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of
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2009 Regular Session

Volume II

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Annapolis, Maryland
Wednesday, February 25, 2009
10:00 A.M. Session

The Senate met at 10:11 A.M.

Prayer by Reverend Joseph W. Lyles. Pastor Fort Foote Road Church, guest of Senator Muse.

The Journal of February 24, 2009 was read and approved.

On motion of Senator Kasemeyer it was ordered that Senators Brinkley and Forehand be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 218)

INTRODUCTION OF BILLS

Senate Bill 984 – Senator Lenett

AN ACT concerning

Task Force to Study Barriers to Voting Rights for Individuals Under Guardianship

FOR the purpose of establishing a Task Force to Study Barriers to Voting Rights for Individuals Under Guardianship; establishing the composition of the Task Force; requiring the members to select the chair of the Task Force; providing for the staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation; authorizing a member of the Task Force to receive certain reimbursements; requiring the Task Force to conduct a certain study and make certain recommendations; requiring the Task Force to report its findings and recommendations by a certain date; providing for the termination of this Act; and generally relating to a Task Force to Study Barriers to Voting Rights for Individuals Under Guardianship.

Read the first time and referred to the Committee on Rules.

Senate Bill 985 – Senator Garagiola

AN ACT concerning

Health Insurance – Coverage for Off–Label Use of Drugs – Standard Reference Compendia

FOR the purpose of altering the definition of "standard reference compendia" for purposes of health insurance coverage for off–label use of drugs; and generally relating to coverage for off–label use of drugs under health insurance.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–804
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 986 – Senator Garagiola

AN ACT concerning

Complementary Alternative Medicine Health Care Providers – Scope of Practice and Provider Registry

FOR the purpose of providing that the provisions of the Maryland Medical Practice Act do not prohibit certain individuals from administering certain treatments or providing certain advice to other individuals if the individuals administering the treatment or providing the advice do not act in a certain manner; requiring the individual to whom the treatment or advice is provided to sign a certain disclosure form that includes certain information; establishing a Complementary Alternative Medicine Health Care Provider Registry in the Department of Health and Mental Hygiene; requiring the Secretary of Health and Mental Hygiene to adopt regulations to implement the provisions of this Act; prohibiting certain individuals from practicing complementary alternative medicine and prohibiting individuals from using certain titles unless certain individuals register with the Registry; providing for the application of the provisions of this Act; authorizing the Secretary to set certain fees and obtain certain services for the Registry; requiring the Department to carry out certain efforts to increase public awareness of the Registry; providing for certain registration requirements; authorizing the Secretary to deny or revoke a certificate of registration under certain circumstances; establishing certain hearing provisions; establishing certain requirements for access to the Registry;

defining certain terms; and generally relating to the scope of practice and a registry for complementary alternative medicine health care providers.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 14–102
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article – Health – General
Section 20–1301 through 20–1307 to be under the new subtitle "Subtitle 13. Complementary Alternative Medicine Health Care Provider Registry"
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 987 – Senators Exum and Kittleman

AN ACT concerning

Workers' Compensation Commission – Authority – Employer Compliance

FOR the purpose of clarifying the authority of the Workers' Compensation Commission to conduct certain investigations and take certain other actions to determine whether an employer has complied with certain requirements regarding workers' compensation insurance; authorizing the Commission to issue penalties and other orders under certain circumstances; establishing certain penalties; requiring the Commission to notify certain employers that certain licenses or permits may be suspended under certain circumstances; providing for default in payment of compensation under certain circumstances; creating an enforceable lien under certain circumstances; authorizing the Uninsured Employers' Fund to bring civil action against an employer under certain circumstances; establishing joint and several liability for certain corporation officers and limited liability company members for certain violations; requiring the Commission to send a certain notice to certain licensing and permitting agencies; requiring certain units of the State, a county, or a municipal government to suspend the license or permit of certain employers under certain circumstances; requiring the Commission to file a list of certain violators with certain units of State government; prohibiting certain employers from entering into a contract with a public body under certain circumstances; increasing a certain assessment; requiring the Governor to include in the annual budget bill a certain amount for employment of a certain number of investigators and certain other positions; making the provisions of this Act severable; and generally relating to employer compliance and the authority of the Workers' Compensation Commission.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–402(a), 9–407, 9–1005, and 9–1012
Annotated Code of Maryland
(2008 Replacement Volume)

BY adding to
Article – Labor and Employment
Section 9–406.1, 9–407.1, and 9–407.2
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Rules.

Senate Bill 988 – Senators DeGrange, Astle, Dyson, Garagiola, Kasemeyer, Klausmeier, Middleton, Miller, Robey, and Stone

AN ACT concerning

Division of Correction and Division of Parole and Probation – Reports and Records – Immigration Status

FOR the purpose of requiring a certain case record for an inmate that is assembled by the Division of Correction to include certain information on the immigration status, if any, of the inmate under certain circumstances; requiring the Division of Correction to forward certain information from a case record to the United States Immigration and Customs Enforcement Agency if the case record indicates that the individual has an immigration status; requiring the Division of Parole and Probation to forward certain information from a certain presentence investigation report to the United States Immigration and Customs Enforcement Agency if the presentence investigation report indicates that the individual who is the subject of the report has an immigration status; and generally relating to reports and records of the Division of Correction and the Division of Parole and Probation.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 3–601(a) and 6–112(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

BY adding to
Article – Correctional Services
Section 3–601(f)
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 989 – Senator Stone

AN ACT concerning

Criminal Procedure – Concurrent Court Jurisdiction – Second or Subsequent Offense of Failure to Register with Sex Offender Registry

FOR the purpose of providing that the jurisdiction of the District Court is concurrent with that of the circuit court in a criminal case in which a person is charged with a second or subsequent offense of knowingly failing to register, knowingly failing to provide a certain notice, or knowingly providing false information of a material fact as required under provisions relating to registration of sexual offenders; and generally relating to criminal court jurisdiction.

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 11–704(a), 11–705(d), (e), and (f), and 11–721
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 4–301 and 4–302(a) and (d)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 990 – Senator Stone

AN ACT concerning

Education – Reporting Requirement – Class Size

FOR the purpose of requiring the State Department of Education to develop a uniform data collection method to track a certain number of certain students in a classroom teacher's class by the beginning of a certain academic year; requiring a certain data collection method to reflect a certain number of certain students in a certain class as of a certain date; requiring each county board of education to implement a certain data collection method and report the results of this data collection to the Department on or before a certain date; requiring the Department to report to the General Assembly regarding certain data on or before a certain date; defining a certain term; and generally relating to a

uniform data collection method to determine the number of students who participate in a classroom teacher's class.

BY adding to
Article – Education
Section 7–119
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Rules.

Senate Bill 991 – Senators Stone, Della, Kasemeyer, Kelley, Klausmeier, Robey, and Zirkin

AN ACT concerning

Business Occupations – Crane Operators – Certificate of Competence

FOR the purpose of prohibiting a person from operating a crane in the State for certain purposes unless the person holds a certain certificate; prohibiting a person from authorizing the operation of a crane in the State for certain purposes unless the crane operator holds a certain certificate; requiring a person who holds a certain certificate to carry the certificate while operating a crane, and to make the certificate available for inspection on request from certain individuals; creating a certain evidentiary presumption related to the certificate; requiring the Commissioner of Labor and Industry, the Commissioner's agent, or a law enforcement officer to take certain enforcement action under certain circumstances; making a person who violates certain provisions guilty of a misdemeanor subject, on conviction, to certain penalties; requiring the Commissioner to adopt certain regulations; providing a short title for this Act; and generally relating to the regulation of crane operators in the State.

BY adding to
Article – Business Occupations and Professions
Section 9.5–101 through 9.5–107 to be under the new title "Title 9.5. Crane Operators"
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 992 – Senator Kelley

AN ACT concerning

Welfare to Work – Job Skills Enhancement Program – Green Jobs

FOR the purpose of codifying the requirement that the Secretary of Budget and Management develop and implement a plan for hiring within State government certain welfare recipients; clarifying that a certain hiring plan includes certain current and former Family Investment Program (FIP) recipients; clarifying that the Secretary of Human Resources and certain local directors develop and implement certain local government hiring plans for current and former FIP recipients; requiring that the job skills enhancement program include job training for employment in certain energy efficiency and renewable energy industries; authorizing the Secretary of Human Resources to access certain federal stimulus dollars for job training in certain industries; requiring that certain procurement subcontracts be designated as appropriate for the execution of certain hiring agreements; clarifying that certain model hiring agreements include certain current and former FIP recipients; clarifying that certain Maryland Strategic Energy Investment Program funds used in certain low–income and moderate–income sectors include certain current and former FIP recipients; requiring that certain Maryland Strategic Energy Investment Program funds be used as grants to the job skills enhancement program for job training in certain industries; altering the membership of the Strategic Energy Investment Advisory Board to include the Secretary of Human Resources or the Secretary's designee; requiring the Secretary of Human Resources to submit a certain report on a certain program by a certain date; altering a certain definition; and generally relating to welfare for work and job training and the hiring of current and former Family Investment Program recipients.

BY repealing and reenacting, with amendments,
Article – Human Services
Section 5–304 and 5–318
Annotated Code of Maryland
(2007 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 13–224
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–20B–02 and 9–20B–07(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–20B–05(f) and (h) and 9–20B–07(c)(4)
Annotated Code of Maryland

(2004 Replacement Volume and 2008 Supplement)

BY repealing
Chapter 486 of the Acts of the General Assembly of 1999
Section 4

Read the first time and referred to the Committee on Rules.

Senate Bill 993 – Senator Klausmeier

AN ACT concerning

Physicians – Outpatient Surgical Services – Hospital Privileges

FOR the purpose of prohibiting certain freestanding ambulatory care facilities from employing physicians to provide certain surgical services if the physicians do not have certain privileges at certain accredited hospitals; authorizing the State Board of Physicians to impose certain penalties if certain licensees provide certain outpatient surgical services and do not have certain privileges at certain accredited hospitals; altering certain terms; defining a certain term; and generally relating to physicians, outpatient surgical services, and hospital privileges.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 19–3B–01(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–3B–01(l)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article – Health – General
Section 19–3B–03(e)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 14–404(a)(39) and (40)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article – Health Occupations
Section 14–404(a)(41)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 994 – Senator Klausmeier

AN ACT concerning

Crabbing – Crab Pots – Requirements

FOR the purpose of requiring that crab pots set by a person to catch crabs be marked by a buoy that meets certain requirements; requiring the Department of Natural Resources to adopt certain regulations; and generally relating to equipment used to catch crabs in the State.

BY adding to
Article – Natural Resources
Section 4–817
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 230 – Senators Kasemeyer and Frosh

EMERGENCY BILL

AN ACT concerning

Maryland Uniform Prudent Management of Institutional Funds Act

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENT (1) AND THE FAVORABLE REPORT.

SB0230/398777/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 230
(First Reading File Bill)

On page 8, in line 17, strike "**AN**" and substitute "**SUBJECT TO THE INTENT OF A DONOR EXPRESSED IN A GIFT INSTRUMENT, AN**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted by a roll call vote as follows:

Affirmative – 42 Negative – 3 (See Roll Call No. 219)

FLOOR AMENDMENT

SB0230/753624/1

BY: Senator Kelley

AMENDMENTS TO SENATE BILL 230
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, after "terms;" insert "requiring certain institutions to report to the General Assembly on or before a certain date;"; in the same line, after "measure;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 12, after line 23, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That an institution that expends any part of the principal of an endowment fund in the institution's portfolio in accordance with the provisions of Section 1 of this Act shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the aggregate amount of the expenditures on or before March 1, 2010.";

in line 24, strike "2." and substitute "3."; and in line 28, after "enacted." insert "It shall remain effective for a period of 3 years from the date it is enacted and, at the end of the 3–year period, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 11 Negative – 34 (See Roll Call No. 220)

FLOOR AMENDMENT

SB0230/863328/1

BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 230
(First Reading File Bill)

AMENDMENT NO. 1

On page 10, strike beginning with "**OR**" in line 29 down through "**WASTEFUL**" in line 30.

AMENDMENT NO. 2

On page 11, in line 8, after "**IMPRACTICABLE,**" insert "**OR**"; strike beginning with "**OR**" in line 8 down through "**WASTEFUL,**" in line 9; in line 19, after "**IMPRACTICABLE,**" insert "**OR**"; and in line 20, strike "**OR WASTEFUL,**".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 13 Negative – 30 (See Roll Call No. 221)

Senator Kittleman moved, duly seconded, to make the Bill a Special Order for the end of today's business.

The motion was adopted.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #4

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 222 – Senator Edwards

AN ACT concerning

Garrett County – Hotel Rental Tax

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 228 – Senators Glassman, Harris, and Jacobs

AN ACT concerning

Harford County – Property Tax Credit for Homes Near a Refuse Disposal System

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 328 – Senators Colburn and Pipkin

AN ACT concerning

Caroline County – Tax Sales – Auctioneer Fees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 343 – Senator Edwards

AN ACT concerning

Allegany County – Video Lottery Construction – Local Impact Grants – Rocky Gap Construction Costs

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 348 – Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Tax Sales – Fees

Senator Della moved, duly seconded, to make the Bill and Report a Special Order for February 26, 2009.

The motion was adopted.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 450 – Senator Edwards

AN ACT concerning

Allegany County – Upper Potomac River Commission – Savage River Dam – Borrowing Authority

SB0450/449431/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 450
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, strike ", by resolution,"; in the same line, after "outlay" insert "as authorized under certain provisions of law; repealing a requirement that the sale of certain bonds be advertised in a certain manner; repealing a requirement that the bonds be issued in a certain manner"; strike beginning with "requiring" in line 11 down through "prices;" in line 14 and substitute "authorizing the County Commissioners to issue certain bonds under certain code home rule powers;"; and in line 16, after "money;" insert "repealing a requirement that the County Commissioners make a certain tax levy;".

AMENDMENT NO. 2

On page 2, in line 11, strike "**, BY RESOLUTION,**"; and strike beginning with "**ON**" in line 16 down through "**WORK**" in line 18 and substitute "**AS AUTHORIZED UNDER ARTICLE 25B, §§ 14 THROUGH 21 OF THE CODE**".

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 19 on page 2 through line 3 on page 3, inclusive, and substitute:

"**B. THE BONDS ISSUED UNDER THIS CHAPTER SHALL BE EXEMPT FROM THE PROVISIONS OF ARTICLE 31, §§ 9 THROUGH 11 OF THE ANNOTATED CODE OF MARYLAND.**".

AMENDMENT NO. 4

On page 3, in lines 4 and 6, strike "**E.**" and "**F.**", respectively, and substitute "**C.**" and "**D.**", respectively.

AMENDMENT NO. 5

On page 3, strike in their entirety lines 10 through 28, inclusive.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 176 – Senators Pugh, Conway, Gladden, Jones, and McFadden

AN ACT concerning

Education – Baltimore City Community College – Academic Facility Bonds

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #11

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 10 – Senator Klausmeier

AN ACT concerning

Consumer Protection – Telephone Directory Listings – Publication of Local Numbers by Nonlocal Businesses

SB0010/197375/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 10
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before "Telephone" insert "False Advertising – Misrepresentations in Advertisements and"; in lines 2 and 3, strike "– Publication of Local Numbers by Nonlocal Businesses"; strike beginning with "prohibiting" in line 4 down through "provisions;" in line 12 and substitute "providing that a person is in violation of a certain provision of law prohibiting false advertising if the person causes an advertisement that misrepresents the location of the person to be published in a certain directory, or causes a telephone listing that misrepresents the location of the person to be listed in a certain directory; exempting publishers, printers, and distributors of certain advertisements or telephone listings from certain provisions of law governing false advertising; providing for the application of certain provisions of this Act;"; in line 12, strike "the"; strike line 13 in its entirety and substitute "false advertising and misrepresentations in advertisements and telephone directory listings."; in line 16, strike "13–301(14)" and substitute "11–701 and 11–702"; after line 18, insert:

"BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 11–703 and 11–705
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)";

and in line 21, strike "14–1322" and substitute "11–704.1".

AMENDMENT NO. 2

On pages 2 and 3, strike beginning with line 1 on page 2 through line 18 on page 3, inclusive, and substitute:

"11–701.

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

(b) (1) "Advertise falsely" means to use any advertisement, including a label, which is misleading in a material respect.

(2) "Advertise falsely" includes the use of an advertisement that contains an affirmative representation that the Maryland Sales and Use Tax will not be collected by the retailer on a particular transaction without notifying the purchaser of the purchaser's duty to pay the sales and use tax directly to the Comptroller of this State.

(c) "Person" includes an individual, corporation, business trust, estate, trust, partnership, association, two or more persons having a joint or common interest, or any other legal or commercial entity.

(D) "TELEPHONE COMPANY" HAS THE MEANING STATED IN § 1–101 OF THE PUBLIC UTILITY COMPANIES ARTICLE.

11–702.

This subtitle does not apply to any:

(1) Television or radio broadcasting station which broadcasts an advertisement; **[**or**]**

(2) Publisher or printer of a newspaper, magazine, or other form of printed advertisement who publishes or prints an advertisement**; OR**

(3) PUBLISHER, PRINTER, OR DISTRIBUTOR, INCLUDING A TELEPHONE COMPANY OR DIRECTORY PROVIDER, OF AN ADVERTISEMENT OR TELEPHONE LISTING IN A TELEPHONE DIRECTORY.

11–703.

A person may not advertise falsely in the conduct of any business, trade, or commerce or in the provision of any service.

11–704.1."; and strike beginning with "**(I)**" in line 21 down through "**(3)**" in line 26.

On page 4, in line 6, strike "**(4)**" and substitute "**(3)**"; strike in their entirety lines 14 through 27, inclusive, and substitute:

"**(4) "LOCATION" MEANS ANY PART OF THE ADDRESS OF A PERSON, INCLUDING THE STREET, THE CITY, OR THE STATE.**

(B) THIS SECTION DOES NOT APPLY TO ANY BANK, TRUST COMPANY, SAVINGS BANK, SAVINGS AND LOAN ASSOCIATION, OR CREDIT UNION INCORPORATED OR CHARTERED UNDER THE LAWS OF THIS STATE OR THE UNITED STATES OR ANY OTHER STATE BANK HAVING A BRANCH IN THIS STATE.

(C) A PERSON IS IN VIOLATION OF § 11–703 OF THIS SUBTITLE IF THE PERSON:

(1) CAUSES TO BE PUBLISHED IN A LOCAL TELEPHONE CLASSIFIED ADVERTISING DIRECTORY AN ADVERTISEMENT THAT MISREPRESENTS THE LOCATION OF THE PERSON; OR

(2) CAUSES TO BE LISTED IN A LOCAL TELEPHONE DIRECTORY A TELEPHONE LISTING THAT MISREPRESENTS THE LOCATION OF THE PERSON.";

and strike in their entirety lines 28 through 32, inclusive.

On page 5, strike in their entirety lines 1 through 16, inclusive, and substitute:

"11–705.

(a) Any person who violates any provision of this subtitle is subject to a penalty not exceeding $500 for each violation, which penalty the Attorney General may recover for the State in a civil action.

(b) Before the Attorney General commences any action under this section, he shall give to the person against whom the action is proposed:

(1) Notice by registered or certified mail of the proposed action; and

(2) An opportunity to show cause orally or in writing why the action should not be commenced.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted by a roll call vote as follows:

Affirmative – 40 Negative – 5 (See Roll Call No. 222)

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 209 – Senator Stone

AN ACT concerning

State Highway Administration – Snow Removal – Use of Farm Trucks

SB0209/727475/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 209
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Stone" and substitute "Senators Stone, Garagiola, Glassman, Klausmeier, and Middleton"; and in line 7, after "removal;" insert "providing that the provisions of this Act apply only if a farm truck meets certain minimum requirements;".

AMENDMENT NO. 2

On page 2, after line 32, insert:

"**(5) THIS SUBSECTION APPLIES ONLY IF THE FARM TRUCK MEETS THE FOLLOWING MINIMUM REQUIREMENTS:**

(I) THE FARM TRUCK PASSED ITS MOST RECENT INSPECTION UNDER § 23–302 OF THIS ARTICLE;

(II) THE OPERATOR OF THE FARM TRUCK POSSESSES A VALID COMMERCIAL DRIVER'S LICENSE AND A CURRENT MEDICAL CARD;

(III) THE OWNER OF THE FARM TRUCK MEETS MINIMUM INSURANCE REQUIREMENTS; AND

(IV) THE FARM TRUCK USES ULTRA–LOW SULFUR DIESEL FUEL WHILE BEING USED TO ASSIST THE ADMINISTRATION IN SNOW REMOVAL.".

On page 3, in line 1, strike "**(5)**" and substitute "**(6)**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 270 – The President (By Request – Administration) and Senators Kelley and Middleton

EMERGENCY BILL

AN ACT concerning

Unemployment Insurance – Eligibility – Part–Time Work

SB0270/337474/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 270
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Middleton" and substitute ", Middleton, Exum, and Garagiola".

The preceding amendment was read only.

Senator Harris moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 377 – Senator Middleton

EMERGENCY BILL

AN ACT concerning

Business Regulation – Home Builder Guaranty Fund – Fee

SB0377/417575/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 377
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Middleton" and substitute "Senators Middleton, Glassman, Kelley, and Pugh".

AMENDMENT NO. 2

On page 2, in line 19, strike "the building and permits department of".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 380 – Senators Garagiola, Astle, Della, Exum, Glassman, Kelley, Kittleman, Klausmeier, Middleton, Pipkin, and Pugh

AN ACT concerning

Health Maintenance Organizations – Payments to Nonparticipating Providers

SB0380/417675/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 380
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Kittleman,"; strike beginning with "altering" in line 4 down through "organization;" in line 6; and in line 11, after "rates;" insert "requiring a health maintenance organization to calculate a certain average rate in a certain manner;".

AMENDMENT NO. 2

On page 3, in line 32, strike the second opening bracket.

On pages 3 and 4, strike beginning with the bracket in line 34 on page 3 down through "**ORGANIZATION**" in line 4 on page 4.

On page 4, in line 5, strike the second opening bracket; and strike beginning with the bracket in line 8 down through "**YEAR**" in line 12.

AMENDMENT NO. 3

On page 5, after line 2, insert:

"**(C) FOR THE PURPOSES OF SUBSECTION (B)(2)(III) OF THIS SECTION, A HEALTH MAINTENANCE ORGANIZATION SHALL CALCULATE THE AVERAGE RATE PAID TO SIMILARLY LICENSED PROVIDERS UNDER WRITTEN CONTRACT WITH THE HEALTH MAINTENANCE ORGANIZATION FOR THE SAME COVERED SERVICE BY SUMMING THE CONTRACTED RATE FOR ALL OCCURRENCES OF THE CURRENT PROCEDURAL TERMINOLOGY CODE FOR THAT SERVICE AND THEN**

DIVIDING BY THE TOTAL NUMBER OF OCCURRENCES OF THE CURRENT PROCEDURAL TERMINOLOGY CODE.";

in line 3, strike "**(C)**" and substitute "**(D)**"; strike beginning with "paragraph" in line 5 down through "subsection" in line 6 and substitute "**SUBSECTION (B)(2)(II) AND (III) OF THIS SECTION**"; and in lines 7, 26, and 35, strike "**(D)**", "**(E)**", and "**(F)**", respectively, and substitute "**(E)**", "**(F)**", and "**(G)**", respectively.

On page 6, in lines 3, 8, 13, and 18, strike "**(G)**", "**(H)**", "**(I)**", and "**(J)**", respectively, and substitute "**(H)**", "**(I)**", "**(J)**", and "**(K)**", respectively.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 562 – Senators Garagiola, Kittleman, and Middleton

AN ACT concerning

Labor and Employment – Flexible Leave

SB0562/197672/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 562
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Middleton" and substitute "Middleton, Exum, Glassman, Klausmeier, and Pugh".

AMENDMENT NO. 2

On page 1, at the top of the page, insert "EMERGENCY BILL"; in line 5, strike "solely"; and in line 10, after "changes;" insert "making this Act an emergency measure;".

AMENDMENT NO. 3

On page 4, in line 3, strike "**SOLELY**".

AMENDMENT NO. 4

On page 4, strike beginning with "shall" in line 17 down through "2009" in line 18 and substitute "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".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 183 – Senators Pinsky, Rosapepe, Brochin, Conway, Dyson, Forehand, Frosh, Harrington, Kramer, Lenett, Madaleno, Peters, and Raskin

AN ACT concerning

College Textbook Competition and Affordability Act of 2009

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (7) AND THE FAVORABLE REPORT.

SB0183/664235/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 183
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Raskin" and substitute "Raskin, and Klausmeier"; in line 4, strike "certain textbook adoption processes,"; in line 11, after "requiring" insert ", subject to a certain exception,"; in line 19, after "time;" insert "prohibiting certain institutions from encouraging or promoting the creation or sale of certain types of textbooks;"; strike beginning with "requiring" in line 22 down through "date;" in line 27; in line 28, after "regarding" insert "certain efforts to lower the cost of certain textbooks,"; and in the same line, after "Act" insert ", and certain recommendations".

AMENDMENT NO. 2

On page 2, in line 26, after "**SALE**" insert "**AND IS LICENSED BY THE COMPTROLLER UNDER TITLE 11, SUBTITLE 7 OF THE TAX – GENERAL ARTICLE**"; and strike beginning with the first comma in line 32 down through "**INTEGRATED**" in line 33 and substitute "**OR CUSTOM**".

