-6C-10.

(c) A licensed direct-entry midwife who fails to comply with the reporting requirements under this section shall be prohibited from license renewal until the information required under subsection (a) of this section is reported.

**DRAFTER'S NOTE:**

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 393 (House Bill 9) of the Acts of 2015.

**Article – Insurance**

5-313.

(e) In the absence of a specific valuation requirement, or if a specific valuation requirement in the valuation manual is not, in the opinion of the Commissioner, in compliance with this subtitle, a company, with respect to the requirement, shall comply with the minimum valuation standard prescribed by the Commissioner by regulation.

**DRAFTER'S NOTE:**

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 367 (Senate Bill 573) of the Acts of 2015.

5–511.

(g) (1) The reserve investments of a life insurer may include loans secured by first mortgages, or deeds of trust, on unencumbered fee–simple or improved leasehold real estate in a state or a province of Canada in an amount not exceeding 85% of the fair market value of the real estate.

(2) A life insurer may not include an amount from an investment made under paragraph (1) of this subsection that exceeds 75% of the fair market value of the real estate in reserve and capital stock investments under this subtitle unless:

(i) the real estate:

1. is primarily improved by a residence; or
2. is farm property used for farming purposes and the loan amount on any one farm property does not exceed \$500,000; and

(ii) the loan on the real estate provides for the amortization of principal over a period of not more than 30 years, with payments to be made at least annually.

**DRAFTER’S NOTE:**

Error: Purpose paragraph of bill being cured failed to accurately describe the changes made by the bill.

Occurred: Chapter 25 (Senate Bill 325) of the Acts of 2015.

**Article – Natural Resources**

4–701.

(j) (1) The Department may set by regulation targets for the number of tidal fish license authorizations under subsection (d)(2)(ii) of this section to be the number issued between September 1, 1998 and March 31, 1999. The Department may modify by regulation the target number of authorizations based on:

(v) The number of authorizations relinquished to the Department under subsection (m) of this section.

**DRAFTER’S NOTE:**

Error: Function paragraph of bill being cured incorrectly indicated that § 4–701(j)(1), rather than § 4–701(j)(1)(v), of the Natural Resources Article was being amended.

Occurred: Chapter 22 (Senate Bill 223) of the Acts of 2015.

### **Article – Public Safety**

7–303.

(b) (1) Except as provided in paragraph (2) of this subsection, the commanding officer may designate 12 members of a fire company to be appointed as deputy sheriffs.

(2) In Cecil County and Harford County, the commanding officer may designate 20 members of a fire company to be appointed as deputy sheriffs.

(c) (1) The sheriff of a county subject to this section may require a member of a fire company appointed as deputy sheriff to demonstrate a satisfactory level of training in those areas of law enforcement commensurate with the duties of deputy sheriff described in this section.

(2) If the sheriff requires demonstration of a satisfactory level of training, then the sheriff must provide the training, at a time and place that the sheriff considers suitable.

#### **DRAFTER’S NOTE:**

Error: Function paragraph of bill being cured incorrectly indicated that § 7–303(b) and (c) of the Public Safety Article were being amended.

Occurred: Chapter 166 (Senate Bill 383) of the Acts of 2015.

### **Article – Public Utilities**

1–101.

(pp) “Transportation network company” has the meaning stated in § 10–101 of this article.

(qq) “Transportation network services” has the meaning stated in § 10–101 of this article.

#### **DRAFTER’S NOTE:**

Error: Function paragraph of bill being cured incorrectly indicated that § 1–101(pp), (qq), and (rr), rather than § 1–101(pp) and (qq), of the Public Utilities Article were being added.

Occurred: Chapter 204 (Senate Bill 868) of the Acts of 2015.

### **Article – Real Property**

14–108.1.

(a) This section does not apply to:

(1) A grantee action under § 14–109 of this subtitle;

(2) A landlord–tenant action that is within the exclusive original jurisdiction of the District Court;

(3) An action for nonpayment of ground rent under a ground lease on residential property that is or was used, intended to be used, or authorized to be used for four or fewer dwelling units; or

(4) An action for wrongful detainer under § 14–132 of this subtitle.

(b) (1) A person who is not in possession of property and claims title and right to possession may bring an action for possession against the person in possession of the property.

(2) Encumbrance of property by a mortgage or deed of trust to secure a debt does not prevent an action under this section by the owner of the property.

(c) When personal jurisdiction is not obtained over the defendant, the plaintiff may obtain a default judgment under the Maryland Rules only on proof of title and right to possession. The judgment shall be in rem for possession of the property. Entry and enforcement of the judgment does not bar further pursuit, in the same or another action, of the plaintiff's claim for mesne profits and damages.

#### **DRAFTER'S NOTE:**

Error: Function paragraph of bill being cured incorrectly indicated that § 14–108.1 of the Real Property Article was unamended.

Occurred: Chapter 428 (House Bill 511) of the Acts of 2015.

### **Chapter 141 of the Acts of 2015**

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 2–117 through 2–123, respectively; 2–201 through 2–207, respectively, and the subtitle “Subtitle 2. Maryland Economic Development Commission”; and 6–502, 6–503, 6–509, 6–510, 6–515, 6–516, 6–524, and 6–525, respectively, of Article – Economic



Development of the Annotated Code of Maryland be renumbered to be Section(s) 2.5–104 through 2.5–110, respectively; 2.5–201 through 2.5–207, respectively, and the subtitle “Subtitle 2.5. Maryland Economic Development Commission”; and 10–472, 10–473, 10–479, 10–480, [10–484,] 10–485, 10–486, 10–494, and 10–495, respectively.

**DRAFTER’S NOTE:**

Error: Function paragraph and uncodified provision of bill being cured incorrectly indicated that §§ 6–502, 6–503, 6–509, 6–510, 6–515, 6–516, 6–524, and 6–525 of the Economic Development Article were being renumbered to be §§ 10–472, 10–473, 10–479, 10–480, 10–484, 10–485, 10–486, 10–494, and 10–495, rather than §§ 10–472, 10–473, 10–479, 10–480, 10–485, 10–486, 10–494, and 10–495.

Occurred: Chapter 141 (House Bill 943) of the Acts of 2015.

**SECTION 2. AND BE IT FURTHER ENACTED,** That the Drafter’s Notes contained in this Act are not law and may not be considered to have been enacted as part 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 ye and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.

**Approved by the Governor, March 14, 2016.**