AMENDMENT NO. 3

On page 3, in line 8, after the second "**MATERIAL,**" insert "**OR**"; strike beginning with "**, OR**" in line 9 down through "**EDITIONS**" in line 10; after line 10, insert:

"**(III) "CUSTOM TEXTBOOK" DOES NOT INCLUDE PURELY AESTHETIC CHANGES TO A COLLEGE TEXTBOOK WHEN COMPARED WITH A PRIOR EDITION OF A COLLEGE TEXTBOOK SUCH AS COMMEMORATIVE EDITIONS.**";

strike in their entirety lines 11 through 20, inclusive; in line 21, strike "**(7)**" and substitute "**(6)**"; in line 22, strike "**A**"; in the same line, strike "**TEXTBOOK**" and substitute "**COURSE MATERIAL**"; in line 23, after "**EACH**" insert "**TEXTBOOK**"; strike beginning with "**PRINTING**" in line 23 down through "**TEXTBOOK**" in line 24 and substitute "**OTHER COURSE MATERIAL, INCLUDING BUNDLES**"; after line 24, insert:

"**(7) "PRICE" MEANS THE PRICE AT WHICH THE PUBLISHER WOULD MAKE THE COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL AVAILABLE TO A BOOKSTORE, OR THE PRICE AT WHICH THE PUBLISHER WOULD MAKE THE COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL AVAILABLE TO THE PUBLIC, OR BOTH.**";

and after line 33, insert:

"**(10) "TEXTBOOK" INCLUDES CUSTOM TEXTBOOKS TO THE MAXIMUM EXTENT PRACTICABLE.**".

AMENDMENT NO. 4

On page 4, strike beginning with "**WHOLESALE**" in line 5 down through "**ANY,**" in line 6 and substitute "**THE PRICE**"; strike beginning with "**WHOLESALE**" in line 7 down through "**ANY,**" in line 8 and substitute "**PRICE**"; strike in their entirety lines 16 through 21, inclusive; and in lines 22 and 25, strike "**(3)**" and "**(4)**", respectively, and substitute "**(2)**" and "**(3)**", respectively.

On page 5, in line 32, strike "**WHO**" and substitute "**THAT**".

On page 6, strike beginning with "**AT**" in line 5 down through "**THE**" in line 6 and substitute "**OF THE**"; strike beginning with "**AVAILABLE**" in line 6 down through "**PUBLIC**" in line 9; and in line 28, strike "**A**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, A**".

AMENDMENT NO. 5

On page 7, strike beginning with "**WHOLESALE**" in line 1 down through "**ANY,**" in line 2 and substitute "**PRICE INFORMATION**"; and after line 8, insert:

"**(4) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, A CAMPUS BOOKSTORE MAY SELL COLLEGE TEXTBOOKS AND SUPPLEMENTAL MATERIAL IN A DIFFERENT MANNER THAN AS SELECTED AND ORDERED BY FACULTY MEMBERS FOR THE PURPOSE OF PROVIDING USED COLLEGE TEXTBOOKS, PRIOR EDITIONS, OR OTHER LOWER–COST OPTIONS TO STUDENTS.**

(II) IF A CAMPUS BOOKSTORE SELLS COLLEGE TEXTBOOKS OR SUPPLEMENTAL MATERIAL AS AUTHORIZED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE CAMPUS BOOKSTORE SHALL CLEARLY MARK THE FACULTY MEMBER'S ACTUAL SELECTION IN CONTRAST WITH THE CAMPUS BOOKSTORE'S ALTERNATIVE PRODUCT SUGGESTION.".

AMENDMENT NO. 6

On page 8, in lines 14 and 18, in each instance, strike "**A**" and substitute "**THE PARTICULAR**"; after line 20, insert:

"**(H) A PUBLIC INSTITUTION OF HIGHER EDUCATION MAY NOT ENCOURAGE OR PROMOTE THE CREATION OR SALE OF COLLEGE TEXTBOOKS THAT CONSIST OF PURELY AESTHETIC CHANGES TO A PRIOR EDITION OF A COLLEGE TEXTBOOK SUCH AS A COMMEMORATIVE EDITION.**";

and in lines 21 and 31, strike "**(H)**" and "**(I)**", respectively, and substitute "**(I)**" and "**(J)**", respectively.

AMENDMENT NO. 7

On pages 8 and 9, strike in their entirety the lines beginning with line 35 on page 8 through line 12 on page 9, inclusive.

On page 9, in lines 13 and 18, strike "3." and "4.", respectively, and substitute "2." and "3.", respectively; in line 16, after "regarding" insert "efforts to lower the cost of textbooks for their students,"; in line 17, strike "15–112(c)(4)" and substitute "15–112(c)(3)"; in the same line, after "Act" insert ", and recommendations for statewide policy initiatives that will further ameliorate the high cost of undergraduate and graduate education as impacted by textbook prices"; in line 27, strike the second "and"; and in line 34, after "content" insert "; and

(3) the accessibility of the digital marketplace and any and all electronic textbooks and supplemental material to blind and print–disabled students and faculty members".

On page 10, in line 3, strike "5." and substitute "4."; in line 29, strike "and"; and in line 31, after "purchasing" insert "; and

(7) ensuring that any and all electronic textbooks and supplemental material shall be accessible to blind and print–disabled students and faculty members".

On page 11, in line 8, strike "6." and substitute "5.".

The preceding 7 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0183/123428/1

BY: Senator Pinsky

AMENDMENT TO SENATE BILL 183
(First Reading File Bill)

On page 3, strike beginning with "**THAT**" in line 29 down through "**TEXTBOOK**" in line 30.

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0183/843323/3

BY: Senator Madaleno

AMENDMENT TO SENATE BILL 183, AS AMENDED

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments (SB0183/664235/1), in line 8 of Amendment No. 3, strike "**, OR**" and substitute "**AND, IF AVAILABLE,**"; and in line 10, strike "**, OR BOTH**".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0183/253721/2

BY: Senator Madaleno

AMENDMENTS TO SENATE BILL 183, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On pages 1 and 2 of the bill, strike beginning with "requiring" in line 30 on page 1 down through "Assembly;" in line 3 on page 2.

AMENDMENT NO. 2

On page 4 of the Education, Health, and Environmental Affairs Committee Amendments (SB0183/664235/1), in line 13 of Amendment No. 7, strike "4."; strike beginning with "; and" in line 14 down through "members" in line 17; and in line 18, strike "5." and substitute "4.".

AMENDMENT NO. 3

On pages 10 and 11 of the bill, strike in their entirety the lines beginning with line 3 on page 10 through line 7 on page 11, inclusive.

The preceding 3 amendments were read and rejected.

FLOOR AMENDMENT

SB0183/843121/1

BY: Senator Astle

AMENDMENTS TO SENATE BILL 183
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike "affirmation and".

AMENDMENT NO. 2

On page 5, in lines 7, 16, and 19, in each instance, strike "**AFFIRM AND**".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0183/463128/1

BY: Senator Middleton

AMENDMENTS TO SENATE BILL 183, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 7 of the bill, in line 9, strike "**SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, ON**" and substitute "**ON**"; in line 12, strike "**AS SOON AS A FACULTY MEMBER IDENTIFIES**" and substitute "**WHEN A BOOKSTORE PLACES A FINAL ORDER FOR**"; in lines 13 and 14, strike "**AND TRANSMITS THE SELECTION TO A CAMPUS BOOKSTORE**"; and strike beginning with "**BY**" in line 28 down through "**OR**" in line 31.

AMENDMENT NO. 2

On page 3 of the Education, Health, and Environmental Affairs Committee Amendments (SB0183/664235/1), in lines 1 and 2 of Amendment No. 6, strike "**THE PARTICULAR**".

AMENDMENT NO. 3

On page 8 of the bill, in line 1, strike "**2. WHEN**" and substitute "**WHEN**"; and strike in their entirety lines 10 through 20, inclusive.

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 22 Negative – 24 (See Roll Call No. 223)

FLOOR AMENDMENT

SB0183/703127/1

BY: Senator Middleton

AMENDMENTS TO SENATE BILL 183, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, strike beginning with "requiring" in line 19 down through "circumstances;" in line 21.

AMENDMENT NO. 2

On page 3 of the Education, Health, and Environmental Affairs Committee Amendments (SB0183/664235/1), in line 7 of Amendment No. 6, strike "**(I)**"; and in line 8, strike "**(J)**" and substitute "**(I)**".

AMENDMENT NO. 3

On page 8 of the bill, strike in their entirety lines 21 through 30, inclusive.

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 22 Negative – 24 (See Roll Call No. 224)

Read the second time and ordered prepared for Third Reading.

Senate Bill 230 – Senators Kasemeyer and Frosh

EMERGENCY BILL

AN ACT concerning

Maryland Uniform Prudent Management of Institutional Funds Act

STATUS OF BILL: BILL IS ON SECOND READING AND OPEN TO AMENDMENT.

FLOOR AMENDMENT

SB0230/393122/1

BY: Senator Kittleman

AMENDMENT TO SENATE BILL 230
(First Reading File Bill)

On page 10, in line 26, strike "**A**" and substitute "**IF WRITTEN CONSENT OF THE DONOR CANNOT BE OBTAINED BY REASON OF THE DEATH, DISABILITY, UNAVAILABILITY, OR IMPOSSIBILITY OF IDENTIFICATION OF THE DONOR, A**".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 225)

ADJOURNMENT

At 12:43 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Thursday, February 26, 2009.

Annapolis, Maryland
Thursday, February 26, 2009
10:00 A.M. Session

The Senate met at 10:16 A.M.

Prayer by Reverend Joshua Hatcher, St. Paul Lutheran Church, Annapolis, Md., guest of Senators Astle and DeGrange.

(See Exhibit A of Appendix III)

The Journal of February 25, 2009 was read and approved.

On motion of Senator Kasemeyer it was ordered that Senator Conway be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 227)

INTRODUCTION OF BILLS

Senate Bill 995 – Senator Garagiola

AN ACT concerning

Professional Employer Organization Recognition and Registration Act

FOR the purpose of prohibiting a person from engaging in the business of providing certain professional employer services in the State unless the person is registered as a professional employer organization, except under certain circumstances; requiring the Department of Labor, Licensing, and Regulation to maintain a certain list of professional employer organizations and to make the list available to the public on the Internet; providing for the application procedures for registration as a professional employer organization; providing for the expiration of the registration; providing for procedures for the renewal of a registration; allowing a professional employer organization to apply for a limited registration under certain circumstances; providing for the application and renewal procedures for a limited registration as a professional employer organization; authorizing the Secretary to deny registration or a registration

certificate to an applicant, reprimand a registrant, suspend or revoke a registration or registration certificate, or impose a civil penalty under certain circumstances; requiring the Secretary to provide an applicant or a registrant notice and an opportunity for a hearing to contest a proposed disciplinary action; providing for certain rights and duties of certain clients in a co–employment relationship with a professional employer organization; providing for certain rights and duties of certain professional employer organizations in a co–employment relationship with a client; requiring a professional employer agreement to contain certain provisions; requiring a professional employer organization to provide a certain notice to certain covered employees; providing for the obligations and liabilities of certain clients subject to a professional employer agreement; providing that certain covered employees are not to be considered employees of a professional employer organization for certain purposes, except under certain circumstances; providing that certain professional employer organizations are not engaged in the sale of insurance or in acting as certain third party administrators; providing that a certain covered employee is deemed solely an employee of the client for certain licensing, registration, or certification requirements; providing that a professional employer organization is not deemed to engage in certain activities solely on the basis of a co–employment relationship with a certain covered employee; providing that the client is entitled to the benefit of certain tax credits, economic incentives, or other benefits based on employment under certain circumstances; requiring professional employer organizations to provide certain employment information for certain purposes; prohibiting a person from acting as, offering to act as, or holding itself out as a professional employer organization in the State unless registered under this Act; prohibiting a person from knowingly making a false representation or false statement in certain applications; prohibiting a person from advertising in a certain manner; establishing certain criminal penalties; authorizing the Secretary to bring a certain civil administrative action against certain persons; defining certain terms; providing for the construction of this Act; prohibiting a presently existing obligation or contract right from being impaired by this Act; allowing certain persons a certain period of time after the effective date of this Act to register; making certain provisions of this Act severable; and generally relating to the regulation of professional employer organizations and professional employer agreements.

BY adding to
Article – Business Regulation
Section 20–101 through 20–404 to be under the new title "Title 20. Professional Employer Organizations"
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 996 – Senator Jones

AN ACT concerning

Creation of a State Debt – Baltimore City – Southwest Senior and Community Multipurpose Center

FOR the purpose of authorizing the creation of a State Debt not to exceed $250,000, the proceeds to be used as a grant to the Board of Directors of the Communities Organized to Improve Life, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Rules.

Senate Bill 997 – Senator Muse

AN ACT concerning

Creation of a State Debt – Prince George's County – YMCA Potomac Overlook

FOR the purpose of authorizing the creation of a State Debt not to exceed $200,000, the proceeds to be used as a grant to the Board of Directors of the YMCA Potomac Overlook, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; prohibiting the use of the loan proceeds or matching fund for sectarian religious purposes; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Rules.

Senate Bill 998 – Senator Jacobs

AN ACT concerning

Creation of a State Debt – Harford County – The Citizens Care and Rehabilitation Center

FOR the purpose of authorizing the creation of a State Debt not to exceed $200,000, the proceeds to be used as a grant to the Board of Trustees of the Citizens Care and Rehabilitation Center Foundation, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Rules.

Senate Bill 999 – Senator Raskin

AN ACT concerning

Creation of a State Debt – Montgomery County – Dance Exchange

FOR the purpose of authorizing the creation of a State Debt not to exceed $300,000, the proceeds to be used as a grant to the Board of Directors of the Dance Exchange, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Rules.

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 270 – The President (By Request – Administration) and Senators Kelley and Middleton

EMERGENCY BILL

AN ACT concerning

Unemployment Insurance – Eligibility – Part–Time Work

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENT (1) AND THE FAVORABLE REPORT.

SB0270/337474/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 270
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Middleton" and substitute ", Middleton, Exum, and Garagiola".

The preceding amendment was read only.

Senator Middleton moved, duly seconded, to make the Bill and Amendment a Special Order for the end of today's business.

The motion was adopted.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #5

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 39 – Senator Harrington

AN ACT concerning

Municipal Corporations – Tax Increment Financing – Application of Bond Proceeds

SB0039/939432/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 39
(First Reading File Bill)

AMENDMENT NO. 1

On page 4, in line 25, after "**COUNTY**" insert "**OR MUNICIPAL CORPORATION**".

AMENDMENT NO. 2

On page 5, in line 3, after "**COUNTY**" insert "**OR MUNICIPAL CORPORATION**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 44 – Senator Peters

AN ACT concerning

Sales and Use Tax – Exemption – Veterans' Organizations

Favorable report adopted.

FLOOR AMENDMENT

SB0044/463827/1

BY: Senator Harris

AMENDMENT TO SENATE BILL 44
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Peters" and substitute "Senators Peters and Harris".

The preceding amendment was read and adopted.

Senator Stone moved, duly seconded, to make the Bill a Special Order for February 27, 2009.

The motion was adopted.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 88 – Chair, Budget and Taxation Committee (By Request – Departmental – Assessments and Taxation)

AN ACT concerning

Tax – Property – Exempt Manufacturing Personal Property Application Deadline

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 93 – Chair, Budget and Taxation Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Motor Fuel Taxes – Biodiesel Fuel User License

SB0093/529733/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 93
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Biodiesel Fuel User License" and substitute "Special Fuel User – Biodiesel Fuel"; strike beginning with "providing" in line 6 down through "circumstances;" in line 8; in line 9, strike "certain terms" and substitute "a certain term"; in line 13, strike ", 9–301(d–1), and 9–322(h–1)"; and in line 18, strike ", 9–301(h), and 13–825(f)(8)" and substitute "and 9–301(h), (s), and (t)".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 11 through 18, inclusive; in lines 19, 22, 23, and 24, strike "**(1)**", "**(II)**", "**1.**", and "**2.**", respectively; in lines 20, 22, 23, and 24, in each instance, strike the brackets; in line 21, strike "and" and substitute "**OR**

(II) BUY, PRODUCE, ACQUIRE, RECEIVE, OR STORE BIODIESEL FUEL ON WHICH THE MOTOR FUEL TAX HAS NOT BEEN PAID; AND";

and after line 24, insert:

"(s) (1) "Special fuel seller" means a person who engages in the business of a special fuel seller.

(2) "Special fuel seller" does not include:

(i) a retail service station dealer who pays the motor fuel tax on special fuel to the supplier of the special fuel; **[**or**]**

(ii) a marina that sells special fuel only to vessels**; OR**

(III) A PERSON WHO PRODUCES, ACQUIRES, RECEIVES, OR STORES LESS THAN 4,000 GALLONS OF BIODIESEL FUEL DURING A CALENDAR YEAR.

(t) (1) "Special fuel user" means a person who engages in the business of a special fuel user.

(2) "Special fuel user" does not include:

(i) a person whose only storage for special fuel is the fuel supply tank of a motor vehicle;

(ii) a volunteer fire or nonprofit volunteer rescue company that is incorporated in the State and buys special fuel from a licensed special fuel seller to operate fire fighting vehicles or equipment; **[**or**]**

(iii) a person who pays the motor fuel tax on all special fuels to the supplier of the special fuels**; OR**

(IV) A PERSON WHO PRODUCES, ACQUIRES, RECEIVES, OR STORES LESS THAN 4,000 GALLONS OF BIODIESEL FUEL TO BE USED IN A MOTOR VEHICLE DURING A CALENDAR YEAR.".

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 25 on page 2 through line 12 on page 3, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 146 – Senators Frosh and Madaleno

AN ACT concerning

Municipal Corporations and Taxing Districts – Financial Audits

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 223 – Senator Edwards

AN ACT concerning

Tax – Property – Assessment and Valuation – Forest Conservation and Management Agreement

SB0223/169239/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 223
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike beginning with "owner" through "space" and substitute "land is used to drill for natural gas".

AMENDMENT NO. 2

On page 2, strike beginning with "**REMAINS**" in line 26 down through "**AGREEMENT**" in line 27 and substitute "**IS USED TO DRILL FOR NATURAL GAS**".

The preceding 2 amendments were read only.

Senator Della moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 227 – Senators McFadden and Jones (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Newly Constructed Dwelling Property Tax Credit – Modification and Reauthorization

SB0227/979034/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 227
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after "credit;" insert "defining a certain term;".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 8 and 9 and substitute:

"**(III) "OWNER" MEANS "HOMEOWNER" AS DEFINED IN § 9–105 OF THIS TITLE.**".

AMENDMENT NO. 3

On page 2, in line 31, after "**AMOUNT**" insert "**OF THE CREDIT**".

AMENDMENT NO. 4

On page 3, in line 8, after "**PROVIDE**" insert "**, BY LAW,**"; in line 13, after "**PROVIDE**" insert "**, BY LAW, FOR**"; and in lines 8 and 13, in each instance, strike "**HOMEOWNERS**" and substitute "**OWNERS**".

AMENDMENT NO. 5

On page 3, in line 19, strike "**HOMEOWNERS**" and substitute "**OWNERS**"; in line 20, after "**JANUARY**" insert "**1,**"; in the same line, after "**2005**" insert a comma; in the same line, after "**ELIGIBLE**" insert "**TO APPLY**"; in the same line, after the second "**THE**" insert "**CREDIT DURING THE**"; in line 23, strike "**HOMEOWNER'S**" and substitute "**OWNER'S**"; in the same line, strike "**HOMEOWNER**" and substitute "**OWNER**"; and in line 27, strike "**THE**" and substitute "**ANY**".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON RULES REPORT #3

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 917 – Senators Lenett, Exum, McFadden, Pinsky, Rosapepe, and Stone

AN ACT concerning

Agriculture – Fertilizers and Pesticides – Release Reporting

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 918 – Senators Lenett, Conway, McFadden, and Rosapepe

AN ACT concerning

Housing – Maryland Building Performance Standards – Minimum Features for Accessibility

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 919 – Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Crimes – Possession of Loaded Firearm – Enhanced Penalties

The bill was re–referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 920 – Senators McFadden, Della, and Muse

AN ACT concerning

Maryland Youth Entrepreneur Connection Program

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 922 – Senators Simonaire, Astle, DeGrange, and Greenip

AN ACT concerning

Bay Restoration Fund – Septic Systems – Nitrogen Removal Projects

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 924 – Senator Miller

AN ACT concerning

Creation of a State Debt – Prince George's County – Knights of St. John Woodville School Building

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 925 – Senator Rosapepe

AN ACT concerning

Charter and Code Home Rule Counties – County Employees – Furloughs

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 927 – Senator Rosapepe

AN ACT concerning

Charter and Code Home Rule Counties – Furlough of County Employees – Public Safety Officers

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 928 – Senators Conway and Dyson

AN ACT concerning

State Board of Dental Examiners – Dentists – Informed Consent – Materials Containing Mercury

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 929 – Senators Raskin, Frosh, Gladden, and Muse

AN ACT concerning

Real Property – Community Land Trusts

The bill was re–referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 931 – Senator Currie

AN ACT concerning

Community Development Administration – Local Government Infrastructure Financing Program – Capital Reserve Funds

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 932 – Senator Currie

AN ACT concerning

Creation of a State Debt – Community Development Administration – Local Government Infrastructure Financing Program

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 933 – Senator Kelley

AN ACT concerning

Family Law – State Citizens Review Board for Children and Local Boards of Review – Duties

The bill was re–referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 934 – Senator Pugh

AN ACT concerning

State Government – Commemorative Day – Health Improvement and Disease Prevention Day

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 935 – Senator Robey

AN ACT concerning

Real Property – Mobile Home Parks – Plans for Dislocated Residents

The bill was re–referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 936 – Senator Currie

AN ACT concerning

Creation of a State Debt – Prince George's County – District Heights Field Renovation

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 937 – Senator Dyson

AN ACT concerning

St. Mary's County – Washington, Potomac and Chesapeake Railroad Company – Abandoned Right–of–Way – Protection

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 938 – Senator Mooney

AN ACT concerning

Transparency in Lawsuits Protection Act

The bill was re–referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 939 – Senator Mooney

AN ACT concerning

Vehicle Laws – Individuals with Disabilities – Width of Parking Spaces

The bill was re–referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 940 – Senator Kittleman

AN ACT concerning

Education – Commission on Civic Literacy – Membership

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 941 – Senators Klausmeier, Dyson, Garagiola, Glassman, Middleton, Robey, Rosapepe, and Stone

AN ACT concerning

Procurement – Preference – Energy Star Products

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 944 – Senators Dyson, Colburn, and Middleton

AN ACT concerning

Calvert, Charles, and St. Mary's Counties – Deer Hunting

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 945 – Senators Exum, Currie, and McFadden

AN ACT concerning

Prince George's County – Palmer Park Boys and Girls Club Loan of 2001 and Maryland Consolidated Capital Bond Loans of 2007 and 2008

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 946 – Senators Pugh and McFadden

AN ACT concerning

Minority Business Enterprise Program – Report to Joint Committee on Fair Practices

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 947 – Senators Harris and Raskin

AN ACT concerning

Elections – New Political Party – Petition Signatures

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 950 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County – State's Attorney – Annual Salary

The bill was re–referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 951 – Senator Lenett

AN ACT concerning

Health Occupations – License to Practice Psychology – Doctoral Degree in Psychology

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 952 – Senator Middleton

AN ACT concerning

Maryland Medical Assistance Program – Substance Abuse Services

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 953 – Senators Brochin, Madaleno, Raskin, and Stone

AN ACT concerning

Recycling – Apartment Buildings and Complexes

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 954 – Senator Klausmeier

AN ACT concerning

Electric, Gas, or Gas and Electric Companies – Separation from Other Businesses

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 955 – Senator Klausmeier

AN ACT concerning

Public Utility Companies – Energy Efficiency, Conservation, and Demand Response Programs – Selection of HVAC Service Providers

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 959 – Senator Middleton

AN ACT concerning

Injured Workers' Insurance Fund – Regulation and Status

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 960 – Senator McFadden

AN ACT concerning

State Retirement and Pension System – Deceased Retiree's Retirement Application – Medical Board Review

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 961 – Senator Stone

AN ACT concerning

Income Tax – Subtraction Modification for Retirement Income – Rollovers to Individual Retirement Accounts

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 963 – Senators Klausmeier, Currie, Garagiola, and King

AN ACT concerning

Health – Maryland Commission on Autism

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 973 – Senator Munson

AN ACT concerning

Student Financial Assistance – Eligible Institutions of Higher Education

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 974 – Senators Raskin and Rosapepe

AN ACT concerning

Local Government Tort Claims Act – Notice of Claim

The bill was re–referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Joint Resolution be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Joint Resolution 9 – Senator Pugh

A Senate Joint Resolution concerning

Reduction of Greenhouse Gas Emissions

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Joint Resolution be re–referred to the Committee on Budget and Taxation:

Senate Joint Resolution 10 – Senator Stone

A Senate Joint Resolution concerning

State Spending of Federal Economic Recovery Funds

The bill was re–referred to the Committee on Budget and Taxation.

THE COMMITTEE ON RULES REPORT #4

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 988 – Senators DeGrange, Astle, Dyson, Garagiola, Kasemeyer, Klausmeier, Middleton, Miller, Robey, and Stone

AN ACT concerning

Division of Correction and Division of Parole and Probation – Reports and Records – Immigration Status

The bill was re–referred to the Committee on Judicial Proceedings.

MOTION

Senator Kelley moved, duly seconded, that the Senate receive in Open Session the following Report from the Committee on Executive Nominations.

The motion was adopted.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #4

The Senate Executive Nominations Committee reports favorably on the attached gubernatorial appointments and recommends that the Senate of Maryland advise and consent to these appointments.

Delores G. Kelley
Chair

Senate Executive Nominations Committee
Report #4
February 26, 2009

Assistive Technology Guaranteed Loan Program Board of Directors

1. Ethelette Wright Ennis — District 6
7602 Bayside Avenue, P.O. Box 476
Fort Howard, MD 21052

Member of the Assistive Technology Guaranteed Loan Program Board of Directors; reappointed to serve a term of four years from October 1, 2007

Board of Examiners of Landscape Architects

2. Christopher L. Schein — District 30
15 Thompson Street
Annapolis, MD 21401

Member of the Board of Examiners of Landscape Architects; appointed to serve remainder of a term of three years from July 1, 2007

Certified Interior Designers, State Board of

3. Karen Zopf — District 11
716 Hickory Lot Road
Towson, MD 21286

Member of the State Board of Certified Interior Designers; appointed to serve remainder of a term of three years from July 1, 2006

Emergency Number Systems Board

4. Roderick W. Hart — District 10
9841 Branchleigh Road
Randallstown, MD 21133

Member of the Emergency Number Systems Board; reappointed to serve remainder of a term of four years from July 1, 2008

Fire–Rescue Education and Training Commission

5. Geoffrey L. Donahue District 8
8 Valles Court
Parkville, MD 21234

Member of the Fire–Rescue Education and Training Commission; appointed to serve remainder of a term of four years from July 1, 2005

Health and Human Services Referral Board

6. Ann M. Strangman District 21
8620 Jack's Reef Road
Laurel, MD 20724

Member of the Health and Human Services Referral Board; appointed to serve remainder of a term of four years from October 1, 2008

Infants and Toddlers, Interagency Coordinating Council for

7. Cascelia S. Burgess, Ed.D. District 45
5504 Daywalt Avenue
Baltimore, MD 21206

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve remainder of a term of three years from July 1, 2007

8. Curtisha Hopkins District 32
1805 Village Square Court
Severn, MD 21144

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve remainder of a term of three years from July 1, 2007

9. Elizabeth Kelley District 4
7687 Anvil Drive
Frederick, MD 21701

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve remainder of a term of three years from July 1, 2006

10. Linda S. Vaughn District 45
5922 Marluth Avenue
Baltimore, MD 21206

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve remainder of a term of three years from June 30, 2008 and a term of three years from July 1, 2008

Labor Relations Board, State

11. June Marie Marshall, Esquire — District 20
336 Legato Terrace
Silver Spring, MD 20901–5051

Member of the State Labor Relations Board; appointed to serve remainder of a term of six years from July 1, 2004

Lottery Commission, Maryland State

12. F. Vernon Boozer — District 5
1106 Lower Glencoe Road
Sparks, MD 21152

Member of the Maryland State Lottery Commission; appointed to serve a term of four years from November 24, 2008

13. Diane Lee McGraw — District 38
7 Central Parke West
Ocean Pines, MD 21811

Member of the Maryland State Lottery Commission; appointed to serve remainder of a term of four years from November 24, 2008

14. W. Ray Presley — District 1
10607 Pearl View Place
LaVale, MD 21502

Member of the Maryland State Lottery Commission; appointed to serve a term to expire January 1, 2011

15. Bruce L. Reeder — District 3
7200–A Kehne Road
Frederick, MD 21702

Member of the Maryland State Lottery Commission; reappointed to serve a term of four years from January 9, 2009

16. Kimberly D. Robertson — District 26
910 Othman Drive
Fort Washington, MD 20744

Member of the Maryland State Lottery Commission; appointed to serve a term to expire on January 1, 2012

Maryland Affordable Housing Trust Board of Trustees

17. Kenneth Banks District 11
903 Windsor Road
Baltimore, MD 21208

Member of the Maryland Affordable Housing Trust Board of Trustees; appointed to serve remainder of a term of four years from October 1, 2006

18. Eric C. Brown District 46
5824 Pimlico Road
Baltimore, MD 21209

Member of the Maryland Affordable Housing Trust Board of Trustees; appointed to serve remainder of term of four years from October 1, 2006

19. Paul K. Casey District 12
4037 Dado Court
Ellicott City, MD 21042

Member of the Maryland Affordable Housing Trust Board of Trustees; reappointed to serve remainder of a term to expire September 30, 2008 and a term of four years from October 1, 2008

20. Sandra Edmonds Crewe, Ph.D. District 25
720 Narrowleaf Drive
Largo, MD 20774

Member of the Maryland Affordable Housing Trust Board of Trustees; reappointed to serve remainder of a term of four years from October 1, 2006

21. Diana M. Fennell District 47
4207 Monroe Street
Colmar Manor, MD 20722

Member of the Maryland Affordable Housing Trust Board of Trustees; reappointed to serve remainder of a term of four years from October 1, 2007

22. Elizabeth S. Glenn District 6
1308 Nautical Circle
Essex, MD 21221

Member of the Maryland Affordable Housing Trust Board of Trustees; appointed to serve a term of four years from October 1, 2008

23. Dale R. McArdle District 41
2101 Uffington Road
Baltimore, MD 21209

Member of the Maryland Affordable Housing Trust Board of Trustees; reappointed to serve remainder of a term of four years from October 1, 2007

24. Albert Winchester, III District 30
4840 Riverside Drive, P.O. Box 129
Galesville, MD 20765

Member of the Maryland Affordable Housing Trust Board of Trustees; reappointed to serve remainder of a term of four years from October 1, 2007

Maryland Legal Services Corporation Board of Directors

25. Derrick L. Richardson District 24
5268 Marlboro Pike, #404
Capitol Heights, MD 20743

Member of the Maryland Legal Services Corporation Board of Directors; appointed to serve remainder of a term of three years from July 1, 2008

Morgan State University Board of Regents

26. Lesley Osuala District 43
Northwood Apartments 1700 East Cold Spring Lane
Baltimore, MD 21251

Member of the Morgan State University Board of Regents; appointed to serve remainder of a term of one year from July 1, 2008

Nursing, State Board of

27. Charles J. Gast District 33
844 Sunny Chapel Road
Odenton, MD 21113

Member of the State Board of Nursing; reappointed to serve a term of four years from July 7, 2008

Open Meetings Law Compliance Board, State

28. Julio A. Morales, Esquire District 22

5406 Spring Lane
Hyattsville, MD 20781–2542

Member of the State Open Meetings Law Compliance Board; appointed to serve remainder of a term of three years from July 1, 2007

Optometry, State Board of Examiners in

29. Frederick J. Walsh District 11
22 Bellchase Court
Baltimore, MD 21208

Member of the State Board of Examiners in Optometry; appointed to serve remainder of a term of four years from June 1, 2006

Parole and Probation, Director of

30. Patrick G. McGee District 7
28 Stillway Court
Cockeysville, MD 21030

Director of Parole and Probation; appointed to serve at the pleasure of the Secretary

Parole Commission, Maryland

31. Obie Patterson District 26
2502 Kingsway Road
Fort Washington, MD 20744

Member of the Maryland Parole Commission; appointed to serve remainder of a term to expire December 31, 2009

Physicians, State Board of

32. Brenda George Baker District 40
3015 Elgin Avenue
Baltimore, MD 21216

Member of the State Board of Physicians; appointed to serve a term of four years from July 1, 2008

33. Paul T. Elder, M.D. District 30
77 Shipwright Street
Annapolis, MD 21401

Member of the State Board of Physicians; reappointed to serve a term of four years from July 1, 2008

34. Nallan C. Ramakrishna District 18
3308 Mills Crossing Place
Kensington, MD 20895

Member of the State Board of Physicians; reappointed to serve a term of four years from July 1, 2008

Public Service Commission

35. Douglas R.M. Nazarian District 12
205 Huron Road
Catonsville, MD 21228

Member of the Public Service Commission; appointed to serve remainder of a term of five years from July 1, 2008

Tourism Development Board, Maryland

36. Matthew McLeod Taylor District 1
112 N. 2nd Street
Oakland, MD 21550

Member of the Maryland Tourism Development Board; appointed to serve remainder of a term of three years from July 1, 2008

Wellmobile Program Advisory Board, Governor's

37. Michael Tice Langley District 38
123 Nina Lane
Fruitland, MD 21826

Member of the Governor's Wellmobile Program Advisory Board; appointed to serve remainder of a term of three years from October 1, 2007

Statewide Nominees

Please Note: Statewide nominees who, in accordance with the policies adopted by the Senate Executive Nominations Committee, are not required to appear before the committee.

Maryland Legal Services Corporation Board of Directors

S–1. Pamela J. White District 46
101 West Hill Street

Baltimore, MD 21230

Member of the Maryland Legal Services Corporation Board of Directors; reappointed to serve a term of three years from July 1, 2008

Physicians, State Board of

S–2. Carmen M. Contee District 17
302 Bristol Downs Drive
Gaithersburg, MD 20877

Member of the State Board of Physicians; reappointed to serve a term of four years from July 1, 2008

Plumbing, State Board of

S–3. Jon H. Garner District 1
1987 Mosser Road
McHenry, MD 21541

Member of the State Board of Plumbing; reappointed to serve remainder of a term of three years from May 1, 2008

Transportation Authority, Maryland

S–4. Walter E. Woodford, Jr. District 36
P.O. Box 337
Centreville, MD 21617

Member of the Maryland Transportation Authority; reappointed to serve a term of four years from July 1, 2008

Local Nominees

Please Note: Local Nominees are not required to appear before the Senate Executive Nominations Committee.

Baltimore City Community College, Board of Trustees for

L–1. Chandra M. Boyd District 40
2016 Westwood Avenue
Baltimore, MD 21217

Member of the Board of Trustees for Baltimore City Community College; appointed to serve a term of one year from June 1, 2008

Baltimore County Community College, Board of Trustees of

L–2. Sheldon Caplis District 5
113 River Oaks Road
Baltimore, MD 21208

Member of the Board of Trustees of Baltimore County Community College; appointed to serve remainder of a term of five years from July 1, 2006

L–3. Gloria Nelson District 6
7908 Lynch Road
Baltimore, MD 21222

Member of the Board of Trustees of Baltimore County Community College; appointed to serve remainder of a term of five years from July 1, 2006

L–4. Terri L. Whitley District 8
8657 Ridgelys Choice Drive
Nottingham, MD 21236

Member of the Board of Trustees of Baltimore County Community College; appointed to serve remainder of a term of five years from July 1, 2006

Carroll Community College Board of Trustees

L–5. Barbara H. Biller District 5
787 Link Drive
Westminster, MD 21157

Member of the Carroll Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2008

Cecil County Board of Elections

L–6. Brenda K. Ross District 36
214 East Main Street, P.O. Box 331
Cecilton, MD 21913

Member of the Cecil County Board of Elections; appointed to serve a term to expire June 5, 2011

Frederick Community College Board of Trustees

L–7. Byron J. Grayson District 4
1018 Eastbourne Court
Frederick, MD 21702

Member of the Frederick Community College Board of Trustees; appointed to serve remainder of a term of five years from July 1, 2008

L–8. Donald C. Linton District 3
1615 Shookstown Road
Frederick, MD 21701

Member of the Frederick Community College Board of Trustees; appointed to serve remainder of a term of five years from July 1, 2008

L–9. Dixie J. Miller District 3
8118 Overlook Drive
Frederick, MD 21702

Member of the Frederick Community College Board of Trustees; appointed to serve remainder of a term of five years from July 1, 2008

Garrett County Liquor Control Board

L–10. Michael Jay Fratz District 1
P.O. Box 129
Accident, MD 21520

Member of the Garrett County Liquor Control Board; reappointed to serve a term of six years from June 1, 2008

Hagerstown Community College Board of Trustees

L–11. Patricia K. Cushwa District 2
P.O. Box 406
Williamsport, MD 21795

Member of the Hagerstown Community College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2003

Harford County Board of Elections

L–12. Michael G. Comeau District 35
3509 Glen Oak Drive
Jarrettsville, MD 21084

Member of the Harford County Board of Elections; appointed to serve remainder of a term of four years from June 4, 2007

Montgomery County Board of Elections

L–13. Rosalyn Woodward Pelles District 18

2105 Seminary Road
Silver Spring, MD 20910

Member of the Montgomery County Board of Elections; appointed to serve a term to expire June 5, 2011

Queen Anne's County Board of Elections

L–14. Walter Lobb Geggis District 36
104 Quail Run Drive
Centreville, MD 21617

Member of the Queen Anne's County Board of Elections; appointed to serve remainder of a term of four years from June 4, 2007

Somerset County Board of License Commissioners

L–15. Dinah Abbott District 38
9892 Deal Island Road
Deal Island, MD 21821

Member of the Somerset County Board of License Commissioners; appointed to serve remainder of a term of two years from June 1, 2007

Wor–Wic Community College Board of Trustees

L–16. Morgan Hazel District 37
27135 Lillian Street
Hebron, MD 21830

Member of the Wor–Wic Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2008

Worcester County Board of License Commissioners

L–17. William Leonard Brown District 38
2121 Orchard Drive
Pocomoke City, MD 21851

Member of the Worcester County Board of License Commissioners; reappointed to serve a term of four years from July 1, 2008

Senator Kelley moved, duly seconded, to make the Report a Special Order for February 27, 2009.

The motion was adopted.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 278 – Senator Pinsky and the President (By Request – Administration) and Senators Conway, Currie, Forehand, Frosh, Garagiola, Gladden, Harrington, Kelley, King, Lenett, Madaleno, Middleton, Muse, Peters, Pugh, Raskin, Robey, Rosapepe, and Stone

AN ACT concerning

Greenhouse Gas Emissions Reduction Act of 2009

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENT (1) AND THE FAVORABLE REPORT.

SB0278/144630/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 278
(First Reading File Bill)

On page 8, in line 16, after "**IMPACT**" insert "**RURAL OR**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0278/943121/1

BY: Senator Exum

AMENDMENTS TO SENATE BILL 278
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 19, after "study;" insert "requiring that, to the extent practicable, the members appointed to the task force reflect the geographic, racial, and gender diversity of the State;".

AMENDMENT NO. 2

On page 9, after line 9, insert:

"**(4) TO THE EXTENT PRACTICABLE, THE MEMBERS APPOINTED TO THE TASK FORCE SHALL REFLECT THE GEOGRAPHIC, RACIAL, AND GENDER DIVERSITY OF THE STATE.**".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0278/623423/1

BY: Senator Pipkin

AMENDMENT TO SENATE BILL 278
(First Reading File Bill)

On page 7, after line 33, insert:

"**(2) CONSIDER THE IMPACT ON RURAL COMMUNITIES OF ANY TRANSPORTATION RELATED MEASURES PROPOSED IN THE PLAN;**".

On page 8, in lines 1, 5, 9, and 12, strike "**(2)**", "**(3)**", "**(4)**", and "**(5)**", respectively, and substitute "**(3)**", "**(4)**", "**(5)**", and "**(6)**", respectively.

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0278/213527/1

BY: Senator Jones

AMENDMENT TO SENATE BILL 278
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, and Jones".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0278/503927/1

BY: Senator Mooney

AMENDMENTS TO SENATE BILL 278
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, strike "prohibiting State agencies from adopting certain regulations;"; and strike beginning with "authorizing" in line 19 down through "circumstances;" in line 20.

On page 2, in line 6, strike "2–1211" and substitute "2–1210".

AMENDMENT NO. 2

On pages 4 and 5, strike in their entirety the lines beginning with line 22 on page 4 through line 9 on page 5, inclusive.

On page 5, in line 10, strike "**(I)**" and substitute "**(H)**".

On page 7, strike in their entirety lines 7 through 28, inclusive.

On page 8, strike beginning with "**DIRECTLY**" in line 21 down through "**(VI)**" in line 23; and in line 25, strike "**(VII)**" and substitute "**(VI)**".

On page 9, strike in their entirety lines 15 through 28, inclusive.

On page 11, in lines 1, 3, 6, and 15, strike "**2–1210.**", "**2–1209**", "**2–1211.**", and "**2–1210**", respectively, and substitute "**2–1209.**", "**2–1208**", "**2–1210.**", and "**2–1209**", respectively.

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 1 Negative – 44 (See Roll Call No. 228)

FLOOR AMENDMENT

SB0278/103029/1

BY: Senator Jacobs

AMENDMENT TO SENATE BILL 278
(First Reading File Bill)

On page 7, in line 13, after "**STATE'S**" insert "**ELECTRICITY CONSUMERS OR THE STATE'S**"; in line 27, after "**TO**" insert "**ELECTRICITY CONSUMERS OR**"; in the same line, after the second "**THE**" insert "**ELECTRICITY CONSUMER OR THE**"; and in the same line, after "**SOURCE**" insert "**IN THE MANUFACTURING SECTOR**".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 17 Negative – 29 (See Roll Call No. 229)

Read the second time and ordered prepared for Third Reading.

Senate Bill 348 – Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Tax Sales – Fees

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 230)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #18

Senate Bill 151 – Senators Mooney, Haines, Jacobs, Kittleman, Munson, Simonaire, and Stone

AN ACT concerning

Hate Crimes – Prohibitions and Protected Classes – Homeless Persons and Groups

Read the third time and passed by yeas and nays as follows:

Affirmative – 41 Negative – 5 (See Roll Call No. 231)

The Bill was then sent to the House of Delegates.

Senate Bill 152 – Senator Frosh

AN ACT concerning

Estates and Trusts – Personal Representatives and Fiduciaries – Powers

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 232)

The Bill was then sent to the House of Delegates.

Senate Bill 153 – Senator Frosh

AN ACT concerning

Estates and Trusts – Jurisdiction of Orphans' Court – Determination of Title to Personal Property

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 233)

The Bill was then sent to the House of Delegates.

Senate Bill 154 – Senator Frosh

AN ACT concerning

Estates and Trusts – Admission of Copy of Executed Will

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 234)

The Bill was then sent to the House of Delegates.

Senate Bill 189 – Senator Simonaire

AN ACT concerning

Vehicle Laws – School Buses and Former School Buses – Seat Belts

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 235)

The Bill was then sent to the House of Delegates.

Senate Bill 212 – ~~Senator Frosh~~ Senators Frosh, Conway, Dyson, Harrington, Colburn, Lenett, and Rosapepe

AN ACT concerning

Environment – Green Building Council

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 236)

The Bill was then sent to the House of Delegates.

Senate Bill 439 – Senator Middleton

AN ACT concerning

Health Insurance – Prompt Pay – ~~Modifications and~~ Clarifications

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 237)

The Bill was then sent to the House of Delegates.

Senate Bill 513 – Senators Forehand and Muse

AN ACT concerning

Washington Metropolitan Area Transit Commission – Appointment of District of Columbia Member

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 238)

The Bill was then sent to the House of Delegates.

Senate Bill 636 – Senator Middleton

AN ACT concerning

Health Insurance – Required Report and Repeal of Obsolete Provisions

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 239)

The Bill was then sent to the House of Delegates.

Senate Bill 854 – Senator Garagiola

AN ACT concerning

Health Insurance – Definition of Coverage Decisions – Pharmacy Inquiries

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 240)

The Bill was then sent to the House of Delegates.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 270 – The President (By Request – Administration) and Senators Kelley and Middleton

EMERGENCY BILL

AN ACT concerning

Unemployment Insurance – Eligibility – Part–Time Work

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENT (1) AND THE FAVORABLE REPORT.

SB0270/337474/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 270
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Middleton" and substitute ", Middleton, Exum, and Garagiola".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0270/743325/1

BY: Senator Peters

AMENDMENT TO SENATE BILL 270
(First Reading File Bill)

On page 3, in line 4, strike "**15**" and substitute "**20**".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 23 Negative – 23 (See Roll Call No. 241)

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 242)

ADJOURNMENT

At 11:45 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 11:00 A.M. on Friday, February 27, 2009, in memory of Baltimore City Councilwoman Rita Church and Louella Cane (wife of Delegate Rudolph C. Cane).

Annapolis, Maryland
Friday, February 27, 2009
11:00 A.M. Session

The Senate met at 11:17 A.M.

Prayer by Father Stuart Swetland, Mount St. Mary's University, Emmitsburg, Md., guest of Senator Mooney.

(See Exhibit A of Appendix III)

The Journal of February 26, 2009 was read and approved.

On motion of Senator Kasemeyer it was ordered that Senators Jacobs and Middleton be excused from today's session.

Introduction and Remarks by United States Senator Ben Cardin

Introduction of Raymond B. Haysbert, Sr., in Recognition of African American History

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 244)

INTRODUCTION OF RESOLUTIONS

(See Exhibit B of Appendix III)

Recipient	Sponsor	Resolution No.
Maryland State Teachers Association and National Education Association (Dr. Seuss' Birthday)	The President and All Members	362

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 245)

INTRODUCTION OF BILLS

Senate Bill 1000 – Senator Brinkley

AN ACT concerning

State Law Enforcement Agencies – United States Immigration and Customs Enforcement Agency's 287(g) Delegation of Authority Program

FOR the purpose of requiring a certain State law enforcement agency to enroll in the United States Immigration and Customs Enforcement Agency's 287(g) Delegation of Authority program; and generally relating to the United States Immigration and Customs Enforcement Agency's 287(g) Delegation of Authority program.

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 2–101(g)
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY adding to
Article – Public Safety
Section 3–507
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 1001 – Senator Della

AN ACT concerning

Creation of a State Debt – Baltimore City – Sports Legends Museum at Camden Yards

FOR the purpose of authorizing the creation of a State Debt not to exceed $200,000, the proceeds to be used as a grant to the Board of Directors of the Babe Ruth Birthplace Foundation, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; requiring the grantee to grant and convey a certain easement to the Maryland Historical Trust; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Rules.

Senate Bill 1002 – Senator Astle

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Annapolis Summer Garden Theatre Renovation

FOR the purpose of authorizing the creation of a State Debt not to exceed $50,000, the proceeds to be used as a grant to the Board of Directors of the Annapolis Summer Garden Theatre, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; requiring the grantee to grant and convey a certain easement to the Maryland Historical Trust; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Rules.

Senate Bill 1003 – Senator Astle

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Light House Shelter

FOR the purpose of authorizing the creation of a State Debt not to exceed $500,000, the proceeds to be used as a grant to the Board of Directors of the Annapolis Area Ministries, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Rules.

Senate Bill 1004 – Senator Astle

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Coordinating Center for Home and Community Care Building Facilities Loan

FOR the purpose of authorizing the creation of a State Debt not to exceed $2,050,000, the proceeds to be used as a grant to the Board of Directors of the Coordinating Center for Home and Community Care, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund;

establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Rules.

Senate Bill 1005 – Senator Muse

AN ACT concerning

Property Tax Credit – Individuals at Least 65 Years Old

FOR the purpose of requiring the governing body of each county and each municipal corporation to grant a certain property tax credit to certain individuals of at least a certain age; providing for the amount of the credit for applicable tax years; providing for the application of this Act; and generally relating to property tax credits for certain individuals of at least a certain age.

BY adding to
Article – Tax – Property
Section 9–110
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 1006 – Senator Garagiola

AN ACT concerning

Labor and Employment – Independent Contractor – Definition

FOR the purpose of defining "independent contractor"; and generally relating to the definition of independent contractor.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 1–101
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Rules.

Senate Bill 1007 – Senator Pinsky

AN ACT concerning

Creation of a State Debt – Prince George's County – University Park Town Hall Expansion

FOR the purpose of authorizing the creation of a State Debt not to exceed $30,000, the proceeds to be used as a grant to the Town of University Park for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Rules.

Senate Bill 1008 – Senator Miller

AN ACT concerning

Creation of a State Debt – Calvert County – North Beach Boardwalk

FOR the purpose of authorizing the creation of a State Debt in the amount of $250,000, the proceeds to be used as a grant to the Town of North Beach for certain development or improvement purposes; providing for disbursement of the loan proceeds; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Rules.

Senate Bill 1009 – Senators Mooney and Frosh

AN ACT concerning

Environment – Incinerator Permits – Limitation on Issuance near National Parks

FOR the purpose of prohibiting the Department of the Environment from issuing a permit to a person to construct, modify, operate, or use an incinerator in the State if the incinerator is or would be located within a certain distance of a park in the National Park System; and generally relating to the authority of the Department of the Environment to issue a permit to construct, modify, operate, or use an incinerator in the State.

BY repealing and reenacting, with amendments,
Article – Environment
Section 2–401
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 14 – ~~Delegate Hubbard~~ Delegates Hubbard and Manno

AN ACT concerning

Environment – Brominated Flame Retardants – Decabrominated Diphenyl Ether – Prohibition

FOR the purpose of prohibiting, on or after a certain date, the manufacturing, processing, selling, or distributing of certain products that contain a certain amount of decabrominated diphenyl ether; providing that the prohibition does not apply to certain processing of certain recyclables, certain manufacturer replacement service parts or other products, certain vehicles, or certain products, parts, or replacement parts for use in certain vehicles; defining a certain term; providing for a delayed effective date; and generally relating to the use of brominated flame retardants.

BY repealing and reenacting, with amendments,
Article – Environment
Section 6–1201 and 6–1202
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 79 – Delegates Stifler and Niemann

AN ACT concerning

Real Property – Mortgage Fraud – Creation of Fraudulent Documents

FOR the purpose of expanding the scope of the Maryland Mortgage Fraud Protection Act to prohibit the creation or production of a document that contains a deliberate misstatement, misrepresentation, or omission with the intent that the document be relied on by certain persons in the mortgage lending process; and generally relating to mortgage fraud.

BY repealing and reenacting, with amendments,
Article – Real Property

Section 7–401(d)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 88 – Delegate Anderson (By Request – Baltimore City Administration)

AN ACT concerning

Criminal Procedure – Restrictions on Pretrial Release – Offenses Involving Firearms – Repeat Offenders

FOR the purpose of prohibiting a District Court commissioner from authorizing the pretrial release of a defendant charged with a certain offense involving a firearm if the defendant previously was convicted of a certain offense involving a firearm; providing that a judge may authorize the pretrial release of a certain defendant on suitable bail or certain other conditions or both; requiring a judge to order the continued detention of a certain defendant under certain circumstances at a certain time; creating a rebuttable presumption that a certain defendant will flee and pose a danger to another person or the community; and generally relating to restrictions on pretrial release.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 5–202
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 90 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Department of the Environment – Bay Restoration Fund and Bay Restoration Fee

FOR the purpose of curing a previous Act of the General Assembly with a possible title defect (Chapter 666 of the Acts of 2008) by repealing and reenacting, without amendments, provisions of law to provide that the Bay Restoration Fee may not be reduced as long as certain bonds are outstanding, that money in the Bay Restoration Fund may not revert or be transferred to a special fund, that a certain committee is required to make a certain recommendation regarding the restoration fee, and that the Fund may be used for projects related to the

removal of nitrogen from onsite sewage disposal systems and cover crop activities, subject to a certain condition; and generally relating to the Bay Restoration Fund and the Bay Restoration Fee.

BY repealing and reenacting, without amendments,
Article – Environment
Section 9–1605.2(b), (f), (i), and (j)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 96 – Delegate Stifler

AN ACT concerning

Public Safety – Offender Registry – Frequency of Photograph

FOR the purpose of altering the time requirement for an updated photograph to be included in the registration of offenders, child sexual offenders, sexually violent offenders, and sexually violent predators in the Offender Registry; clarifying that certain photographs are to be updated; and generally relating to the registration of offenders.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–707(a), 11–708(b)(1) and (c), and 11–709(a)
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 99 – Delegate Anderson (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Commercial Real Property – Action to Abate Drug Nuisance – ~~Repeal~~ Application of Prior Notice Requirement

FOR the purpose of ~~repealing~~ providing that certain advance notification requirements concerning certain drug–related nuisances on commercial real property do not apply in Baltimore City; and generally relating to nuisances and commercial real property in Baltimore City.

BY repealing and reenacting, without amendments,

Article – Real Property
Section 14–120(a)(1) and (5) and (e) through (q)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 14–120(d)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – Real Property~~
~~Section 14–120(e) through (q)~~
~~Annotated Code of Maryland~~
~~(2003 Replacement Volume and 2008 Supplement)~~

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 103 – Delegates Eckardt, Cane, Elmore, Haddaway, O'Donnell, ~~and Smigiel~~ Smigiel, Lafferty, and Sossi

EMERGENCY BILL

AN ACT concerning

Department of Natural Resources – Shell Dredging – Permit Application

FOR the purpose of altering the date by which the Department of Natural Resources is required to apply to the Department of the Environment and the United States Army Corps of Engineers for permits to dredge buried oyster shells; making a technical correction; making this Act and emergency measure; and generally relating to the dredging of buried oyster shells.

BY repealing and reenacting, with amendments,
Chapter 325 of the Acts of the General Assembly of 2008
Section 2

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 111 – Delegates Eckardt, Cane, and Haddaway

AN ACT concerning

Dorchester County – Sheriff – Salary

FOR the purpose of establishing the salary for the Sheriff of Dorchester County for certain calendar years; repealing references to the County Commissioners of Dorchester County and substituting references to the County Council of Dorchester County; establishing that this Act does not apply to the salary or compensation of the incumbent Sheriff of Dorchester County; and generally relating to the salary of the Sheriff of Dorchester County.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 2–309(k)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 120 – Delegates Stein and Krebs

AN ACT concerning

Task Force to Study How to Improve Financial Literacy in the State – Membership, Staffing, and Extension

FOR the purpose of extending the reporting and termination provisions relating to the Task Force to Study How to Improve Financial Literacy in the State; altering the composition and staffing of the Task Force; making certain stylistic changes; and generally relating to the Task Force to Study How to Improve Financial Literacy in the State.

BY repealing and reenacting, with amendments,
Chapter 186 of the Acts of the General Assembly of 2008
Section 1 and 2

BY repealing and reenacting, with amendments,
Chapter 187 of the Acts of the General Assembly of 2008
Section 1 and 2

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 134 – Chair, Judiciary Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Courts – Violation of Probation or Suspension of Sentence – Notice or Warrant

FOR the purpose of authorizing a circuit court to end a period of probation at any time, remand or release a probationer or defendant pending a hearing of a violation of probation, and, on a finding of violation, revoke probation or suspension of sentence and impose a certain sentence; altering a requirement that the District Court issue a warrant or give notice of a hearing on violation of probation during the period of probation; requiring that a certain hearing date be timely; making stylistic changes; and generally relating to a proceeding in the District Court or circuit courts for a violation of a condition of probation or suspension of sentence.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 6–223
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 137 – Delegates McConkey, Weir, Boteler, Hucker, Holmes, Bobo, and Glenn

AN ACT concerning

Home Financial Accountability Act of 2009

FOR the purpose of clarifying the availability of certain books and records kept by or on behalf of certain common ownership communities for certain purposes and to certain persons; requiring the governing body of certain common ownership communities, on request of a member, unit owner, or lot owner, to compile and send certain information within a certain time; making a stylistic change; altering certain limitations concerning public inspection of certain records; prohibiting certain common ownership communities from imposing certain fees other than a reasonable charge imposed on a person desiring to review or copy certain books and records or who requests delivery of certain information; providing that a charge for copying certain records may not exceed a certain amount; and generally relating to access to the books and records of cooperative housing associations, condominiums, and homeowners associations.

BY repealing and reenacting, with amendments,
Article – Corporations and Associations
Section 5–6B–18.5
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–116(c) and (d) and 11B–112(a) and (b)

Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 149 – Delegates Kach and Olszewski

AN ACT concerning

Estates and Trusts – Trust for Care of Animal

FOR the purpose of establishing that the common–law rule against perpetuities does not apply to a certain trust created for the care of an animal alive during the lifetime of the settlor; authorizing the creation of a trust to provide for the care of an animal alive during the lifetime of the settlor; establishing when a certain trust terminates; authorizing a certain person to enforce a certain trust; authorizing a person having an interest in the welfare of an animal the care for which a trust is established to make certain requests to a court; establishing that the property of a certain trust may be applied only to the intended use of the trust, except to the extent the court may make a certain determination; requiring that property not required for the intended use of a certain trust be distributed in a certain manner; providing for the application of this Act; and generally relating to trusts for the care of animals.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 11–102
Annotated Code of Maryland
(2001 Replacement Volume and 2008 Supplement)

BY adding to
Article – Estates and Trusts
Section 14–112
Annotated Code of Maryland
(2001 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 169 – Delegate Anderson (By Request – Baltimore City Administration)

AN ACT concerning

Tax Sales – Fees

FOR the purpose of altering the type of expenses for which a holder of a certificate of sale may be reimbursed under certain circumstances; providing for the application of this Act; and generally relating to tax sales.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 14–843(a)(3)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 198 – Delegate Elmore

AN ACT concerning

Somerset County – Fire Company – Appropriations

FOR the purpose of requiring the County Commissioners of Somerset County to appropriate to certain organized volunteer fire companies in the county certain amounts for certain fiscal years; requiring that the appropriations required for a certain fiscal year remain in effect for subsequent fiscal years unless altered by a future enactment; and generally relating to appropriations for organized volunteer fire companies in Somerset County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Somerset County
Section 2–304
Article 20 – Public Local Laws of Maryland
(2003 Edition and 2007 Supplement, as amended)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 201 – Delegate Frush

AN ACT concerning

~~Education – Student Discipline –~~ Juvenile Law – Juvenile Justice Alternative Education Program

FOR the purpose of authorizing a juvenile court to order a certain child to attend a certain juvenile justice alternative education program under certain circumstances; providing for the termination of this Act; and generally relating to ~~student discipline~~ a juvenile justice alternative education program.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings

Section 3–8A–19(d)(1)
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Education
Section 7–305.1
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 220 – Delegates Carr, Ali, Healey, Montgomery, and Shewell

AN ACT concerning

Municipal Corporations – Annexations – Small Parcels

FOR the purpose of providing that certain consent provisions and certain referendum provisions do not apply to a proposed annexation by a municipal corporation of a parcel that is a certain acreage or less and is part of a lot that contains certain parcels under certain circumstances; prohibiting a municipal corporation from annexing a certain maximum number of acres under this Act; providing for the termination of this Act; and generally relating to annexations by municipal corporations.

BY repealing and reenacting, without amendments,
Article 23A – Corporations – Municipal
Section 19(a) and (b)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article 23A – Corporations – Municipal
Section 19(t)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 233 – Delegates Ali, Beidle, V. Clagett, Glenn, Healey, Holmes, Lafferty, Niemann, Shewell, Sossi, Stein, and Weir

AN ACT concerning

Full Disclosure of Real Estate Taxes Act

FOR the purpose of ~~requiring the State Department of Assessments and Taxation to maintain a certain website through which a person may estimate certain property taxes; requiring that the website be made available to the public by a certain date;~~ requiring that a certain form developed by the State Real Estate Commission contain a certain notice; and generally relating to certain property taxes.

~~BY adding to~~
~~Article – Tax – Property~~
~~Section 2–218.1~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2008 Supplement)~~

BY repealing and reenacting, without amendments,
Article – Real Property
Section 10–702(b) and (f)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 10–702(c)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Budget and Taxation and the Committee on Judicial Proceedings.

House Bill 244 – Delegate Kaiser (Joint Committee on Children, Youth, and Families) and Delegates Bates, Benson, Eckardt, Frush, Gilchrist, Gutierrez, Hubbard, Nathan–Pulliam, Oaks, Sossi, ~~and Stocksdale~~ Stocksdale, Bartlett, Barve, Boteler, Cardin, Doory, Elmore, Frick, George, Hixson, Howard, Ivey, Myers, Murphy, Olszewski, Rice, Ross, Shank, Stukes, F. Turner, and Walker

AN ACT concerning

Joint Committee on Children, Youth, and Families – Repeal of Sunset

FOR the purpose of repealing the termination date of the Acts that established the Joint Committee on Children, Youth, and Families; and generally relating to the Joint Committee on Children, Youth, and Families.

BY repealing and reenacting, without amendments,
Article – State Government
Section 2–10A–06
Annotated Code of Maryland

(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Chapter 362 of the Acts of the General Assembly of 1999, as amended by Chapter 491 of the Acts of the General Assembly of 2002
Section 2

BY repealing and reenacting, with amendments,
Chapter 363 of the Acts of the General Assembly of 1999, as amended by Chapter 491 of the Acts of the General Assembly of 2002
Section 2

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 262 – ~~Delegate King~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Tipton Airport Authority – Runway Length

FOR the purpose of increasing the maximum length to which the Tipton Airport Authority is authorized to extend a runway; and generally relating to the Tipton Airport Authority.

BY repealing and reenacting, with amendments,
The Public Local Laws of Anne Arundel County
Section 3–12–101(j)
Article 2 – Public Local Laws of Maryland
(2005 Edition and September 2008 Supplement, as amended)

Read the first time and referred to the Committee on Finance.

House Bill 277 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Appointment to Assistant Sheriff – Rank Eligibility

FOR the purpose of altering a certain provision so as to provide that, in St. Mary's County, only a deputy sheriff who holds one of the two permanent ranks immediately preceding the rank of Assistant Sheriff is eligible for appointment to Assistant Sheriff; and generally relating to the appointment of the Assistant Sheriff of St. Mary's County.

BY repealing and reenacting, with amendments,
The Public Local Laws of St. Mary's County

Section 120–2B.(3)
Article 19 – Public Local Laws of Maryland
(2007 Edition, as amended)
(As enacted by Chapter 495 of the Acts of the General Assembly of 2008)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 367 – Delegate Malone

EMERGENCY BILL

AN ACT concerning

Maryland Quiet Vehicles and Pedestrian Safety Task Force – ~~Extension and Membership~~ Reconstitution

FOR the purpose of ~~extending the duration of~~ reconstituting the Maryland Quiet Vehicles and Pedestrian Safety Task Force; ~~altering the membership of the Task Force; altering the date on which the final findings and recommendations of the Task Force are due; requiring the Task Force to report its final findings and recommendations to the Governor; making this Act an emergency measure; making a certain technical correction~~ providing for the membership and duties of the Task Force; providing for the staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation; authorizing a member of the Task Force to receive reimbursement for certain expenses; requiring the Task Force to report to the Governor and the General Assembly by a certain date; making this Act an emergency measure; providing for the termination of this Act; and generally relating to the Maryland Quiet Vehicles and Pedestrian Safety Task Force.

~~BY repealing and reenacting, with amendments,~~
~~Chapter 384 of the Acts of the General Assembly of 2008~~
~~Section 1 and 2~~

~~BY repealing and reenacting, with amendments,~~
~~Chapter 385 of the Acts of the General Assembly of 2008~~
~~Section 1 and 2~~

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 376 – Delegate Schuler

AN ACT concerning

Criminal Procedure – Concurrent Court Jurisdiction – Second or Subsequent Offense of Failure to Register with Sex Offender Registry

FOR the purpose of providing that the jurisdiction of the District Court is concurrent with that of the circuit court in a criminal case in which a person is charged with a second or subsequent offense of knowingly failing to register, knowingly failing to provide a certain notice, or knowingly providing false information of a material fact as required under provisions relating to registration of sexual offenders; and generally relating to criminal court jurisdiction.

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 11–704(a), 11–705(d), (e), and (f), and 11–721
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 4–301 and 4–302(a) and (d)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 399 – Delegate Rosenberg

AN ACT concerning

Orphans' Court – Jurisdictional Limit – Questions of Title to Personal Property

FOR the purpose of increasing the limit on the amount involved for jurisdiction of an orphans' court in the determination of questions of title to personal property; providing for the application of this Act; and generally relating to the jurisdiction of an orphans' court under certain circumstances.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 1–301
Annotated Code of Maryland
(2001 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 413 – Delegates Kaiser, Ali, Barkley, Bronrott, Carr, Frick, Frush, Gutierrez, Hecht, Holmes, Hubbard, Hucker, Jennings, Jones, Kach, Lafferty, Lee, Manno, Montgomery, Morhaim, Olszewski, Reznik, Rice, Riley, Ross, Schuler, and Walker

AN ACT concerning

Election Law – Ballot Issue Committee – Additional Campaign Finance Report

FOR the purpose of requiring a ballot issue committee to file a campaign finance report on or before a certain date preceding a general election; and generally relating to the filing of an additional campaign finance report by a ballot issue committee.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–309
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)
(As enacted by Chapters 40 and 510 of the Acts of the General Assembly of 2006, Chapters 219 and 449 of the Acts of the General Assembly of 2007, and Chapter 543 of the Acts of the General Assembly of 2008)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 569 – Delegates Carter, Anderson, Cardin, Ramirez, Simmons, Smigiel, and Vallario

AN ACT concerning

Criminal Procedure – De Novo Appeal – Stay of Sentence

FOR the purpose of authorizing a circuit court, in a criminal appeal that is tried de novo, to stay a sentence of imprisonment and release the defendant pending trial under certain circumstances; and generally relating to de novo appeals and stays of sentence in criminal appeals cases.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 12–401
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

LETTERS OF REASSIGNMENT

ANNOUNCEMENT BY THE PRESIDENT

Senate Bill 945 – Senators Exum, Currie, and McFadden

AN ACT concerning

Prince George's County – Palmer Park Boys and Girls Club Loan of 2001 and Maryland Consolidated Capital Bond Loans of 2007 and 2008

Reassigned to the Committee on Budget and Taxation under Rule 33(d).

Read and ordered journalized.

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 223 – Senator Edwards

AN ACT concerning

Tax – Property – Assessment and Valuation – Forest Conservation and Management Agreement

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0223/169239/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 223
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike beginning with "owner" through "space" and substitute "land is used to drill for natural gas".

AMENDMENT NO. 2

On page 2, strike beginning with "**REMAINS**" in line 26 down through "**AGREEMENT**" in line 27 and substitute "**IS USED TO DRILL FOR NATURAL GAS**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #12

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 248 – Senators Jones, Conway, Currie, Gladden, Madaleno, McFadden, Muse, Peters, and Pugh

AN ACT concerning

State Government – Commemorative Days – Negro Baseball League

SB0248/724638/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 248
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; in the sponsor line, strike "and Pugh" and substitute "Pugh, Colburn, Dyson, Exum, Greenip, Harrington, Harris, Kelley, and Lenett"; in line 4, after "Day;" insert "making this Act an emergency measure;".

AMENDMENT NO. 2

On page 3, strike in their entirety lines 7 and 8; and after line 8, insert:

"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.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 295 – Senators Edwards and Colburn

AN ACT concerning

Alcoholic Beverages – Maximum Alcohol Content

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 356 – Senators Frosh, Harrington, Lenett, Pinsky, and Rosapepe

AN ACT concerning

Family Day Care Homes and Child Care Centers – Emergency Preparedness Plans

SB0356/984030/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 356
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "plans;" insert "requiring the State Department of Education and the State Superintendent of Schools to consult with certain entities in adopting certain regulations;".

AMENDMENT NO. 2

On page 2, in line 17, strike "**OR**" and substitute "**, SHELTERING IN PLACE, OR OTHER**"; in line 25, after "**PARENTS**" insert "**OR OTHER ADULTS RESPONSIBLE FOR THE CHILD**".

On page 3, in line 2, after "**OFFICIALS**" insert "**OR OTHER APPROPRIATE STATE OR LOCAL AUTHORITIES**".

On page 4, in line 30, strike "**OR**" and substitute "**, SHELTERING IN PLACE, OR OTHER**".

On page 5, in line 10, after "**OFFICIALS**" insert "**OR OTHER APPROPRIATE STATE OR LOCAL AUTHORITIES**"; in line 3, after "**PARENTS**" insert "**OR OTHER ADULTS RESPONSIBLE FOR THE CHILD**".

AMENDMENT NO. 3

On page 5, after line 12, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, before adopting regulations in accordance with this Act, the State Department of Education and the State Superintendent of Schools, respectively, shall consult with the Maryland Emergency Management Agency, the Maryland Emergency Management Association, the Maryland Institute for Emergency Medical Services Systems, and the Maryland Department of Disabilities.";

and in line 13, strike "2." and substitute "3.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 372 – Senators Currie, Colburn, Conway, DeGrange, Harrington, Kasemeyer, King, Madaleno, McFadden, Peters, Pinsky, and Robey

AN ACT concerning

Foster Care – Tuition Exemption – Expanded Eligibility

SB0372/204132/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 372
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "definition" insert "to alter a certain age of eligibility of an adopted individual and"; in line 6, strike "related" and substitute "relating"; and in the same line, strike "exemption" and substitute "exemptions".

AMENDMENT NO. 2

On page 2, in lines 2 and 4, in each instance strike "14th" and substitute "**13TH**"; strike beginning with "**IN**" in line 8 down through "**ARTICLE**" in line 9 and substitute "**BY THE SAME ADOPTIVE FAMILY**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 413 – Senator King (Joint Committee on Children, Youth, and Families) and Senators Conway, Forehand, Garagiola, Greenip, Jacobs, Jones, Klausmeier, Kramer, Middleton, Muse, Peters, and Robey

AN ACT concerning

Joint Committee on Children, Youth, and Families – Repeal of Sunset

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #13

CONSENT CALENDAR #2

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 330 – Senator Colburn

AN ACT concerning

Dorchester County – Board of Education – Benefits

SB0330/434038/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 330
(First Reading File Bill)

AMENDMENT NO. 1
On page 1, in line 3, strike "elected" and substitute "certain".

AMENDMENT NO. 2
On page 2, in line 1, strike "**ELECTED**" and substitute "**VOTING**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 331 – Senator Colburn

AN ACT concerning

Dorchester County Board of Education – Annual Election of Board Officers

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 333 – Senator Colburn

AN ACT concerning

Dorchester County – Alcoholic Beverages Act of 2009

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 44 – Senator Peters

AN ACT concerning

Sales and Use Tax – Exemption – Veterans' Organizations

STATUS OF BILL: BILL IS ON SECOND READING AND OPEN TO AMENDMENT.

FLOOR AMENDMENT

SB0044/623921/1

BY: Senator Peters

AMENDMENT TO SENATE BILL 44, AS AMENDED

In line 2 of Senator Harris' Amendment (SB0044/463827/1), strike "and Harris" and substitute ", Harris, Astle, Brinkley, Brochin, Colburn, Conway, Currie, DeGrange, Della, Dyson, Edwards, Exum, Forehand, Frosh, Garagiola, Gladden, Glassman, Greenip, Haines, Harrington, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Miller, Mooney, Munson, Muse, Pinsky, Pipkin, Pugh, Raskin, Robey, Rosapepe, Simonaire, Stoltzfus, Stone, and Zirkin".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #4

The Senate Executive Nominations Committee reports favorably on the attached gubernatorial appointments and recommends that the Senate of Maryland advise and consent to these appointments.

Delores G. Kelley
Chairman

Senate Executive Nominations Committee
Report #4
February 26, 2009

Assistive Technology Guaranteed Loan Program Board of Directors

1. Ethelette Wright Ennis — District 6
7602 Bayside Avenue, P.O. Box 476
Fort Howard, MD 21052

Member of the Assistive Technology Guaranteed Loan Program Board of Directors; reappointed to serve a term of four years from October 1, 2007

Board of Examiners of Landscape Architects

2. Christopher L. Schein — District 30
15 Thompson Street
Annapolis, MD 21401

Member of the Board of Examiners of Landscape Architects; appointed to serve remainder of a term of three years from July 1, 2007

Certified Interior Designers, State Board of

3. Karen Zopf — District 11
716 Hickory Lot Road
Towson, MD 21286

Member of the State Board of Certified Interior Designers; appointed to serve remainder of a term of three years from July 1, 2006

Emergency Number Systems Board

4. Roderick W. Hart — District 10
9841 Branchleigh Road
Randallstown, MD 21133

Member of the Emergency Number Systems Board; reappointed to serve remainder of a term of four years from July 1, 2008

Fire–Rescue Education and Training Commission

5. Geoffrey L. Donahue — District 8
8 Valles Court
Parkville, MD 21234

Member of the Fire–Rescue Education and Training Commission; appointed to serve remainder of a term of four years from July 1, 2005

Health and Human Services Referral Board

6. Ann M. Strangman — District 21
8620 Jack's Reef Road
Laurel, MD 20724

Member of the Health and Human Services Referral Board; appointed to serve remainder of a term of four years from October 1, 2008

Infants and Toddlers, Interagency Coordinating Council for

7. Cascelia S. Burgess, Ed.D. — District 45
5504 Daywalt Avenue
Baltimore, MD 21206

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve remainder of a term of three years from July 1, 2007

8. Curtisha Hopkins — District 32
1805 Village Square Court
Severn, MD 21144

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve remainder of a term of three years from July 1, 2007

9. Elizabeth Kelley — District 4

7687 Anvil Drive
Frederick, MD 21701

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve remainder of a term of three years from July 1, 2006

10. Linda S. Vaughn District 45
5922 Marluth Avenue
Baltimore, MD 21206

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve remainder of a term of three years from June 30, 2008 and a term of three years from July 1, 2008

Labor Relations Board, State

11. June Marie Marshall, Esquire District 20
336 Legato Terrace
Silver Spring, MD 20901–5051

Member of the State Labor Relations Board; appointed to serve remainder of a term of six years from July 1, 2004

Lottery Commission, Maryland State

12. F. Vernon Boozer District 5
1106 Lower Glencoe Road
Sparks, MD 21152

Member of the Maryland State Lottery Commission; appointed to serve a term of four years from November 24, 2008

13. Diane Lee McGraw District 38
7 Central Parke West
Ocean Pines, MD 21811

Member of the Maryland State Lottery Commission; appointed to serve remainder of a term of four years from November 24, 2008

14. W. Ray Presley District 1
10607 Pearl View Place
LaVale, MD 21502

Member of the Maryland State Lottery Commission; appointed to serve a term to expire January 1, 2011

15. Bruce L. Reeder District 3

7200–A Kehne Road
Frederick, MD 21702

Member of the Maryland State Lottery Commission; reappointed to serve a term of four years from January 9, 2009

16. Kimberly D. Robertson District 26
910 Othman Drive
Fort Washington, MD 20744

Member of the Maryland State Lottery Commission; appointed to serve a term to expire on January 1, 2012

Maryland Affordable Housing Trust Board of Trustees

17. Kenneth Banks District 11
903 Windsor Road
Baltimore, MD 21208

Member of the Maryland Affordable Housing Trust Board of Trustees; appointed to serve remainder of a term of four years from October 1, 2006

18. Eric C. Brown District 46
5824 Pimlico Road
Baltimore, MD 21209

Member of the Maryland Affordable Housing Trust Board of Trustees; appointed to serve remainder of term of four years from October 1, 2006

19. Paul K. Casey District 12
4037 Dado Court
Ellicott City, MD 21042

Member of the Maryland Affordable Housing Trust Board of Trustees; reappointed to serve remainder of a term to expire September 30, 2008 and a term of four years from October 1, 2008

20. Sandra Edmonds Crewe, Ph.D. District 25
720 Narrowleaf Drive
Largo, MD 20774

Member of the Maryland Affordable Housing Trust Board of Trustees; reappointed to serve remainder of a term of four years from October 1, 2006

21. Diana M. Fennell District 47
4207 Monroe Street
Colmar Manor, MD 20722

Member of the Maryland Affordable Housing Trust Board of Trustees; reappointed to serve remainder of a term of four years from October 1, 2007

22. Elizabeth S. Glenn District 6
1308 Nautical Circle
Essex, MD 21221

Member of the Maryland Affordable Housing Trust Board of Trustees; appointed to serve a term of four years from October 1, 2008

23. Dale R. McArdle District 41
2101 Uffington Road
Baltimore, MD 21209

Member of the Maryland Affordable Housing Trust Board of Trustees; reappointed to serve remainder of a term of four years from October 1, 2007

24. Albert Winchester, III District 30
4840 Riverside Drive, P.O. Box 129
Galesville, MD 20765

Member of the Maryland Affordable Housing Trust Board of Trustees; reappointed to serve remainder of a term of four years from October 1, 2007

Maryland Legal Services Corporation Board of Directors

25. Derrick L. Richardson District 24
5268 Marlboro Pike, #404
Capitol Heights, MD 20743

Member of the Maryland Legal Services Corporation Board of Directors; appointed to serve remainder of a term of three years from July 1, 2008

Morgan State University Board of Regents

26. Lesley Osuala District 43
Northwood Apartments 1700 East Cold Spring Lane
Baltimore, MD 21251

Member of the Morgan State University Board of Regents; appointed to serve remainder of a term of one year from July 1, 2008

Nursing, State Board of

27. Charles J. Gast District 33
844 Sunny Chapel Road

Odenton, MD 21113

Member of the State Board of Nursing; reappointed to serve a term of four years from July 7, 2008

Open Meetings Law Compliance Board, State

28. Julio A. Morales, Esquire — District 22
5406 Spring Lane
Hyattsville, MD 20781–2542

Member of the State Open Meetings Law Compliance Board; appointed to serve remainder of a term of three years from July 1, 2007

Optometry, State Board of Examiners in

29. Frederick J. Walsh — District 11
22 Bellchase Court
Baltimore, MD 21208

Member of the State Board of Examiners in Optometry; appointed to serve remainder of a term of four years from June 1, 2006

Parole and Probation, Director of

30. Patrick G. McGee — District 7
28 Stillway Court
Cockeysville, MD 21030

Director of Parole and Probation; appointed to serve at the pleasure of the Secretary

Parole Commission, Maryland

31. Obie Patterson — District 26
2502 Kingsway Road
Fort Washington, MD 20744

Member of the Maryland Parole Commission; appointed to serve remainder of a term to expire December 31, 2009

Physicians, State Board of

32. Brenda George Baker — District 40
3015 Elgin Avenue
Baltimore, MD 21216

Member of the State Board of Physicians; appointed to serve a term of four years from July 1, 2008

33. Paul T. Elder, M.D. District 30
77 Shipwright Street
Annapolis, MD 21401

Member of the State Board of Physicians; reappointed to serve a term of four years from July 1, 2008

34. Nallan C. Ramakrishna District 18
3308 Mills Crossing Place
Kensington, MD 20895

Member of the State Board of Physicians; reappointed to serve a term of four years from July 1, 2008

Public Service Commission

35. Douglas R. M. Nazarian District 12
205 Huron Road
Catonsville, MD 21228

Member of the Public Service Commission; appointed to serve remainder of a term of five years from July 1, 2008

Tourism Development Board, Maryland

36. Matthew McLeod Taylor District 1
112 N. 2nd Street
Oakland, MD 21550

Member of the Maryland Tourism Development Board; appointed to serve remainder of a term of three years from July 1, 2008

Wellmobile Program Advisory Board, Governor's

37. Michael Tice Langley District 38
123 Nina Lane
Fruitland, MD 21826

Member of the Governor's Wellmobile Program Advisory Board; appointed to serve remainder of a term of three years from October 1, 2007

Statewide Nominees

Please Note: Statewide nominees who, in accordance with the policies adopted by the Senate Executive Nominations Committee, are not required to appear before the committee.

Maryland Legal Services Corporation Board of Directors

S–1. Pamela J. White — District 46
101 West Hill Street
Baltimore, MD 21230

Member of the Maryland Legal Services Corporation Board of Directors; reappointed to serve a term of three years from July 1, 2008

Physicians, State Board of

S–2. Carmen M. Contee — District 17
302 Bristol Downs Drive
Gaithersburg, MD 20877

Member of the State Board of Physicians; reappointed to serve a term of four years from July 1, 2008

Plumbing, State Board of

S–3. Jon H. Garner — District 1
1987 Mosser Road
McHenry, MD 21541

Member of the State Board of Plumbing; reappointed to serve remainder of a term of three years from May 1, 2008

Transportation Authority, Maryland

S–4. Walter E. Woodford, Jr. — District 36
P.O. Box 337
Centreville, MD 21617

Member of the Maryland Transportation Authority; reappointed to serve a term of four years from July 1, 2008

Local Nominees

Please Note: Local Nominees are not required to appear before the Senate Executive Nominations Committee.

Baltimore City Community College, Board of Trustees for

L–1. Chandra M. Boyd District 40
2016 Westwood Avenue
Baltimore, MD 21217

Member of the Board of Trustees for Baltimore City Community College; appointed to serve a term of one year from June 1, 2008

Baltimore County Community College, Board of Trustees of

L–2. Sheldon Caplis District 5
113 River Oaks Road
Baltimore, MD 21208

Member of the Board of Trustees of Baltimore County Community College; appointed to serve remainder of a term of five years from July 1, 2006

L–3. Gloria Nelson District 6
7908 Lynch Road
Baltimore, MD 21222

Member of the Board of Trustees of Baltimore County Community College; appointed to serve remainder of a term of five years from July 1, 2006

L–4. Terri L. Whitley District 8
8657 Ridgelys Choice Drive
Nottingham, MD 21236

Member of the Board of Trustees of Baltimore County Community College; appointed to serve remainder of a term of five years from July 1, 2006

Carroll Community College Board of Trustees

L–5. Barbara H. Biller District 5
787 Link Drive
Westminster, MD 21157

Member of the Carroll Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2008

Cecil County Board of Elections

L–6. Brenda K. Ross District 36
214 East Main Street, P.O. Box 331
Cecilton, MD 21913

Member of the Cecil County Board of Elections; appointed to serve a term to expire June 5, 2011

Frederick Community College Board of Trustees

L–7. Byron J. Grayson — District 4
1018 Eastbourne Court
Frederick, MD 21702

Member of the Frederick Community College Board of Trustees; appointed to serve remainder of a term of five years from July 1, 2008

L–8. Donald C. Linton — District 3
1615 Shookstown Road
Frederick, MD 21701

Member of the Frederick Community College Board of Trustees; appointed to serve remainder of a term of five years from July 1, 2008

L–9. Dixie J. Miller — District 3
8118 Overlook Drive
Frederick, MD 21702

Member of the Frederick Community College Board of Trustees; appointed to serve remainder of a term of five years from July 1, 2008

Garrett County Liquor Control Board

L–10. Michael Jay Fratz — District 1
P.O. Box 129
Accident, MD 21520

Member of the Garrett County Liquor Control Board; reappointed to serve a term of six years from June 1, 2008

Hagerstown Community College Board of Trustees

L–11. Patricia K. Cushwa — District 2
P.O. Box 406
Williamsport, MD 21795

Member of the Hagerstown Community College Board of Trustees; appointed to serve remainder of a term of six years from July 1, 2003

Harford County Board of Elections

L–12. Michael G. Comeau — District 35

3509 Glen Oak Drive
Jarrettsville, MD 21084

Member of the Harford County Board of Elections; appointed to serve remainder of a term of four years from June 4, 2007

Montgomery County Board of Elections

L–13. Rosalyn Woodward Pelles District 18
2105 Seminary Road
Silver Spring, MD 20910

Member of the Montgomery County Board of Elections; appointed to serve a term to expire June 5, 2011

Queen Anne's County Board of Elections

L–14. Walter Lobb Geggis District 36
104 Quail Run Drive
Centreville, MD 21617

Member of the Queen Anne's County Board of Elections; appointed to serve remainder of a term of four years from June 4, 2007

Somerset County Board of License Commissioners

L–15. Dinah Abbott District 38
9892 Deal Island Road
Deal Island, MD 21821

Member of the Somerset County Board of License Commissioners; appointed to serve remainder of a term of two years from June 1, 2007

Wor–Wic Community College Board of Trustees

L–16. Morgan Hazel District 37
27135 Lillian Street
Hebron, MD 21830

Member of the Wor–Wic Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2008

Worcester County Board of License Commissioners

L–17. William Leonard Brown District 38
2121 Orchard Drive
Pocomoke City, MD 21851

Member of the Worcester County Board of License Commissioners; reappointed to serve a term of four years from July 1, 2008

STATUS: QUESTION IS WILL THE SENATE ADVISE AND CONSENT TO THE NOMINATIONS OF THE EXECUTIVE?

The President of the Senate put the following question: "Will the Senate advise and consent to the above nominations of the Executive?"

The above nominations of the Executive were all confirmed by roll call vote as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 246)

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 247)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #19

Senate Bill 10 – Senator Klausmeier

AN ACT concerning

Consumer Protection – False Advertising – Misrepresentations in Advertisements and Telephone Directory Listings ~~– Publication of Local Numbers by Nonlocal Businesses~~

Read the third time and passed by yeas and nays as follows:

Affirmative – 40 Negative – 5 (See Roll Call No. 248)

The Bill was then sent to the House of Delegates.

Senate Bill 176 – Senators Pugh, Conway, Gladden, Jones, and McFadden

AN ACT concerning

Education – Baltimore City Community College – Academic Facility Bonds

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 249)

The Bill was then sent to the House of Delegates.

Senate Bill 183 – Senators Pinsky, Rosapepe, Brochin, Conway, Dyson, Forehand, Frosh, Harrington, Kramer, Lenett, Madaleno, Peters, ~~and Raskin~~ Raskin, and Klausmeier

AN ACT concerning

College Textbook Competition and Affordability Act of 2009

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 250)

The Bill was then sent to the House of Delegates.

Senate Bill 209 – ~~Senator Stone~~ Senators Stone, Garagiola, Glassman, Klausmeier, and Middleton

AN ACT concerning

State Highway Administration – Snow Removal – Use of Farm Trucks

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 251)

The Bill was then sent to the House of Delegates.

Senate Bill 222 – Senator Edwards

AN ACT concerning

Garrett County – Hotel Rental Tax

Read the third time and passed by yeas and nays as follows:

Affirmative – 42 Negative – 3 (See Roll Call No. 252)

The Bill was then sent to the House of Delegates.

Senate Bill 228 – Senators Glassman, Harris, and Jacobs

AN ACT concerning

Harford County – Property Tax Credit for Homes Near a Refuse Disposal System

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 253)

The Bill was then sent to the House of Delegates.

Senate Bill 230 – Senators Kasemeyer and Frosh

EMERGENCY BILL

AN ACT concerning

Maryland Uniform Prudent Management of Institutional Funds Act

Read the third time and passed by yeas and nays as follows:

Affirmative – 42 Negative – 3 (See Roll Call No. 254)

The Bill was then sent to the House of Delegates.

Senate Bill 328 – Senators Colburn and Pipkin

AN ACT concerning

Caroline County – Tax Sales – Auctioneer Fees

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 255)

The Bill was then sent to the House of Delegates.

Senate Bill 343 – Senator Edwards

AN ACT concerning

Allegany County – Video Lottery Construction – Local Impact Grants – Rocky Gap Construction Costs

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 1 (See Roll Call No. 256)

The Bill was then sent to the House of Delegates.

Senate Bill 377 – ~~Senator Middleton~~ Senators Middleton, Glassman, Kelley, and Pugh

EMERGENCY BILL

AN ACT concerning

Business Regulation – Home Builder Guaranty Fund – Fee

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 257)

The Bill was then sent to the House of Delegates.

Senate Bill 380 – Senators Garagiola, Astle, Della, Exum, Glassman, Kelley, ~~Kittleman,~~ Klausmeier, Middleton, Pipkin, and Pugh

AN ACT concerning

Health Maintenance Organizations – Payments to Nonparticipating Providers

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 1 (See Roll Call No. 258)

The Bill was then sent to the House of Delegates.

Senate Bill 450 – Senator Edwards

AN ACT concerning

Allegany County – Upper Potomac River Commission – Savage River Dam – Borrowing Authority

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 259)

The Bill was then sent to the House of Delegates.

Senate Bill 562 – Senators Garagiola, Kittleman, ~~and Middleton~~ Middleton, Exum, Glassman, Klausmeier, and Pugh

EMERGENCY BILL

AN ACT concerning

Labor and Employment – Flexible Leave

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 260)

The Bill was then sent to the House of Delegates.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 261)

ADJOURNMENT

At 12:11 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 8:00 P.M. on Monday, March 2, 2009.

Annapolis, Maryland
Monday, March 2, 2009
8:00 P.M. Session

The Senate met at 8:07 P.M.

Prayer by Deacon Neal Conway (husband of Delegate Healey), Archdiocese of Washington, guest of Senator Pinsky.

(See Exhibit A of Appendix III)

The Journal of February 27, 2009 was read and approved.

On motion of Senator Kasemeyer it was ordered that Senators Jacobs and Middleton be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 264)

INTRODUCTION OF BILLS

Senate Bill 1010 – Senator Colburn

AN ACT concerning

Dorchester County – New Board of License Commissioners

FOR the purpose of repealing provisions of law that designate the Dorchester County Council as the Board of License Commissioners of Dorchester County; creating the Board of License Commissioners of Dorchester County; providing that the Board consists of a certain number of members; providing for the appointment of the members by the Governor, subject to the advice and consent of the Senate of Maryland; providing for certain nominating procedures that are to be used in the appointment process for the members of the Board; providing for the term of each member; requiring the Governor to ensure that the two major political parties be represented on the Board; providing that Board members may be appointed to one or more consecutive terms; providing that the Governor shall appoint the chair of the Board; providing that the Governor may remove Board members for certain reasons; providing for the staggering of the terms of the

members and for the initial terms for certain members; and generally relating to the Dorchester County Board of License Commissioners.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–101(k) and 15–105
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 15–105.1
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 1011 – Senators DeGrange, Currie, Jones, Kasemeyer, and Munson

AN ACT concerning

Department of Transportation – Consolidated Transportation Bonds – Issuance Procedures

FOR the purpose of authorizing the Department of Transportation to sell its consolidated transportation bonds at either a public, competitive sale or a private, negotiated sale, as determined by the Secretary of Transportation in accordance with certain criteria; providing that a public, competitive sale is the preferred method of issuance; providing for the form of notice of a public sale; providing for the publication of the notice of sale in a certain journal; repealing a certain publication requirement; and generally relating to the sale of the Department of Transportation's consolidated transportation bonds.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 3–202 and 3–203
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 3–207
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Rules.

Senate Bill 1012 – Senator Kramer

AN ACT concerning

Creation of a State Debt – Montgomery County – Olney Theatre Center Campus

FOR the purpose of authorizing the creation of a State Debt not to exceed $150,000, the proceeds to be used as a grant to the Board of Directors of the Olney Theatre Center for the Arts, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Rules.

Senate Bill 1013 – Carroll County Senators

AN ACT concerning

Creation of a State Debt – Carroll County Agriculture Center

FOR the purpose of authorizing the creation of a State Debt not to exceed $250,000, the proceeds to be used as a grant to the Board of Directors of the Carroll County Agriculture Center, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Rules.

Senate Bill 1014 – Senators Brochin and Klausmeier

AN ACT concerning

Baltimore County – Property Tax Credit – The Northeast Youth Association, Inc.

FOR the purpose of authorizing the governing body of Baltimore County to grant, by law, a property tax credit against the county tax imposed on personal and real property that is owned by the Northeast Youth Association, Inc.; providing for

the application of this Act; and generally relating to a property tax credit in Baltimore County for the Northeast Youth Association, Inc.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–305(b)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 1015 – Senators Kittleman and Jacobs

AN ACT concerning

Election Law – E–mail Newsletters

FOR the purpose of exempting electronically transmitted documents from certain provisions restricting the dissemination by members of the General Assembly of certain unsolicited documents; specifying that certain electronically transmitted documents shall be subject to certain standards; stating the intent of the General Assembly; and generally relating to the regulation of legislative newsletters under the Election Law.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–406
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Election Law
Section 13–407 and 13–408
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 1016 – Senators Munson, Edwards, and Mooney

AN ACT concerning

Creation of a State Debt – Washington County – Museum of Fine Arts

FOR the purpose of authorizing the creation of a State Debt not to exceed $150,000, the proceeds to be used as a grant to the Board of Trustees of the Washington County Museum of Fine Arts, Inc. for certain development or improvement

purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; requiring the grantee to grant and convey a certain easement to the Maryland Historical Trust; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Rules.

INTRODUCTION OF JOINT RESOLUTIONS

Senate Joint Resolution 11 – Senators Harris and Mooney

A Senate Joint Resolution concerning

Opposition to the Reinstatement of the Fairness Doctrine

FOR the purpose of urging opposition to the reinstatement of the Fairness Doctrine.

Read the first time and referred to the Committee on Rules.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 32 – Delegate Kullen

AN ACT concerning

Health Insurance – Limitations on Preexisting Condition Provisions – ~~Applicability~~ Individual Health Benefit Plans

FOR the purpose of ~~expanding the applicability of certain provisions of law that limit the imposition of certain preexisting condition provisions by certain carriers to a policy or certificate issued to an individual in accordance with certain provisions of law; altering a certain definition;~~ prohibiting certain application forms from containing inquiries about certain conditions, illnesses, diseases, or medical procedures; prohibiting an insurer or nonprofit health service plan from attaching an exclusionary rider to an individual health benefit plan unless the insurer or nonprofit health service plan obtains the prior written consent of the policyholder; authorizing an insurer or nonprofit health service plan to impose a preexisting condition exclusion or limitation on an individual for a certain condition under certain circumstances; prohibiting the imposition of a preexisting condition exclusion or limitation on a certain individual under certain circumstances; defining certain terms; making a conforming change;

providing for the application of this Act; and generally relating to preexisting condition limitations.

BY repealing and reenacting, with amendments,
Article – Insurance
Section ~~15–508~~ 12–205
Annotated Code of Maryland
(~~2006~~ 2003 Replacement Volume and 2008 Supplement)

BY adding to
Article – Insurance
Section 15–508.1
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 41 – Delegates Nathan–Pulliam, V. Turner, Benson, Montgomery, Kullen, and Pena–Melnyk

AN ACT concerning

Health Insurance – Mandated Benefits – Hospitalization and Home Visits Following a Mastectomy

FOR the purpose of requiring certain insurers, nonprofit health service plans, and health maintenance organizations to provide inpatient hospitalization coverage for a certain minimum length of time following a mastectomy that is performed for the treatment of breast cancer; providing that the inpatient hospitalization services required under this Act need not be provided if a patient, in consultation with the patient's attending physician, decides that a shorter period of inpatient hospitalization is needed for recovery; requiring certain insurers, nonprofit health service plans, and health maintenance organizations to provide coverage for certain home visits under certain circumstances; prohibiting an entity subject to this Act from denying, limiting, or otherwise impairing the participation of an attending physician under contract with the entity under certain circumstances; prohibiting certain insurers, nonprofit health service plans, and health maintenance organizations from ~~imposing certain cost–sharing requirements or~~ refusing reimbursement for certain services ~~except under certain circumstances~~; requiring certain insurers, nonprofit health service plans, and health maintenance organizations to provide a certain notice to enrollees and insureds; defining ~~certain terms~~ a certain term; providing for the application of this Act; and generally relating to health insurance coverage for hospitalization and home visits following a mastectomy.

BY adding to
Article – Health – General

Section 19–706(ttt)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–832
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Insurance
Section 15–832.1
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 61 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

State Athletic Commission – Sunset Extension and Program Evaluation

FOR the purpose of continuing the State Athletic Commission in accordance with the provisions of the Maryland Program Evaluation Act (sunset law) by extending to a certain date the termination provisions relating to the statutory and regulatory authority of the Commission; requiring that an evaluation of the Commission and the statutes and regulations that relate to the Commission be performed on or before a certain date; requiring the Commission to submit a certain report on or before a certain date; and generally relating to the State Athletic Commission.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 4–208
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

Article – State Government
Section 8–403(b)(5)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 69 – ~~Delegate Feldman~~ Delegates Feldman and Manno

AN ACT concerning

Business Occupations and Professions – Accountants – Continuing Education

FOR the purpose of repealing a certain provision of law that prohibits a certain licensee from receiving more than a certain number of credit hours to meet a certain program requirement if the credit hours are obtained in a certain manner; and generally relating to continuing education requirements for certified public accountants.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 2–312(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 91 – Delegates Morhaim and Hammen

AN ACT concerning

Department of General Services – Renovation of Historic Structures – Procurement Exemptions

FOR the purpose of exempting the renovation of certain historic structures by the Department of General Services from certain provisions of the State procurement law.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 11–203(a)(1)(xvi) and (xvii)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to

Article – State Finance and Procurement
Section 11–203(a)(1)(xviii)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 165 – Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance – Cancellation of Policies – Limitation on Midterm Cancellations

FOR the purpose of prohibiting an insurer from cancelling a policy of personal, commercial, or private passenger motor vehicle liability insurance midterm unless the insurer makes a certain determination or under certain circumstances; making a certain clarifying change; and generally relating to cancellations of insurance policies.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 27–602, 27–603, and 27–613(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Insurance
Section 27–613(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 235 – Delegates Tarrant, Bromwell, Kullen, V. Turner, and Weldon

AN ACT concerning

Health Insurance – Rescission of Contracts and Certificates – Restrictions

FOR the purpose of prohibiting certain carriers from rescinding a contract or certificate under certain circumstances; requiring the carrier to have the burden of persuasion that a rescission complies with certain provisions of this Act; applying certain provisions of this Act to health maintenance organizations; defining certain terms; providing for the application of this Act; and generally relating to the rescission of health insurance contracts and certificates.

BY adding to
Article – Health – General
Section 19–706(ttt)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article – Insurance
Section 15–1105 to be under the amended subtitle "Subtitle 11. Miscellaneous Health Insurance Policies and Contracts and Health Benefit Plans"
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 349 – Washington County Delegation

AN ACT concerning

Washington County – Mental Health Advisory Committee

FOR the purpose of authorizing the governing body of Washington County to designate Washington County Mental Health Authority, Inc., as the mental health advisory committee for Washington County; and generally relating to mental health advisory committees.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 10–308
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 411 – Delegate Hubbard

AN ACT concerning

Community Mental Health Services Programs – Financial Statements and Salary Information

FOR the purpose of requiring a community mental health services program to submit annually certain financial statements and salary information in accordance with certain regulations; authorizing the Mental Hygiene Administration to impose a certain penalty on a community mental health services program for failing to submit certain financial statements and salary information; and

generally relating to financial statements and salary information of community mental health services programs.

BY adding to
Article – Health – General
Section 10–901.1
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 412 – ~~Delegate Hubbard~~ Delegates Hubbard, Montgomery, and V. Turner

AN ACT concerning

Mental Health Programs and Facilities – Reports of Death

FOR the purpose of defining the term "program or facility" so as to restrict the application of certain reporting requirements regarding the death of certain individuals to certain mental health programs and facilities; altering a certain reporting requirement regarding the location of the body; specifying that certain programs or facilities are required to submit only one report of death; requiring the administrative head of certain nonresidential psychiatric rehabilitation programs to make reports of death by a certain time; and generally relating to reports of death by mental health programs and facilities.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 10–714
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 438 – ~~Delegate Feldman~~ Delegates Feldman, Barkley, Burns, Hecht, Jameson, Krysiak, Love, Manno, Mathias, Minnick, Taylor, and Walkup

AN ACT concerning

Joint Information Technology and Biotechnology Committee – Membership and Duties

FOR the purpose of codifying and renaming the Joint Technology Oversight Committee to be the Joint Information Technology and Biotechnology Committee; modifying the membership and duties of the Committee; and

generally relating to the Joint Information Technology and Biotechnology Committee.

BY repealing
Chapter 11 of the Acts of the General Assembly of 2000
Section 6

BY adding to
Article – State Government
Section 2–10A–13
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 452 – Delegates Haddaway, Eckardt, Aumann, Bartlett, Beitzel, Boteler, Burns, Dwyer, Elliott, Elmore, Frank, Harrison, Hecht, Jameson, Jennings, King, Kirk, Krebs, Krysiak, Lafferty, Manno, McComas, McConkey, McHale, Murphy, Myers, Norman, O'Donnell, Riley, Serafini, Shank, Shewell, Smigiel, Sossi, Stocksdale, Stull, Taylor, Vaughn, Walkup, and Wood

AN ACT concerning

Business Regulation – Charitable Organizations – Audits and Reviews

FOR the purpose of increasing the minimum gross income amount by which the registration statement of a charitable organization must include a certain audit; altering the range of gross income amounts by which the registration statement of a charitable organization must include a certain review; altering the range of gross income amounts by which the Secretary of State may require a certain audit or review of a charitable organization; and generally relating to the auditing and review requirements of charitable organizations.

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 6–402(a) and (c)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 6–402(b)(8) and (d)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 265)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #20

Senate Bill 39 – Senator Harrington

AN ACT concerning

Municipal Corporations – Tax Increment Financing – Application of Bond Proceeds

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 266)

The Bill was then sent to the House of Delegates.

Senate Bill 88 – Chair, Budget and Taxation Committee (By Request – Departmental – Assessments and Taxation)

AN ACT concerning

Tax – Property – Exempt Manufacturing Personal Property Application Deadline

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 267)

The Bill was then sent to the House of Delegates.

Senate Bill 93 – Chair, Budget and Taxation Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Motor Fuel Taxes – ~~Biodiesel Fuel User License~~ Special Fuel User – Biodiesel Fuel

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 268)

The Bill was then sent to the House of Delegates.

Senate Bill 146 – Senators Frosh and Madaleno

AN ACT concerning

Municipal Corporations and Taxing Districts – Financial Audits

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 269)

The Bill was then sent to the House of Delegates.

Senate Bill 227 – Senators McFadden and Jones (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Newly Constructed Dwelling Property Tax Credit – Modification and Reauthorization

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 270)

The Bill was then sent to the House of Delegates.

Senate Bill 270 – The President (By Request – Administration) and Senators Kelley and Middleton

EMERGENCY BILL

AN ACT concerning

Unemployment Insurance – Eligibility – Part–Time Work

Senator McFadden moved, duly seconded, to place **Senate Bill 270** back on second reading for the purpose of reconsidering an amendment.

The motion was adopted by a roll call vote as follows:

Affirmative – 27 Negative – 17 (See Roll Call No. 271)

STATUS OF BILL: BILL IS ON SECOND READING AND OPEN TO AMENDMENT.

Senator McFadden moved, duly seconded, to reconsider the vote by which the floor amendment was rejected.

Senator McFadden moved, duly seconded, to make the Bill and motion a Special Order for March 4, 2009.

The motion was adopted.

Senate Bill 278 – Senator Pinsky and the President (By Request – Administration) and Senators Conway, Currie, Forehand, Frosh, Garagiola, Gladden, Harrington, Kelley, King, Lenett, Madaleno, Middleton, Muse, Peters, Pugh, Raskin, Robey, Rosapepe, ~~and Stone~~ Stone, and Jones

AN ACT concerning

Greenhouse Gas Emissions Reduction Act of 2009

Read the third time and passed by yeas and nays as follows:

Affirmative – 36 Negative – 9 (See Roll Call No. 272)

The Bill was then sent to the House of Delegates.

Senate Bill 348 – Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Tax Sales – Fees

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 273)

The Bill was then sent to the House of Delegates.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 274)

ADJOURNMENT

At 8:42 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Tuesday, March 3, 2009 in memory of Senator Rosalie Abrams.

Annapolis, Maryland
Tuesday, March 3, 2009
10:00 A.M. Session

The Senate met at 10:06 A.M.

Prayer by Pastor Willie W. Duvall, Word of God Community Church, guest of Senator Harrington.

(See Exhibit A of Appendix III)

The Journal of March 2, 2009 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 276)

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #7

Senate Bill 279 – Senator Gladden and the President (By Request – Administration) and Senators Currie, Exum, Frosh, Jones, Kelley, King, Lenett, Madaleno, McFadden, Muse, Peters, Pinsky, Pugh, and Raskin

AN ACT concerning

Criminal Law – Death Penalty – Repeal

Senator Gladden moved, duly seconded, to substitute the Bill for the unfavorable report.

The motion was adopted by a roll call vote as follows:

Affirmative – 25 Negative – 22 (See Roll Call No. 277)

Senator Kittleman moved, duly seconded, to make the Bill a Special Order for March 4, 2009.

The motion was rejected by a roll call vote as follows:

Affirmative – 13 Negative – 33 (See Roll Call No. 278)

Senator Gladden moved, duly seconded, to place **Senate Bill 279** on second reading.

The motion was adopted by a roll call vote as follows:

Affirmative – 24 Negative – 23 (See Roll Call No. 279)

STATUS OF BILL: BILL IS ON SECOND READING AND OPEN TO AMENDMENT.

Senator Gladden moved, duly seconded, to make the Bill a Special Order for p.m. session.

The motion was adopted.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #14

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 164 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Natural Resources – Recreational Fishing Licenses – Penalties

SB0164/934230/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 164
(First Reading File Bill)

On page 2, in line 21, strike "**MAKING**" and substitute "**KNOWINGLY MAKING**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 169 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Department of Natural Resources – Antiquated Fish and Fisheries Laws – Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 241 – Senators Pugh, Conway, Harrington, Kelley, Muse, and Pinsky

AN ACT concerning

Education – Suspension and Expulsion Procedures – Attendance–Related Offenses

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #7

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 122 – Senator Kelley

AN ACT concerning

Maryland Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act

SB0122/328979/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 122
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, strike beginning with "requiring" in line 16 down through "order;" in line 23.

AMENDMENT NO. 2

On pages 35 and 36, strike in their entirety the lines beginning with line 28 on page 35 through line 12 on page 36, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 145 – Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Courts – Violation of Probation or Suspension of Sentence – Notice or Warrant

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 339 – Senator Raskin

AN ACT concerning

Real Property – Abatement of Nuisance – Prostitution

SB0339/528175/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 339
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Raskin" and substitute "Senators Raskin and Forehand".

AMENDMENT NO. 2

On page 1, in line 3, strike "habitual"; and in lines 3 and 4, strike beginning with the third "the" in line 3 down through the first "of" in line 4.

AMENDMENT NO. 3

On page 3, in line 7, strike "**HABITUALLY FOR THE PURPOSE OF**" and substitute "**FOR**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #6

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 92 – Chair, Budget and Taxation Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Motor Carriers – Identification Markers – Forged Documents – Criminal Penalties

SB0092/759438/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 92
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "motor carrier" and substitute "person"; strike beginning with "falsifying," in line 4 down through "certain" in line 5 and substitute "knowingly falsifying or using, holding, possessing, giving away, or selling certain falsified"; in line 6, strike "motor carrier" and substitute "person"; strike beginning with "manufacturing" in line 7 down through "using" in line 9 and substitute "attempting to falsify or sell"; in line 10, strike "that have been falsified or duplicated in violation of this Act"; and in line 11, after "Act;" insert "defining certain terms; defining "falsify" for purposes of this Act to include alter, counterfeit, duplicate, manufacture, construct, or forge;".

AMENDMENT NO. 2

On page 2, in line 1, after "**COUNTERFEIT,**" insert "**DUPLICATE, MANUFACTURE, CONSTRUCT,**"; and strike lines 5 through 18, inclusive, and substitute:

"**(B) A PERSON MAY NOT KNOWINGLY:**

(1) FALSIFY ANY IFTA IDENTIFICATION MARKER OR OTHER OFFICIAL DOCUMENT ISSUED BY THE COMPTROLLER;

(2) USE, HOLD, POSSESS, GIVE AWAY, OR SELL A FALSIFIED IFTA IDENTIFICATION MARKER OR OTHER OFFICIAL DOCUMENT ISSUED BY THE COMPTROLLER; OR

(3) ATTEMPT TO FALSIFY OR SELL ANY IFTA IDENTIFICATION MARKER OR OTHER OFFICIAL DOCUMENT ISSUED BY THE COMPTROLLER.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 179 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement Agency – Monitoring of Telephone Calls – Quality Assurance

SB0179/969132/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 179
(First Reading File Bill)

On page 2, in line 5, after "**RECORDING**" insert "**INCOMING**"; in line 6, strike "**AND FROM**"; in the same line, after "**EMPLOYEES**" insert "**OF THE MEMBER SERVICES DIVISION**"; in line 7, strike "**FROM**" and substitute "**TO**"; and strike beginning with the first "**THE**" in line 8 down through "**INFORMATION**" in line 10 and substitute "**TRAINING AND QUALITY CONTROL PURPOSES**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 274 – The President (By Request – Administration)

AN ACT concerning

Tax Increment Financing and Special Taxing Districts – Transit–Oriented Development

SB0274/319937/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 274
(First Reading File Bill)

AMENDMENT NO. 1

On page 5, strike beginning with "**AND**" in line 30 down through "**SECTION**" in line 31 and substitute a comma.

AMENDMENT NO. 2

On page 6, in line 5, strike "**THE**" and substitute "**AN**"; and in the same line, after "**AGREEMENT**" insert "**DESCRIBED IN SUBSECTION (F)(3) OF THIS SECTION**".

AMENDMENT NO. 3

On page 11, strike beginning with the second "**AND**" in line 1 down through "**SECTION**" in line 2; in line 5, strike "**COSTS**" and substitute "**PAY COSTS**"; in lines 8 and 9, strike "**MUNICIPAL CORPORATION**" and substitute "**COUNTY**"; in line 9, strike "**THE**" and substitute "**AN**"; and in the same line, after "**AGREEMENT**" insert "**DESCRIBED IN SUBSECTION (G)(3) OF THIS SECTION**".

AMENDMENT NO. 4

On page 12, in line 5, strike "in Prince George's County"; strike beginning with "bonds" in line 13 down through "County" in line 15; in line 15, strike the second comma; in line 16, strike the second "**OR**" and substitute "**BY**"; and in line 17, after "**STATE,**" insert "**OR BY THE REVENUE AUTHORITY OF PRINCE GEORGE'S COUNTY,**".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 378 – Senator Stoltzfus

AN ACT concerning

Somerset County – Fire Company – Appropriations

SB0378/259732/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 378
(First Reading File Bill)

On page 2, in line 23, strike "**$33,500**" and substitute "**$33,350**"

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 591 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Military Service Credit – Clarification and Simplification

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 592 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Compliance with Federal Tax Provisions

SB0592/239437/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 592
(First Reading File Bill)

On page 3, in line 32, after "**1,**" insert "**2002,**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 280)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #21

Senate Bill 44 – ~~Senator Peters~~ Senators Peters ~~and Harris~~, Harris, Astle, Brinkley, Brochin, Colburn, Conway, Currie, DeGrange, Della, Dyson, Edwards, Exum, Forehand, Frosh, Garagiola, Gladden, Glassman, Greenip, Haines, Harrington, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Miller, Mooney, Munson, Muse, Pinsky, Pipkin, Pugh, Raskin, Robey, Rosapepe, Simonaire, Stoltzfus, Stone, and Zirkin

AN ACT concerning

Sales and Use Tax – Exemption – Veterans' Organizations

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 281)

The Bill was then sent to the House of Delegates.

Senate Bill 223 – Senator Edwards

AN ACT concerning

Tax – Property – Assessment and Valuation – Forest Conservation and Management Agreement

Read the third time and passed by yeas and nays as follows:

Affirmative – 29 Negative – 18 (See Roll Call No. 282)

The Bill was then sent to the House of Delegates.

Senate Bill 248 – Senators Jones, Conway, Currie, Gladden, Madaleno, McFadden, Muse, Peters, ~~and Pugh~~ Pugh, Colburn, Dyson, Exum, Greenip, Harrington, Harris, Kelley, and Lenett

EMERGENCY BILL

AN ACT concerning

State Government – Commemorative Days – Negro Baseball League

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 283)

The Bill was then sent to the House of Delegates.

Senate Bill 295 – Senators Edwards and Colburn

AN ACT concerning

Alcoholic Beverages – Maximum Alcohol Content

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 284)

The Bill was then sent to the House of Delegates.

Senate Bill 356 – Senators Frosh, Harrington, Lenett, Pinsky, and Rosapepe

AN ACT concerning

Family Day Care Homes and Child Care Centers – Emergency Preparedness Plans

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 285)

The Bill was then sent to the House of Delegates.

Senate Bill 372 – Senators Currie, Colburn, Conway, DeGrange, Harrington, Kasemeyer, King, Madaleno, McFadden, Peters, Pinsky, and Robey

AN ACT concerning

Foster Care – Tuition Exemption – Expanded Eligibility

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 286)

The Bill was then sent to the House of Delegates.

Senate Bill 413 – Senator King (Joint Committee on Children, Youth, and Families) and Senators Conway, Forehand, Garagiola, Greenip, Jacobs, Jones, Klausmeier, Kramer, Middleton, Muse, Peters, and Robey

AN ACT concerning

Joint Committee on Children, Youth, and Families – Repeal of Sunset

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 287)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #22
CONSENT CALENDAR #2

BILL NO.	SPONSOR	CONTENT	COMMITTEE
SB 330	Sen. Colburn	Dorchester County – Board of Education – Benefits	EHE
SB 331	Sen. Colburn	Dorchester County Board of Education – Annual Election of Board Officers	EHE
SB 333	Sen. Colburn	Dorchester County – Alcoholic Beverages Act of 2009	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 2 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 288)

The Bills were then sent to the House of Delegates.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 289)

RECESS

At 11:52 A.M. on motion of Senator Kasemeyer, seconded, the Senate recessed until 3:30 P.M. on Tuesday, March 3, 2009 in memory of William Henry Thomas.

AFTER RECESS
Annapolis, Maryland
Tuesday, March 3, 2009
3:30 P.M. Session

At 3:55 P.M. the Senate resumed its session.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 291)

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 279 – Senator Gladden and the President (By Request – Administration) and Senators Currie, Exum, Frosh, Jones, Kelley, King, Lenett, Madaleno, McFadden, Muse, Peters, Pinsky, Pugh, and Raskin

AN ACT concerning

Criminal Law – Death Penalty – Repeal

STATUS OF BILL: BILL IS ON SECOND READING AND OPEN TO AMENDMENT.

FLOOR AMENDMENT

SB0279/603824/1

BY: Senator Della

AMENDMENTS TO SENATE BILL 279
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "CONSTITUTIONAL AMENDMENT"; in line 2, strike "Law – Death Penalty – Repeal" and substitute "Procedure – Death

Sentence – Abolishment"; and strike in their entirety lines 3 through 17, inclusive, and substitute:

"FOR the purpose of proposing an amendment to the Maryland Declaration of Rights to prohibit a court of law in the State from imposing a sentence of death; and submitting this amendment to the qualified voters of the State of Maryland for their adoption or rejection.

BY proposing an amendment to the Maryland Constitution
Declaration of Rights
Article 25".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 18 on page 1 through line 40 on page 2, inclusive, and substitute:

"SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, (Three–fifths of all the members elected to each of the two Houses concurring), That it be proposed that the Maryland Constitution read as follows:

Declaration of Rights

25.

That excessive bail ought not to be required, nor excessive fines imposed, nor cruel or unusual punishment**, INCLUDING A SENTENCE OF DEATH,** inflicted, by the Courts of Law.

SECTION 2. AND BE IT FURTHER ENACTED, That the General Assembly determines that the amendment to the Maryland Constitution proposed by this Act affects multiple jurisdictions and that the provisions of Article XIV, § 1 of the Maryland Constitution concerning local approval of constitutional amendments do not apply.

SECTION 3. AND BE IT FURTHER ENACTED, That the aforegoing section proposed as an amendment to the Maryland Constitution shall be submitted to the legal and qualified voters of this State at the next general election to be held in November, 2010 for their adoption or rejection pursuant to Article XIV of the Maryland Constitution. At that general election, the vote on this proposed amendment

to the Constitution shall be by ballot, and upon each ballot there shall be printed the words "For the Constitutional Amendment" and "Against the Constitutional Amendment," as now provided by law. Immediately after the election, all returns shall be made to the Governor of the vote for and against the proposed amendment, as directed by Article XIV of the Maryland Constitution, and further proceedings had in accordance with Article XIV.".

AMENDMENT NO. 3

On pages 3 through 25, strike in their entirety the lines beginning with line 1 on page 3 through line 15 on page 25, inclusive.

Senator Della moved, duly seconded, to suspend Rule 46(b)(1).

The motion was rejected by roll call vote as follows:

Affirmative – 17 Negative – 27 (See Roll Call No. 292)

The preceding 3 amendments were withdrawn.

FLOOR AMENDMENT

SB0279/703826/2

BY: Senator Brochin

AMENDMENTS TO SENATE BILL 279
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Repeal" and substitute "Eyewitness Testimony"; in line 3, strike the first "repealing" and substitute "prohibiting"; strike beginning with "; repealing" in line 3 down through "penalty" in line 4 and substitute "in a case in which the State relies solely on evidence provided by eyewitnesses"; strike beginning with "providing" in line 8 down through "penalty;" in line 11; in lines 12 and 16, in each instance, strike "repeal" and substitute "restriction"; and in line 17, after "penalty" insert "in certain cases".

On pages 1 and 2, strike in their entirety the lines beginning with line 18 on page 1 through line 18 on page 2, inclusive.

On page 2, in line 19, after "repealing" insert "and reenacting, without amendments,"; strike beginning with "2–103(h)" in line 21 down through "Appeals"" in line 22 and substitute "2–201(b)"; in line 27, strike "2–201(b), 2–304(a), 2–305, and 14–101" and substitute "2–202"; and strike in their entirety lines 30 through 40, inclusive.

On page 3, strike in their entirety lines 1 through 16, inclusive; and strike beginning with "That" in line 18 down through "ENACTED," in line 25.

AMENDMENT NO. 2

On pages 3 through 9, strike in their entirety the lines beginning with line 27 on page 3 through line 28 on page 9, inclusive.

On page 9, strike line 30 in its entirety.

AMENDMENT NO. 3

On page 10, strike in their entirety lines 1 through 4, inclusive; in lines 8, 9, 10, 11, 12, and 15, in each instance, strike the bracket; and in line 10, strike "**(II)**".

AMENDMENT NO. 4

On page 11, in line 17, strike the bracket; after line 17, insert:

"**(C) A DEFENDANT MAY NOT BE SENTENCED TO DEATH, BUT SHALL BE SENTENCED TO IMPRISONMENT FOR LIFE WITHOUT THE POSSIBILITY OF PAROLE SUBJECT TO THE REQUIREMENTS OF § 2–203(1) OF THIS SUBTITLE OR IMPRISONMENT FOR LIFE, IF THE STATE RELIES SOLELY ON EVIDENCE PROVIDED BY EYEWITNESSES.**";

and strike in their entirety lines 18 through 30, inclusive.

AMENDMENT NO. 5

On pages 12 through 24, strike in their entirety the lines beginning with line 1 on page 12 through line 31 on page 24, inclusive.

AMENDMENT NO. 6

On page 24, in line 32, strike "4." and substitute "2."; and in line 33, after "has" insert "relied solely on evidence provided by eyewitnesses and".

On page 25, in lines 4, 7, 11, and 14, strike "5.", "6.", "7.", and "8.", respectively, and substitute "3.", "4.", "5.", and "6.", respectively; in line 6, strike "repeal" and substitute "restriction", and in line 8, after "report" insert ", in accordance with § 2–1246 of the State Government Article,".

The preceding 6 amendments were read and adopted by a roll call vote as follows:

Affirmative – 24 Negative – 22 (See Roll Call No. 293)

FLOOR AMENDMENT

SB0279/553820/3

BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 279
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Repeal" and substitute "Evidence"; in line 3, strike the first "repealing" and substitute "restricting"; in the same line, strike "; repealing" and substitute "to a case in which the State presents certain evidence to the court or the jury;"; strike beginning with "procedures" in line 3 down through "penalty;" in line 4; in line 4, after "providing" insert ", with certain exceptions,"; strike beginning with "providing" in line 8 down through "penalty;" in line 11; in line 12, strike "repeal" and substitute "restriction"; in line 13, after "penalty" insert "to certain cases"; in line 16, strike "repeal" and substitute "restriction"; and in line 17, after "penalty" insert "to certain cases".

On pages 1 and 2, strike in their entirety the lines beginning with line 18 on page 1 through line 18 on page 2, inclusive.

On page 2, in line 19, after "repealing" insert "and reenacting, without amendments,"; strike beginning with "2–103(h)" in line 21 down through "Appeals"" in line 22 and substitute "2–201(b)"; in line 27, strike "2–201(b), 2–304(a), 2–305, and 14–101" and substitute "2–202"; and strike in their entirety lines 30 through 40, inclusive.

On page 3, strike in their entirety lines 1 through 16, inclusive; and strike beginning with "That" in line 18 down through "ENACTED," in line 25.

AMENDMENT NO. 2

On pages 3 through 9, strike in their entirety the lines beginning with line 27 on page 3 through line 28 on page 9, inclusive.

On page 9, strike line 30 in its entirety.

AMENDMENT NO. 3

On page 10, strike in their entirety lines 1 through 4, inclusive; in lines 8, 9, and 10, in each instance, strike the bracket; in line 10, strike "**(II)**"; and in lines 11, 12, and 15, in each instance, strike the bracket.

AMENDMENT NO. 4

On page 11, in line 3, strike "and"; after line 3, insert:

"**(3) THE STATE PRESENTS THE COURT OR JURY WITH:**

(I) BIOLOGICAL EVIDENCE OR DNA EVIDENCE THAT LINKS THE DEFENDANT TO THE ACT OF MURDER;

(II) A VIDEO TAPED, VOLUNTARY INTERROGATION AND CONFESSION OF THE DEFENDANT TO THE MURDER; OR

(III) A VIDEO RECORDING THAT CONCLUSIVELY LINKS THE DEFENDANT TO THE MURDER; AND";

in line 4, strike "(3)" and substitute "**(4)**"; in line 17, strike the bracket; and strike in their entirety lines 18 through 30, inclusive.

AMENDMENT NO. 5

On pages 12 through 24, strike in their entirety the lines beginning with line 1 on page 12 through line 31 on page 24, inclusive.

AMENDMENT NO. 6

On page 24, in line 32, strike "4." and substitute "2."; and in the same line, after "That" insert ", except for a sentence of death imposed for a murder in which evidence was produced that meets the requirements of this Act,".

On page 25, in lines 4, 7, 11, and 14, strike "5.", "6.", "7.", and "8.", respectively, and substitute "3.", "4.", "5.", and "6.", respectively; in line 6, strike "repeal" and substitute "restriction"; in the same line, after "penalty" insert "to certain cases as provided under this Act"; and in line 9, after the second "Committee" insert ", in accordance with § 2–1246 of the State Government Article,".

The preceding 6 amendments were read and adopted by a roll call vote as follows:

Affirmative – 35 Negative – 10 (See Roll Call No. 294)

FLOOR AMENDMENT

SB0279/253426/1

BY: Senator Colburn

AMENDMENTS TO SENATE BILL 279
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Death Penalty – Repeal" and substitute "Repeal of Death Penalty and Minimum Sentence for First Degree Murder"; in line 4, after "penalty;" insert "requiring that a person convicted of murder in the first degree serve a certain minimum term before being eligible for parole consideration; prohibiting the deduction in advance from a term of confinement of an inmate if the inmate has been convicted of murder in the first degree until the inmate has served a certain term;"; in line 15, after "Prevention;" insert "providing for the application of certain provisions of this Act;"; and in line 17, after "penalty" insert "and a minimum sentence for first degree murder".

On page 2, in line 5, after "Section" insert "3–704,"; in the same line, strike "4–305(b)(2)" and substitute "4–305(b)"; and in the same line, strike "7–301(d)(2)" and substitute "7–301(d)".

AMENDMENT NO. 2

On page 4, strike in their entirety lines 5 through 11, inclusive; and strike in their entirety lines 21 through 27, inclusive.

AMENDMENT NO. 3

On page 24, in line 32, after "4." insert "AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Correctional Services

3–704.

(a) **[**An**] EXCEPT AS PROVIDED IN SUBSECTION (B)(3) OF THIS SECTION, AN** inmate shall be allowed a deduction in advance from the inmate's term of confinement.

(b) (1) The deduction allowed under subsection (a) of this section shall be calculated:

(i) from the first day of commitment to the custody of the Commissioner through the last day of the inmate's term of confinement;

(ii) except as provided in paragraph (2) of this subsection, at the rate of 10 days for each calendar month; and

(iii) on a prorated basis for any portion of a calendar month.

(2) **[**If**] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, IF** an inmate's term of confinement includes a consecutive or concurrent sentence for a crime of violence as defined in § 14–101 of the Criminal Law Article or a crime of manufacturing, distributing, dispensing, or possessing a controlled dangerous substance in violation of §§ 5–602 through 5–609, § 5–612, or § 5–613 of the Criminal Law Article, the deduction described in subsection (a) of this section shall be calculated at the rate of 5 days for each calendar month.

(3) IF THE TERM OF CONFINEMENT FOR AN INMATE INCLUDES A CONSECUTIVE OR CONCURRENT SENTENCE FOR MURDER IN THE FIRST DEGREE, THE INMATE MAY NOT BE ALLOWED A DEDUCTION IN ADVANCE FROM THE TERM OF CONFINEMENT UNTIL THE INMATE HAS SERVED 25 YEARS.

(c) A deduction under this section may not be allowed for a period during which an inmate does not receive credit for service of the inmate's term of confinement, including a period:

(1) during which the inmate's sentence is stayed;

(2) during which the inmate is not in the custody of the Commissioner because of escape; or

(3) for which the Maryland Parole Commission has declined to grant credit after revocation of parole or mandatory supervision.

4–305.

(b) (1) Except as provided in paragraph (2) of this subsection, an inmate sentenced to life imprisonment is not eligible for parole consideration until the inmate has served 15 years or the equivalent of 15 years when considering allowances for diminution of the inmate's period of confinement as provided under Title 3, Subtitle 7 of this article and § 6–218 of the Criminal Procedure Article.

(2) An inmate sentenced to life imprisonment **[**as a result of a proceeding under § 2–303 or § 2–304 of the Criminal Law Article**]** **FOR A MURDER IN THE FIRST DEGREE** is not eligible for parole consideration until the inmate has served 25 years **[**or the equivalent of 25 years when considering allowances for diminution of the inmate's period of confinement as provided under Title 3, Subtitle 7 of this article and § 6–218 of the Criminal Procedure Article**]**.

(3) An eligible person who is serving a term of life imprisonment may be paroled only with the Governor's approval.

7–301.

(d) (1) Except as provided in paragraphs (2) and (3) of this subsection, an inmate who has been sentenced to life imprisonment is not eligible for parole consideration until the inmate has served 15 years or the equivalent of 15 years considering the allowances for diminution of the inmate's term of confinement under § 6–218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article.

(2) An inmate who has been sentenced to life imprisonment **[**as a result of a proceeding under § 2–303 or § 2–304 of the Criminal Law Article**]** **FOR A MURDER IN THE FIRST DEGREE** is not eligible for parole consideration until the inmate has served 25 years **[**or the equivalent of 25 years considering the allowances

for diminution of the inmate's term of confinement under § 6–218 of the Criminal Procedure Article and Title 3, Subtitle 7 of this article**]**.

(3) (i) If an inmate has been sentenced to imprisonment for life without the possibility of parole under § 2–203 or § 2–304 of the Criminal Law Article, the inmate is not eligible for parole consideration and may not be granted parole at any time during the inmate's sentence.

(ii) This paragraph does not restrict the authority of the Governor to pardon or remit any part of a sentence under § 7–601 of this title.

(4) If eligible for parole under this subsection, an inmate serving a term of life imprisonment may only be paroled with the approval of the Governor.

SECTION 5.".

AMENDMENT NO. 4

On page 25, in lines 4, 7, 11, and 14, strike "5.", "6.", "7.", and "8.", respectively, and substitute "6.", "7.", "8.", and "10.", respectively; and after line 13, insert:

"SECTION 9. AND BE IT FURTHER ENACTED, That Section 4 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 sentencing of a person or the allowance of diminution credits to an inmate who committed a murder in the first degree before the effective date of this Act.".

The preceding 4 amendments were withdrawn.

FLOOR AMENDMENT

SB0279/633029/3
BY: Senator Mooney

AMENDMENTS TO SENATE BILL 279
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Repeal" and substitute "Restriction"; in line 3, strike the first "repealing" and substitute "restricting"; in the same line, after "penalty" insert "to a case in which the court or jury finds beyond a reasonable doubt

that a certain defendant committed murder in the first degree while serving a term of imprisonment in a correctional facility"; strike beginning with "repealing procedures" in line 3 down through "penalty;" in line 4; in line 4, after "providing" insert ", with certain exceptions,"; strike beginning with "providing" in line 8 down through "penalty;" in line 11; in lines 12 and 16, in each instance, strike "repeal" and substitute "restriction"; and in line 17, after "penalty" insert "to certain cases".

On pages 1 and 2, strike in their entirety the lines beginning with line 18 on page 1 through line 18 on page 2, inclusive.

On page 2, in line 19, after "repealing" insert "and reenacting, without amendments,"; strike beginning with "2–103(h)" in line 21 down through "Appeals"" in line 22 and substitute "2–201(b)"; in line 27, strike "2–201(b), 2–304(a), 2–305, and 14–101" and substitute "2–202 and 2–303"; and strike in their entirety lines 30 through 40, inclusive.

On page 3, strike in their entirety lines 1 through 16, inclusive; strike beginning with "That" in line 18 down through "ENACTED," in line 25.

AMENDMENT NO. 2

On pages 3 through 9, strike in their entirety the lines beginning with line 27 on page 3 through line 28 on page 9, inclusive.

On page 9, strike line 30 in its entirety.

AMENDMENT NO. 3

On page 10, strike in their entirety lines 1 through 4, inclusive; in lines 8, 9, and 10, in each instance, strike the bracket; in line 10, strike "**(II)**"; and in lines 11, 12, and 15, in each instance, strike the bracket; strike beginning with the colon in line 19 down through "(i)" in line 20; strike beginning with the semicolon in line 20 down through "rely" in line 22 and substitute "**BECAUSE THE MURDER WAS COMMITTED WHILE THE DEFENDANT WAS SERVING A TERM OF IMPRISONMENT IN A CORRECTIONAL FACILITY**"; strike beginning with "(i)" in line 23 down through "title," in line 24; and in line 24, strike "or" and substitute "**AND**".

On pages 10 and 11, strike in their entirety the lines beginning with line 25 on page 10 through line 3 on page 11.

AMENDMENT NO. 4

On page 11, in lines 17 and 27, in each instance, strike the bracket; strike in their entirety lines 18 through 26, inclusive; in line 28, strike "(1)"; strike beginning with the first "the" in line 28 down through "(i)" in line 29 and substitute "**:**

(1)";

and in line 30, strike the period and substitute "**; AND**".

On page 12, in lines 1, 2, and 4, strike "(ii)", "1.", and "2.", respectively, and substitute "**(2)**", "**(I)**", and "**(II)**", respectively; and strike in their entirety lines 6 through 18, inclusive.

AMENDMENT NO. 5

On page 13, in line 23, strike "an" and substitute "**THE**"; and in line 24, strike "listed" and substitute "**SPECIFIED**".

AMENDMENT NO. 6

On page 14, in line 20, strike "any of the following" and substitute "**THE**"; and in line 21, strike "circumstances" and substitute "**CIRCUMSTANCE OF THE DEFENDANT COMMITTING THE MURDER WHILE SERVING A TERM OF IMPRISONMENT IN A CORRECTIONAL FACILITY**".

AMENDMENT NO. 7

On pages 14 and 15, strike beginning with the colon in line 21 on page 14 down through "degree" in line 18 on page 15.

On page 15, strike beginning with "one" in line 19 down through "exist" in line 20 and substitute "**THE AGGRAVATING CIRCUMSTANCE UNDER PARAGRAPH (1) OF THIS SUBSECTION EXISTS**".

AMENDMENT NO. 8

On page 16, strike beginning with "one" in line 11 down through "circumstances" in line 12 and substitute "**THE AGGRAVATING CIRCUMSTANCE**"; and in line 12, strike "exist" and substitute "**EXISTS**".

AMENDMENT NO. 9

On page 17, in lines 9, 10, 11, 22, and 25, in each instance, strike "circumstances" and substitute "**CIRCUMSTANCE**"; in lines 10, 12, and 23, in each

instance, strike "outweigh" and substitute "**OUTWEIGHS**"; in lines 14 and 26, in each instance, strike "do" and substitute "**DOES**"; in line 20, strike "each" and substitute "**THAT THE**"; in the same line, strike "found" and substitute "**WAS FOUND UNDER SUBSECTION (G) OF THE SECTION**"; and in line 22, strike "any" and substitute "**THE**".

On page 18, in line 27, strike the bracket.

On pages 18 through 24, strike in their entirety the lines beginning with line 28 on page 18 through line 31 on page 24, inclusive.

AMENDMENT NO. 10

On page 24, in line 32, strike "4." and substitute "2."; and in the same line, after "That" insert ", except for a sentence of death imposed for a murder by an inmate serving a term of imprisonment in a correctional facility,".

On page 25, in lines 4, 7, 11, and 14, strike "5.", "6.", "7.", and "8.", respectively, and substitute "3.", "4.", "5.", and "6.", respectively; in line 6, strike "repeal" and substitute "restriction"; and in line 8, after "report" insert ", in accordance with § 2–1246 of the State Government Article,".

The preceding 10 amendments were withdrawn.

FLOOR AMENDMENT

SB0279/283623/2

BY: Senator Jacobs

AMENDMENTS TO SENATE BILL 279
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Repeal" and substitute "Restriction"; in line 3, strike the first "repealing" and substitute "restricting"; in the same line, after "penalty" insert "to a case in which the court or jury finds beyond a reasonable doubt that a certain defendant committed murder in the first degree and rape of a certain child"; strike beginning with "repealing procedures" in line 3 down through "penalty;" in line 4; in line 4, after "providing" insert ", with certain exceptions,"; strike beginning

with "providing" in line 8 down through "penalty;" in line 11; in lines 12 and 16, in each instance, strike "repeal" and substitute "restriction"; and in line 17, after "penalty" insert "to certain cases".

On pages 1 and 2, strike in their entirety the lines beginning with line 18 on page 1 through line 18 on page 2, inclusive.

On page 2, in line 19, after "repealing" insert "and reenacting, without amendments,"; strike beginning with "2–103(h)" in line 21 down through "Appeals"" in line 22 and substitute "2–201(b)"; in line 27, strike "2–201(b), 2–304(a), 2–305, and 14–101" and substitute "2–202 and 2–303"; and strike in their entirety lines 30 through 40, inclusive.

On page 3, strike in their entirety lines 1 through 16, inclusive; strike beginning with "That" in line 18 down through "ENACTED," in line 25.

AMENDMENT NO. 2

On pages 3 through 9, strike in their entirety the lines beginning with line 27 on page 3 through line 28 on page 9, inclusive.

On page 9, strike line 30 in its entirety.

AMENDMENT NO. 3

On page 10, strike in their entirety lines 1 through 4, inclusive; in lines 8, 9, and 10, in each instance, strike the bracket; in line 10, strike "**(II)**"; and in lines 11, 12, and 15, in each instance, strike the bracket; strike beginning with the colon in line 19 down through "(i)" in line 20; strike beginning with the semicolon in line 20 down through "rely" in line 22 and substitute "**BECAUSE THE MURDER WAS COMMITTED WHILE THE DEFENDANT WAS COMMITTING OR ATTEMPTING TO COMMIT RAPE IN THE FIRST DEGREE OF A CHILD UNDER THE AGE OF 12 YEARS**"; strike beginning with "(i)" in line 23 down through "title," in line 24; and in the same line, strike "or" and substitute "**AND**".

On pages 10 and 11, strike in their entirety the lines beginning with line 25 on page 10 through line 3 on page 11.

AMENDMENT NO. 4

On page 11, in lines 17 and 27, in each instance, strike the bracket; strike in their entirety lines 18 through 26, inclusive; in line 28, strike "(1)"; strike beginning with the first "the" in line 28 down through "(i)" in line 29 and substitute a "**:**

(1)";

and in line 30, strike the period and substitute "**; AND**".

On page 12, in lines 1, 2, and 4, strike "(ii)", "1.", and "2.", respectively, and substitute "**(2)**", "**(I)**", and "**(II)**", respectively; and strike in their entirety lines 6 through 18, inclusive.

AMENDMENT NO. 5

On page 13, in line 23, strike "an" and substitute "**THE**"; and in line 24, strike "listed" and substitute "**SPECIFIED**".

AMENDMENT NO. 6

On page 14, in line 20, strike "any of the following" and substitute "**THE**"; and in line 21, strike "circumstances" and substitute "**CIRCUMSTANCE OF THE DEFENDANT COMMITTING THE MURDER WHILE COMMITTING OR ATTEMPTING TO COMMIT RAPE IN THE FIRST DEGREE OF A CHILD UNDER THE AGE OF 12 YEARS**".

AMENDMENT NO. 7

On pages 14 and 15, strike beginning with the colon in line 21 on page 14 down through "degree" in line 18 on page 15.

On page 15, strike beginning with "one" in line 19 down through "exist" in line 20 and substitute "**THE AGGRAVATING CIRCUMSTANCE UNDER PARAGRAPH (1) OF THIS SUBSECTION EXISTS**".

AMENDMENT NO. 8

On page 16, strike beginning with "one" in line 11 down through "circumstances" in line 12 and substitute "**THE AGGRAVATING CIRCUMSTANCE**"; and in line 12, strike "exist" and substitute "**EXISTS**".

AMENDMENT NO. 9

On page 17, in lines 9, 10, 11, 22, and 25, in each instance, strike "circumstances" and substitute "**CIRCUMSTANCE**"; in lines 10, 12, and 23, in each

instance, strike "outweigh" and substitute "**OUTWEIGHS**"; in lines 14 and 26, in each instance, strike "do" and substitute "**DOES**"; in line 20, strike "each" and substitute "**THAT THE**"; in the same line, strike "found" and substitute "**WAS FOUND UNDER SUBSECTION (G) OF THE SECTION**"; and in line 22, strike "any" and substitute "**THE**".

On page 18, in line 27, strike the bracket.

On pages 18 through 24, strike in their entirety the lines beginning with line 28 on page 18 through line 31 on page 24, inclusive.

AMENDMENT NO. 10

On page 24, in line 32, strike "4." and substitute "2."; and in the same line, after "That" insert ", except for a sentence of death imposed for a murder committed while the defendant was committing or attempting to commit rape in the first degree of a child under the age of 12 years,".

On page 25, in lines 4, 7, 11, and 14, strike "5.", "6.", "7.", and "8.", respectively, and substitute "3.", "4.", "5.", and "6.", respectively; in line 6, strike "repeal" and substitute "restriction"; and in line 8, after "report" insert ", in accordance with § 2–1246 of the State Government Article,".

Senator Pipkin moved, duly seconded, to recommit the Bill.

The motion was rejected by a roll call vote as follows:

Affirmative – 23 Negative – 23 (See Roll Call No. 295)

The preceding 10 amendments were withdrawn.

FLOOR AMENDMENT

SB0279/743725/1

BY: Senator Harrington

AMENDMENT TO SENATE BILL 279
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Raskin" and substitute "Raskin, and Harrington".

The preceding amendment was read only.

Senator Pipkin moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 296)

ADJOURNMENT

At 5:10 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 9:00 A.M. on Wednesday, March 4, 2009.

Annapolis, Maryland
Wednesday, March 4, 2009
9:00 A.M. Session

The Senate met at 9:15 A.M.

Prayer by Pastor Steve Merki, Lifestream Church of Nazarene, Waldorf, Md., guest of Senator Middleton.

(See Exhibit A of Appendix III)

The Journal of March 3, 2009 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 298)

INTRODUCTION OF BILLS

Senate Bill 1017 – Senator Colburn

AN ACT concerning

Marine Contractors – Licensure and Regulation – Wetland Permits and Authorizations

FOR the purpose of requiring certain persons to be licensed as marine contractors by the Department of the Environment before performing certain work in this State; authorizing the Secretary of the Environment to exercise certain powers to carry out the Secretary's duties with respect to the licensing and regulation of marine contractors; requiring the Secretary to adopt certain regulations and keep a certain roster containing certain information relating to licensed marine contractors; providing that an applicant for a marine contractor's license must meet certain criteria; requiring an applicant for a marine contractor's license to submit certain documents and pay a certain fee; requiring that the application form provided by the Secretary require certain information from the applicant; requiring that the application form provided by the Secretary contain a certain statement; requiring the applicant to sign the application form under oath; prohibiting the Secretary from issuing a license under certain circumstances; requiring the Secretary to issue a license of a certain duration to certain

applicants; requiring the Secretary to include certain information on the license; providing that a license is void under certain circumstances; providing that while a license is in effect, it authorizes the licensee to take certain actions; requiring the Secretary to stagger the terms of licenses; providing for the expiration and renewal of licenses; requiring the Secretary to mail a renewal form and notice containing certain information to the applicant at a certain address by a certain time; authorizing a licensed marine contractor to renew the license under certain circumstances, including payment of a certain fee; requiring the Secretary to renew the license of a licensed marine contractor under certain circumstances; requiring a licensee that is a firm to provide written notice to the Secretary under certain circumstances; authorizing the Secretary to deny, suspend, or revoke the license under certain circumstances; requiring the Secretary to follow certain notice procedures and hold a certain hearing before taking final action to deny, revoke, or suspend the license; providing that acts or omissions by certain parties may be attributed to certain applicants or licensees; providing for certain penalties for knowingly violating certain provisions of law; requiring the Department to grant, deny, or condition certain nontidal wetlands permits on or before a certain length of time; exempting a certain project from a certain permit application fee; requiring a flat application fee for certain wetlands permits or authorizations under certain circumstances; providing licensed marine contractors with immunity from civil suit under certain circumstances; requiring the Department to provide certain information on the Department's website and make a final decision on a certain permit application by a certain time under certain circumstances; requiring the Department to exempt licensed marine contractors from certain permitting requirements for certain projects; requiring the Department to adopt by regulation certain criteria to identify the projects qualifying for exemption in consultation with a certain association; requiring a person to hire or consult a licensed marine contractor under certain circumstances; establishing certain administrative fines for failing to hire or consult a licensee as required; requiring the Department to adopt certain regulations for certain purposes; defining certain terms and altering the definition of a certain term; and generally relating to the licensure and regulation of marine contractors and the wetlands permitting and authorization process.

BY adding to
Article – Business Occupations and Professions
Section 22–101 through 22–401 to be under the new title "Title 22. Marine Contractors"
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 1–607(b), 5–101, 5–203.1(a)(3), (b), (d), and (e), and 16–101
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Environment
Section 5–203.1(a)(1)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY adding to
Article – Environment
Section 5–203.1(d), 16–106, 16–107, and 16–108
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 1018 – Senator Garagiola

AN ACT concerning

State Retirement and Pension System – Investments – Qualified Technology or Bioscience Businesses

FOR the purpose of requiring the Board of Trustees of the State Retirement and Pension System to invest a certain amount of the assets of the several systems in certain types of businesses; defining a certain term; and generally relating to the Board of Trustees investing the assets of the several systems in qualified technology or bioscience businesses.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–123(c)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 1019 – Senators McFadden and Robey

AN ACT concerning

State Police Retirement System – Reemployment of Retirees

FOR the purpose of exempting from a certain offset of a retirement allowance certain retirees of the State Police Retirement System who are reemployed as police employees at certain ranks; requiring certain retirees of the State Police Retirement System who are reemployed under certain circumstances to terminate participation in the Deferred Retirement Option Program and receive

a certain lump sum payment prior to being reemployed by the Department of State Police; requiring that certain retirees of the State Police Retirement System who are reemployed and injured under certain circumstances receive a certain adjustment to their retirement allowance; requiring that the Board of Trustees for the State Retirement and Pension System pay a certain death benefit under certain circumstances; requiring the Department of State Police to provide the State Retirement Agency with certain information; providing that certain retirees of the State Police Retirement System may only be reemployed for a certain period of time; requiring the Department of State Police to submit certain reports by a certain date to certain committees; making certain technical changes; and generally relating to the reemployment of retirees in the State Police Retirement System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 24–405
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing
Article – State Personnel and Pensions
Section 24–405.1
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 1020 – Senators Muse and Currie

AN ACT concerning

Economic Development – Maryland Stadium Authority – Prince George's County Soccer Stadium

FOR the purpose of authorizing the Maryland Stadium Authority to review certain matters and make certain recommendations relating to the Prince George's County Soccer Stadium; authorizing the Authority to acquire by certain means a Prince George's County Soccer Stadium site or an interest in the site; requiring the Authority to transfer certain lease payments to the Prince George's County Soccer Stadium Financing Fund under certain circumstances; providing for the application of certain provisions; requiring the Authority to submit a certain annual report to the Governor and the General Assembly; prohibiting the Board of Public Works from approving an issuance by the Authority of certain bonds under certain circumstances; requiring the Authority, with certain exceptions, to comply with certain requirements to finance certain site acquisition and construction activities; requiring the

Authority to provide a financing plan containing certain information to the fiscal committees of the General Assembly by a certain time; requiring the Authority to obtain the approval of the Board of Public Works for certain matters; requiring the Authority to carry out certain tasks and secure certain agreements containing certain terms to carry out the Authority's duties under this Act; prohibiting the Authority from hiring a contractor for certain purposes without a certain party's approval; prohibiting the Authority from transferring by certain means the Authority's interest in certain property under certain conditions; establishing the Prince George's County Soccer Stadium Financing Fund; providing that the Fund is continuing and nonlapsing; requiring the Authority to use the Fund for certain purposes; providing for the composition of the Fund; authorizing the Authority to pledge or to charge the Fund for certain purposes; requiring the State Treasurer to invest the Fund in a certain way; prohibiting any portion of the Fund from reverting or being credited to the General Fund or any special fund of the State; defining certain terms; and generally relating to the financing and construction of the Prince George's County Soccer Stadium.

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 10–601(k), (x), and (y), 10–613(b), 10–618, 10–620(d), 10–621, 10–625, and 10–628(c)
Annotated Code of Maryland
(2008 Volume)

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 10–620(a)(1) and 10–628(a)
Annotated Code of Maryland
(2008 Volume)

BY adding to
Article – Economic Development
Section 10–601(x), (y), and (z), 10–645, and 10–656
Annotated Code of Maryland
(2008 Volume)

Read the first time and referred to the Committee on Rules.

Senate Bill 1021 – Senator Harrington

AN ACT concerning

Environment – Dishwashing Detergent Containing Phosphorus – Penalties

FOR the purpose of altering the penalty for selling, manufacturing, or distributing certain household dishwashing detergents after a certain date; and generally relating to dishwashing detergents containing phosphorus.

BY repealing and reenacting, without amendments,
Article – Environment
Section 9–1503
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1505
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 1022 – Senators Mooney and Muse

AN ACT concerning

Driving While Under the Influence of Alcohol or Impaired by a Controlled Dangerous Substance – First Offense – Minimum Sentence

FOR the purpose of establishing a certain minimum penalty for a first offense of driving while under the influence of alcohol or driving while impaired by a controlled dangerous substance; requiring that a mandatory minimum sentence of imprisonment imposed under this Act include confinement on certain days; prohibiting a court from imposing a penalty less than a certain minimum penalty; prohibiting a court from suspending any part of a certain minimum penalty; and generally relating to the penalty for driving while under the influence of alcohol or driving while impaired by a controlled dangerous substance.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–902(a) and (d)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 27–101(k)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 1023 – Senator Mooney

AN ACT concerning

Maryland Sesquicentennial of the American Civil War Commission

FOR the purpose of establishing the Maryland Sesquicentennial of the American Civil War Commission; providing for the composition, terms, and staffing of the Commission; providing certain reimbursement for travel expenses; specifying the duties of the Commission; requiring the Commission to make a certain report to the Governor and the General Assembly on or before a certain date annually; establishing the Maryland Sesquicentennial of the American Civil War Commission Fund; specifying the purposes, contents, and uses of the Fund; providing for the termination of this Act; defining certain terms; and generally relating to the Maryland Sesquicentennial of the American Civil War Commission.

BY adding to
Article – State Government
Section 9–2801 through 9–2804 to be under the new subtitle "Subtitle 28. Maryland Sesquicentennial of the American Civil War Commission"
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 1024 – Senator McFadden

AN ACT concerning

Creation of a State Debt – Baltimore City – Eastside Youth Center Expansion

FOR the purpose of authorizing the creation of a State Debt not to exceed $75,000, the proceeds to be used as a grant to the Board of Directors of the Historic East Baltimore Community Action Coalition, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Rules.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 289 – Delegate Proctor

AN ACT concerning

Attorney General – State Legal Business – Hiring Counsel

FOR the purpose of making more uniform certain exceptions to certain roles of the Attorney General or a designee of the Attorney General; authorizing an officer or unit of State government to employ or be represented by certain individuals under certain circumstances; and generally relating to State legal business.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 13–107
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 6–105
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 6–106
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 662 – ~~Delegate Vaughn~~ Delegates Vaughn, McHale, Minnick, and Walkup

EMERGENCY BILL

AN ACT concerning

Business Regulation – Home Builder Guaranty Fund – Fee

FOR the purpose of requiring certain home builders to pay the Home Builder Guaranty Fund fee to a municipal corporation; requiring certain home builders

to pay the fee for residential units in multiple–unit developments to a county or municipal corporation; requiring a municipal corporation to remit a certain fee to the Consumer Protection Division of the Office of the Attorney General; authorizing a county or municipal corporation to retain a certain amount of certain fee revenues to recover certain administrative costs; making this Act an emergency measure; and generally relating to the Home Builder Guaranty Fund fee.

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 4.5–101(d), 4.5–601(a), and 4.5–703(a) and (b)(1)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 4.5–704
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #8

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 202 – Senators Kelley, Conway, Currie, Forehand, Kasemeyer, Pugh, and Stone

AN ACT concerning

Identity Fraud – Seizure and Forfeiture of Property

SB0202/378877/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 202
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2, 17, and 27, in each instance, strike "Identity Fraud" and substitute "Financial Crimes"; and in line 4, strike "identity fraud" and substitute "certain financial crimes".

AMENDMENT NO. 2

On page 11, in line 23, strike "**IDENTITY FRAUD**" and substitute "**FINANCIAL CRIMES**"; after line 26, insert:

"**(B) "FINANCIAL CRIMES LAW" MEANS TITLES 7 AND 8 OF THE CRIMINAL LAW ARTICLE AND TITLE 11, SUBTITLE 3 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE.**";

in line 27, strike "**(B)**" and substitute "**(C)**"; and in line 29, strike "**(C)**" and substitute "**(D)**".

AMENDMENT NO. 3

On page 12, strike in their entirety lines 1 and 2; and in lines 8, 17, 20, 21, and 29, in each instance, strike "**IDENTITY FRAUD**" and substitute "**FINANCIAL CRIMES**".

AMENDMENT NO. 4

On page 13, in lines 2, 4, 10, 15 and 16, 28, 29, 31, and 32, in each instance, strike "**IDENTITY FRAUD**" and substitute "**FINANCIAL CRIMES**".

AMENDMENT NO. 5

On page 14, in lines 9 and 31, in each instance, strike "**IDENTITY FRAUD**" and substitute "**FINANCIAL CRIMES**".

AMENDMENT NO. 6

On page 15, in line 2, strike "**IDENTITY FRAUD**" and substitute "**A VIOLATION OF THE FINANCIAL CRIMES LAW**"; and in lines 31 and 32, strike "**IDENTITY FRAUD**" and substitute "**FINANCIAL CRIMES**".

AMENDMENT NO. 7

On page 16, in lines 16 and 22, in each instance, strike "**IDENTITY FRAUD**" and substitute "**FINANCIAL CRIMES**".

AMENDMENT NO. 8

On page 17, in lines 9, 19, and 29, in each instance, strike "**IDENTITY FRAUD**" and substitute "**FINANCIAL CRIMES**".

AMENDMENT NO. 9

On page 18, in line 10, strike "**IDENTITY FRAUD**" and substitute "**VIOLATION OF THE FINANCIAL CRIMES LAW**"; in lines 10 and 12, in each instance, strike "**FRAUD**" and substitute "**VIOLATION**"; and in line 25, strike "**IDENTITY FRAUD**" and substitute "**FINANCIAL CRIMES**".

The preceding 9 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 431 – Senator Greenip

AN ACT concerning

Vehicle Laws – School Buses – Paint Standards

SB0431/768977/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 431
(First Reading File Bill)

On page 2, in line 29, strike "October" and substitute "July".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #7

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 458 – Senator Jones (Chair, Joint Committee on the Management of Public Funds) and Senators Currie, Forehand, and Haines

AN ACT concerning

State Treasurer – Local Government Units – Local Debt Policies

Favorable report adopted.

FLOOR AMENDMENT

SB0458/573625/1

BY: Senator Jones

AMENDMENT TO SENATE BILL 458
(First Reading File Bill)

On page 6, strike beginning with "Mayor" in line 2 down through "Baltimore" in line 3 and substitute "**BALTIMORE CITY BOARD OF ESTIMATES**".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 517 – Senator Jones (Chair, Joint Committee on the Management of Public Funds) and Senators Currie, Forehand, and Haines

AN ACT concerning

State Debt – Annuity Bond Fund – Payment of Fiscal Agents

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 579 – Senator Jones (Chair, Joint Committee on the Management of Public Funds) and Senators Currie, Forehand, and Haines

AN ACT concerning

State Checks – Electronic Publication of Payee Names

SB0579/939631/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 579
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike the second "and" and substitute a comma; in line 6, after "Fund" insert ", and the Unpresented Checks Fund"; and in line 9, after "7–229" insert "and 7–230".

AMENDMENT NO. 2

On page 2, after line 33, insert:

"7–230.

(a) In this section, "Fund" means the Unpresented Checks Fund.

(b) There is an Unpresented Checks Fund.

(c) At the end of each fiscal year, the Treasurer shall:

(1) identify each check that:

(i) has been issued against the money of the State; and

(ii) has remained unpresented for 2 years;

(2) request the Comptroller to credit the aggregate amount of the checks to the Fund.

(d) At the end of each fiscal year, the Treasurer shall:

(1) determine a reasonable minimum balance to retain in the Fund that will be needed to honor each check that is presented after its amount has been credited to the Fund; and

(2) request the Comptroller to transfer the balance in the Fund to the General Fund of the State.

(e) After the amount of a check has been credited to the Fund, on a warrant charged against the Fund, the Treasurer, the Chief Deputy Treasurer, or a deputy treasurer may reissue a check that is presented for payment.

(f) As required by State or federal law, or as considered proper by the Treasurer, the Treasurer, the Chief Deputy Treasurer, or a deputy treasurer shall:

(1) void an unpresented check; and

(2) request the Comptroller to transfer the amount of the voided check to:

(i) the original source of the money; or

(ii) another fund or account.

(g) Unpresented checks credited to the Fund are not subject to Title 17 of the Commercial Law Article.

(H) NOTWITHSTANDING § 10–617 OF THE STATE GOVERNMENT ARTICLE, AT THE END OF EACH FISCAL YEAR, THE TREASURER MAY ELECTRONICALLY PUBLISH ON THE TREASURER'S WEBSITE THE NAMES OF PAYEES OF CHECKS THAT HAVE REMAINED UNPRESENTED FOR 2 YEARS OR MORE.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 279 – Senator Gladden and the President (By Request – Administration) and Senators Currie, Exum, Frosh, Jones, Kelley, King, Lenett, Madaleno, McFadden, Muse, Peters, Pinsky, Pugh, and Raskin

AN ACT concerning

Criminal Law – Death Penalty – Repeal

STATUS OF BILL: QUESTION IS ON THE AMENDMENT (1) OFFERED FROM THE FLOOR BY SENATOR HARRINGTON.

FLOOR AMENDMENT

SB0279/743725/1

BY: Senator Harrington

AMENDMENT TO SENATE BILL 279
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Raskin" and substitute "Raskin, and Harrington".

The preceding amendment was withdrawn.

FLOOR AMENDMENT

SB0279/763922/1

BY: Senator Brochin

AMENDMENTS TO SENATE BILL 279, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of Senator Brochin's Amendments (SB0279/703826/2), strike Amendment No. 1 in its entirety.

On page 1 of Senator Zirkin's Amendments (SB0279/553820/3), in line 4 of Amendment No. 1, after "jury;" insert "prohibiting the death penalty in a case in which the State relies solely on evidence provided by eyewitnesses;".

AMENDMENT NO. 2

On pages 2 and 3 of Senator Zirkin's Amendments, strike Amendment No. 6 in its entirety.

On page 2 of Senator Brochin's Amendments, in line 2 of Amendment No. 6, after "eyewitnesses" insert "or has failed to present evidence that meets the requirements of this Act"; and in the same line, after "and" insert "the State has".

On page 25 of the bill, in line 6, after "penalty" insert "to certain cases as provided under this Act".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0279/393822/1

BY: Senator Mooney

AMENDMENTS TO SENATE BILL 279, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 11, before "providing" insert "providing a certain exception;".

AMENDMENT NO. 2

On page 2 of Senator Brochin's Amendment (SB0279/703826/2), in line 2 of Amendment No. 4, after "**(C)**" insert "**(1)**"; in the same line, strike "**A**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**"; and in line 6, after "**EYEWITNESSES**" insert "**.**

(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO THE IMPOSITION OF A SENTENCE OF DEATH IF THE STATE'S NOTICE OF INTENT

TO SEEK A SENTENCE OF DEATH RELIES ON THE AGGRAVATING CIRCUMSTANCE UNDER § 2–303(G)(1)(II) OF THIS TITLE".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 14 Negative – 33 (See Roll Call No. 299)

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #12

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 86 – Chair, Finance Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Title Insurance Producers – Regulation and Requirements

SB0086/477173/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 86
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "that" insert ", with certain exceptions,"; in the same line, strike "have" and substitute "exercise"; in line 4, strike "or custody of"; strike beginning with "requiring" in line 7 down through "regulations" in line 8 and substitute "requiring the Commission to Study the Title Insurance Industry in Maryland to examine the adequacy of a certain blanket surety bond or letter of credit and to make a certain determination under certain circumstances; defining a certain term; providing for the effective dates of this Act; providing for the application of certain provisions of this Act"; and after line 14, insert:

"BY repealing and reenacting, with amendments,
Article – Insurance

Section 10–121(e) and (f)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)
(As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,
Chapter 356 of the Acts of the General Assembly of 2008
Section 1(g)

BY repealing and reenacting, with amendments,
Chapter 357 of the Acts of the General Assembly of 2008
Section 1(g)".

AMENDMENT NO. 2

On page 1, in line 19, after "**(A)**" insert "**(1) IN THIS SUBSECTION, "TRUST MONEY" MEANS A DEPOSIT, PAYMENT, OR OTHER MONEY THAT A PERSON ENTRUSTS TO ANOTHER PERSON IN CONNECTION WITH THE PROVISION OF ESCROW, CLOSING, OR REAL ESTATE SETTLEMENT SERVICES.**

(2)";

in line 19, strike "**ONLY**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, ONLY**"; in the same line, strike "**HAVE**" and substitute "**EXERCISE**"; in line 20, strike "**OR CUSTODY OF MONEY RECEIVED OR HELD IN ESCROW OR IN**"; in line 21, after "**TRUST**" insert "**MONEY**"; and after line 21, insert:

"**(3) THIS SUBSECTION DOES NOT APPLY TO TRUST MONEY THAT IS ENTRUSTED TO:**

(I) A LAW FIRM AS DEFINED IN § 10–125 OF THIS SUBTITLE; OR

(II) A TITLE INSURER.".

On page 3, in lines 6, 8, 13, and 23, in each instance, strike the brackets; in lines 6, 8, 13, and 23, in each instance, strike "**$250,000**".

On page 5, after line 34, insert:

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

Article – Insurance

10–121.

(e) (1) In addition to meeting any of the applicable requirements for a license to act as an insurance producer under this subtitle, a sole proprietor, a limited liability company, a partnership, or a corporate applicant for a license as a title insurance producer shall file with the Commissioner:

(i) a blanket fidelity bond covering appropriate employees and title insurance producer independent contractors; and

(ii) 1. a blanket surety bond; or

2. a letter of credit.

(2) Unless the Commissioner approves a lesser amount, each bond or letter of credit shall be for **[**$100,000**] $150,000**.

(3) The Commissioner may adopt regulations that specify when it is appropriate for a bond or letter of credit to be less than **[**$100,000**] $150,000**.

(4) Notwithstanding paragraph (2) of this subsection, the Commissioner may waive the requirement for a bond or letter of credit if the Commissioner finds that bonds are not generally available or reasonably affordable.

(5) The Commissioner shall make a specific finding that states the reason for accepting a bond or letter of credit for less than **[**$100,000**] $150,000**.

(f) (1) The surety bond or letter of credit shall be for the benefit of any person that suffers a loss if the title insurance producer converts or misappropriates money received or held in escrow or trust while:

(i) acting as a title insurance producer; or

(ii) providing any escrow, closing, or settlement services.

(2) The fidelity bond shall be for the benefit of the employer of the title insurance producer who suffers any loss as described in paragraph (1) of this subsection.

(3) The total liability of the surety insurer under each bond or letter of credit may not exceed **[**$100,000**] $150,000**.".

AMENDMENT NO. 3

On page 5, before line 35, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Chapter 356 of the Acts of 2008

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(g) In order to develop recommendations, the Commission shall:

(1) review State laws relating to the title insurance industry;

(2) review the mechanisms available to enforce State laws relating to the title insurance industry and the effectiveness of those mechanisms;

(3) identify title insurance industry issues that affect consumers in Maryland;

(4) examine the rate–setting factors for title insurance premiums;

(5) examine how rates and services in a title plant state compare to those in Maryland;

(6) identify ways to improve consumer education about the title insurance industry;

(7) study whether mechanics' liens on properties scheduled for settlement have an impact on the timeliness of settlements or on title insurance premium rates;

(8) review the time limits, subsequent to closing, for the issuance of title insurance policies;

(9) study affiliated business arrangements among title insurance producers, builders, title insurance companies, realtors, lenders, and other businesses involved with the settlement of real estate transactions to determine the impact of these arrangements on title insurance premium rates; **[**and**]**

(10) (I) EXAMINE THE ADEQUACY OF THE BLANKET SURETY BOND OR LETTER OF CREDIT REQUIRED UNDER § 10–121(E) OF THE INSURANCE ARTICLE TO PROTECT CONSUMERS WHO SUFFER A LOSS FROM THE CONVERSION OR MISAPPROPRIATION BY A TITLE INSURANCE PRODUCER OF MONEY RECEIVED OR HELD IN ESCROW OR TRUST; AND

(II) IF THE COMMISSION FINDS THAT AN INCREASE IN THE AMOUNT OF THE BLANKET SURETY BOND OR LETTER OF CREDIT IS WARRANTED, DETERMINE THE IMPACT OF THE ADDITIONAL COST ON TITLE INSURANCE PRODUCERS; AND

[(10)**]** **(11)** study any other issue with significant impact on the title insurance industry.

Chapter 357 of the Acts of 2008

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(g) In order to develop recommendations, the Commission shall:

(1) review State laws relating to the title insurance industry;

(2) review the mechanisms available to enforce State laws relating to the title insurance industry and the effectiveness of those mechanisms;

(3) identify title insurance industry issues that affect consumers in Maryland;

(4) examine the rate–setting factors for title insurance premiums;

(5) examine how rates and services in a title plant state compare to those in Maryland;

(6) identify ways to improve consumer education about the title insurance industry;

(7) study whether mechanics' liens on properties scheduled for settlement have an impact on the timeliness of settlements or on title insurance premium rates;

(8) review the time limits, subsequent to closing, for the issuance of title insurance policies;

(9) study affiliated business arrangements among title insurance producers, builders, title insurance companies, realtors, lenders, and other businesses involved with the settlement of real estate transactions to determine the impact of these arrangements on title insurance premium rates; **[**and**]**

(10) (I) EXAMINE THE ADEQUACY OF THE BLANKET SURETY BOND OR LETTER OF CREDIT REQUIRED UNDER § 10–121(E) OF THE INSURANCE ARTICLE TO PROTECT CONSUMERS WHO SUFFER A LOSS FROM THE CONVERSION OR MISAPPROPRIATION BY A TITLE INSURANCE PRODUCER OF MONEY RECEIVED OR HELD IN ESCROW OR TRUST; AND

(II) IF THE COMMISSION FINDS THAT AN INCREASE IN THE AMOUNT OF THE BLANKET SURETY BOND OR LETTER OF CREDIT IS WARRANTED, DETERMINE THE IMPACT OF THE ADDITIONAL COST ON TITLE INSURANCE PRODUCERS; AND

[(10)**]** **(11)** study any other issue with significant impact on the title insurance industry.

SECTION 4. AND BE IT FURTHER ENACTED, That the increase in the amount of the fidelity bond and the blanket surety bond or letter of credit required for licensing as a title insurance producer under § 10–121(e) of the Insurance Article, as enacted by Section 2 of this Act, shall apply to all title insurance producer licenses issued or renewed on or after October 1, 2009.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2009.";

in line 35, strike "2." and substitute "6."; and in line 35, after "That" insert ", except as provided in Section 5 of this Act,".

The preceding 3 amendments were read only.

Senator Harris moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Middleton, Chair, for the Committee on Finance and Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 174 – Senator Brinkley

AN ACT concerning

Business Regulation – Vending Machine Sales – Bulk Vending Machine Exemption

SB0174/587175/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 174
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Brinkley" and substitute "Senators Brinkley, Garagiola, Glassman, Kittleman, Klausmeier, and Pugh".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 392 – Senator Exum

AN ACT concerning

Business Regulation – Registration of Retail Service Station Dealers and Sale of Gasoline Products

SB0392/607878/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 392
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "extending" and substitute "eliminating".

AMENDMENT NO. 2

On page 1, strike beginning with "and" in line 24 down through the comma in line 25.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

Senate Bill 492 – Senators Kelley, Klausmeier, and Middleton

AN ACT concerning

Community Mental Health Services Programs – Financial Statements and Salary Information

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

Senate Bill 493 – Senators Kelley, Klausmeier, and Middleton

AN ACT concerning

Mental Health Programs and Facilities – Reports of Death

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 646 – Senator Astle

AN ACT concerning

Credentialing of Health Care Providers by Managed Care Organizations and Hospitals

SB0646/407871/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 646
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Organizations" insert ", Insurance Carriers,"; in line 6, strike "requiring the Secretary of Health and Mental Hygiene to designate" and substitute "providing hospitals with the option of using"; in line 7, after "hospitals;" insert "authorizing the Maryland Insurance Commissioner to designate a certain provider credentialing application as the uniform credentialing form under certain

circumstances;"; in the same line, strike "a"; and in line 8, strike "definition" and substitute "definitions".

AMENDMENT NO. 2

On page 2, in line 20, strike the first "the" and substitute "**:**

(I) THE";

and in line 21, after "hospital" insert "**; OR**

(II) THE UNIFORM STANDARD CREDENTIALING FORM THAT THE INSURANCE COMMISSIONER DESIGNATES UNDER § 15–112.1 OF THE INSURANCE ARTICLE".

On page 3, strike in their entirety lines 12 through 15, inclusive; in lines 16 and 21, in each instance, strike the bracket; in line 16, strike "**(6)**"; and in line 21, strike "**(7)**".

AMENDMENT NO. 3

On page 5, strike beginning with "In" in line 6 down through "means" in line 9 and substitute:

"**THE COMMISSIONER MAY DESIGNATE A PROVIDER CREDENTIALING APPLICATION DEVELOPED BY A NONPROFIT ALLIANCE OF HEALTH PLANS AND TRADE ASSOCIATIONS FOR AN ONLINE CREDENTIALING SYSTEM OFFERED TO CARRIERS AND PROVIDERS AS THE UNIFORM CREDENTIALING FORM IF:**

(I) THE PROVIDER CREDENTIALING APPLICATION IS AVAILABLE TO PROVIDERS AT NO CHARGE; AND

(II) USE OF THE PROVIDER CREDENTIALING APPLICATION IS NOT CONDITIONED ON SUBMITTING THE PROVIDER CREDENTIALING APPLICATION TO A CARRIER THROUGH THE ONLINE CREDENTIALING SYSTEM".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0646/153528/1

BY: Senator Astle

AMENDMENT TO SENATE BILL 646, AS AMENDED

On page 1 of the Finance Committee Amendments (SB0646/407871/1), in line 4 of Amendment No. 2, strike "**STANDARD**".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

Senate Bill 860 – Senator Pugh

AN ACT concerning

Maryland Not–For–Profit Development Center Program – Qualifying Not–For–Profit Entity Assistance

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 270 – The President (By Request – Administration) and Senators Kelley and Middleton

EMERGENCY BILL

AN ACT concerning

Unemployment Insurance – Eligibility – Part–Time Work

STATUS OF BILL: QUESTION IS ON THE MOTION TO RECONSIDER THE VOTE BY WHICH THE FLOOR AMENDMENT FAILED.

The motion was adopted.

FLOOR AMENDMENT

SB0270/743325/1

BY: Senator Peters

AMENDMENT TO SENATE BILL 270
(First Reading File Bill)

On page 3, in line 4, strike "**15**" and substitute "**20**".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 300)

ADJOURNMENT

At 10:57 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Thursday, March 5, 2009.

Annapolis, Maryland
Thursday, March 5, 2009
10:00 A.M. Session

The Senate met at 10:18 A.M.

Prayer by Reverend Dr. Bruce Jones, LaPlata Methodist Church, guest of Senator Middleton.

(See Exhibit A of Appendix III)

The Journal of March 4, 2009 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 302)

INTRODUCTION OF BILLS

Senate Bill 1025 – Senator Kramer

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2006 – Montgomery County – Our House Youth Home

FOR the purpose of amending the Maryland Consolidated Capital Bond Loan of 2006 to extend the deadline by which the Board of Directors of Our House Youth Home, Inc. may present evidence to the Board of Public Works that a matching fund will be provided.

BY repealing and reenacting, with amendments,
Chapter 46 of the Acts of the General Assembly of 2006, as amended by Chapter 219 of the Acts of the General Assembly of 2008
Section 1(3) Item ZA01(CP) and ZA02(AZ)

Read the first time and referred to the Committee on Rules.

Senate Bill 1026 – Senator Middleton

AN ACT concerning

Telecommunications – Basic and Competitive Services – Agreement

FOR the purpose of requiring certain new residential telephone services to be classified as competitive services; requiring certain telephone services to be available in a certain manner until a certain date; requiring a certain local telephone company to develop a certain service quality program subject to approval of the Public Service Commission; authorizing the Commission to adopt certain standards by order or regulation; stating the intent of the General Assembly concerning a certain settlement agreement in certain administrative proceedings; and generally relating to local telephone companies and basic and competitive telephone exchange services.

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 4–301
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

BY adding to
Article – Public Utility Companies
Section 8–206
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 1027 – Senator Dyson

AN ACT concerning

Real Property – Conservation Easements – Disclosure

FOR the purpose of requiring a vendor of real property encumbered by one or more conservation easements to deliver to each purchaser a certain notice and copies of the conservation easements under certain circumstances; altering the form of the notice required to be delivered by a vendor to a purchaser under certain circumstances; altering the right of a purchaser to rescind a sales contract for property encumbered by a conservation easement under certain circumstances; prohibiting a purchaser who receives a certain notice and copies of conservation easements from rescinding the sales contract under certain circumstances; altering the contents of the notification a purchaser of real property encumbered by a conservation easement is required to give to the owner of the conservation easement under certain circumstances; altering a certain definition; making stylistic changes; and generally relating to the disclosure of conservation easements.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 10–705
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 1028 – Senator Middleton

AN ACT concerning

Creation of a State Debt – Charles County – Jaycees Field of Dreams

FOR the purpose of authorizing the creation of a State Debt not to exceed $125,000, the proceeds to be used as a grant to the Board of Directors of the Greater Waldorf Jaycee Foundation, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Rules.

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 86 – Chair, Finance Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Title Insurance Producers – Regulation and Requirements

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0086/477173/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 86

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "that" insert ", with certain exceptions,"; in the same line, strike "have" and substitute "exercise"; in line 4, strike "or custody of"; strike beginning with "requiring" in line 7 down through "regulations" in line 8 and substitute "requiring the Commission to Study the Title Insurance Industry in Maryland to examine the adequacy of a certain blanket surety bond or letter of credit and to make a certain determination under certain circumstances; defining a certain term; providing for the effective dates of this Act; providing for the application of certain provisions of this Act"; and after line 14, insert:

"BY repealing and reenacting, with amendments,
Article – Insurance
Section 10–121(e) and (f)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)
(As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,
Chapter 356 of the Acts of the General Assembly of 2008
Section 1(g)

BY repealing and reenacting, with amendments,
Chapter 357 of the Acts of the General Assembly of 2008
Section 1(g)".

AMENDMENT NO. 2

On page 1, in line 19, after "**(A)**" insert "**(1) IN THIS SUBSECTION, "TRUST MONEY" MEANS A DEPOSIT, PAYMENT, OR OTHER MONEY THAT A PERSON ENTRUSTS TO ANOTHER PERSON IN CONNECTION WITH THE PROVISION OF ESCROW, CLOSING, OR REAL ESTATE SETTLEMENT SERVICES.**

(2)";

in line 19, strike "**ONLY**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, ONLY**"; in the same line, strike "**HAVE**" and substitute

"**EXERCISE**"; in line 20, strike "**OR CUSTODY OF MONEY RECEIVED OR HELD IN ESCROW OR IN**"; in line 21, after "**TRUST**" insert "**MONEY**"; and after line 21, insert:

"**(3) THIS SUBSECTION DOES NOT APPLY TO TRUST MONEY THAT IS ENTRUSTED TO:**

(I) A LAW FIRM AS DEFINED IN § 10–125 OF THIS SUBTITLE; OR

(II) A TITLE INSURER.".

On page 3, in lines 6, 8, 13, and 23, in each instance, strike the brackets; in lines 6, 8, 13, and 23, in each instance, strike "**$250,000**".

On page 5, after line 34, insert:

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

Article – Insurance

10–121.

(e) (1) In addition to meeting any of the applicable requirements for a license to act as an insurance producer under this subtitle, a sole proprietor, a limited liability company, a partnership, or a corporate applicant for a license as a title insurance producer shall file with the Commissioner:

(i) a blanket fidelity bond covering appropriate employees and title insurance producer independent contractors; and

(ii) 1. a blanket surety bond; or

2. a letter of credit.

(2) Unless the Commissioner approves a lesser amount, each bond or letter of credit shall be for **[**$100,000**] $150,000**.

(3) The Commissioner may adopt regulations that specify when it is appropriate for a bond or letter of credit to be less than **[**$100,000**] $150,000**.

(4) Notwithstanding paragraph (2) of this subsection, the Commissioner may waive the requirement for a bond or letter of credit if the Commissioner finds that bonds are not generally available or reasonably affordable.

(5) The Commissioner shall make a specific finding that states the reason for accepting a bond or letter of credit for less than **[**$100,000**] $150,000**.

(f) (1) The surety bond or letter of credit shall be for the benefit of any person that suffers a loss if the title insurance producer converts or misappropriates money received or held in escrow or trust while:

(i) acting as a title insurance producer; or

(ii) providing any escrow, closing, or settlement services.

(2) The fidelity bond shall be for the benefit of the employer of the title insurance producer who suffers any loss as described in paragraph (1) of this subsection.

(3) The total liability of the surety insurer under each bond or letter of credit may not exceed **[**$100,000**] $150,000**.".

AMENDMENT NO. 3

On page 5, before line 35, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Chapter 356 of the Acts of 2008

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(g) In order to develop recommendations, the Commission shall:

(1) review State laws relating to the title insurance industry;

(2) review the mechanisms available to enforce State laws relating to the title insurance industry and the effectiveness of those mechanisms;

(3) identify title insurance industry issues that affect consumers in Maryland;

(4) examine the rate–setting factors for title insurance premiums;

(5) examine how rates and services in a title plant state compare to those in Maryland;

(6) identify ways to improve consumer education about the title insurance industry;

(7) study whether mechanics' liens on properties scheduled for settlement have an impact on the timeliness of settlements or on title insurance premium rates;

(8) review the time limits, subsequent to closing, for the issuance of title insurance policies;

(9) study affiliated business arrangements among title insurance producers, builders, title insurance companies, realtors, lenders, and other businesses involved with the settlement of real estate transactions to determine the impact of these arrangements on title insurance premium rates; **[**and**]**

(10) (I) EXAMINE THE ADEQUACY OF THE BLANKET SURETY BOND OR LETTER OF CREDIT REQUIRED UNDER § 10–121(E) OF THE INSURANCE ARTICLE TO PROTECT CONSUMERS WHO SUFFER A LOSS FROM THE CONVERSION OR MISAPPROPRIATION BY A TITLE INSURANCE PRODUCER OF MONEY RECEIVED OR HELD IN ESCROW OR TRUST; AND

(II) IF THE COMMISSION FINDS THAT AN INCREASE IN THE AMOUNT OF THE BLANKET SURETY BOND OR LETTER OF CREDIT IS WARRANTED, DETERMINE THE IMPACT OF THE ADDITIONAL COST ON TITLE INSURANCE PRODUCERS; AND

[(10)**]** **(11)** study any other issue with significant impact on the title insurance industry.

Chapter 357 of the Acts of 2008

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(g) In order to develop recommendations, the Commission shall:

(1) review State laws relating to the title insurance industry;

(2) review the mechanisms available to enforce State laws relating to the title insurance industry and the effectiveness of those mechanisms;

(3) identify title insurance industry issues that affect consumers in Maryland;

(4) examine the rate–setting factors for title insurance premiums;

(5) examine how rates and services in a title plant state compare to those in Maryland;

(6) identify ways to improve consumer education about the title insurance industry;

(7) study whether mechanics' liens on properties scheduled for settlement have an impact on the timeliness of settlements or on title insurance premium rates;

(8) review the time limits, subsequent to closing, for the issuance of title insurance policies;

(9) study affiliated business arrangements among title insurance producers, builders, title insurance companies, realtors, lenders, and other businesses involved with the settlement of real estate transactions to determine the impact of these arrangements on title insurance premium rates; **[**and**]**

(10) (I) EXAMINE THE ADEQUACY OF THE BLANKET SURETY BOND OR LETTER OF CREDIT REQUIRED UNDER § 10–121(E) OF THE INSURANCE ARTICLE TO PROTECT CONSUMERS WHO SUFFER A LOSS FROM THE CONVERSION OR MISAPPROPRIATION BY A TITLE INSURANCE PRODUCER OF MONEY RECEIVED OR HELD IN ESCROW OR TRUST; AND

(II) IF THE COMMISSION FINDS THAT AN INCREASE IN THE AMOUNT OF THE BLANKET SURETY BOND OR LETTER OF CREDIT IS WARRANTED, DETERMINE THE IMPACT OF THE ADDITIONAL COST ON TITLE INSURANCE PRODUCERS; AND

[(10)**]** **(11)** study any other issue with significant impact on the title insurance industry.

SECTION 4. AND BE IT FURTHER ENACTED, That the increase in the amount of the fidelity bond and the blanket surety bond or letter of credit required for licensing as a title insurance producer under § 10–121(e) of the Insurance Article, as enacted by Section 2 of this Act, shall apply to all title insurance producer licenses issued or renewed on or after October 1, 2009.

SECTION 5. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect October 1, 2009.";

in line 35, strike "2." and substitute "6."; and in line 35, after "That" insert ", except as provided in Section 5 of this Act,".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON RULES REPORT #5

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 942 – Senator DeGrange

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2005 – Anne Arundel County – Tipton Airport Control Tower

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 943 – Senator Stoltzfus

AN ACT concerning

Creation of a State Debt – Wicomico County – Parsonsburg Volunteer Fire Company Community Center

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 948 – Senators Forehand, Garagiola, Kelley, King, Madaleno, and Rosapepe

AN ACT concerning

Economic Development – Maryland Stem Cell Research Act – Revisions

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 949 – Senators Kelley, Astle, and Middleton

AN ACT concerning

Maryland Automobile Insurance Fund – Eligibility for Insurance Coverage – Take–Out Program

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 956 – Senator Conway

AN ACT concerning

Health Occupations Boards – Revisions

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 962 – Senator Pinsky

AN ACT concerning

Town of University Park Employees – Participation in the Employees' Pension System

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 964 – Senators Colburn and Pipkin

AN ACT concerning

Caroline County Board of Education – Election of Members – Referendum

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 965 – Senators Colburn and Pipkin

AN ACT concerning

Caroline County – School Buses – Length of Operation

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 966 – Senator Colburn

AN ACT concerning

Talbot County – Alcoholic Beverages – Winery License

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 967 – Senator Colburn

AN ACT concerning

Environment – Bay Restoration Fund – Authorized Uses

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 968 – Senators Colburn, Pipkin, and Stoltzfus

AN ACT concerning

Family Medicine Rural Health Commission

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 969 – Senator Colburn

AN ACT concerning

Income Tax Subtraction Modification – Charitable Donations – Partial Interests in Property

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 970 – Senator Colburn

AN ACT concerning

Election Law – Delay in Replacement of Voting System

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 971 – Senator Colburn

AN ACT concerning

Criminal Law – Manslaughter by Vehicle or Vessel – Fatigued Driving

The bill was re–referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 976 – Senator Jones

AN ACT concerning

Baltimore City – 44th Legislative District Alcoholic Beverages – Beer, Wine, and Liquor Tasting License

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs and the Committee on Budget and Taxation:

Senate Bill 977 – Senators Mooney and Colburn

AN ACT concerning

State Lottery – Unanticipated Revenues – Public School Systems

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs and the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 978 – Senator Mooney

AN ACT concerning

Procurement – Minority Business Enterprises – Goal–Setting

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 979 – Senator Mooney

AN ACT concerning

Wind Energy – Tax Incentives

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 980 – Senator Dyson

AN ACT concerning

State Government – State Song for Children – "The Land Mary–land"

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 981 – Senator Garagiola

AN ACT concerning

Public Service Companies – Net Energy Metering

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 982 – Senator Currie

AN ACT concerning

Creation of a State Debt – Prince George's County – Concord Historic Site

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 983 – Senator Conway

AN ACT concerning

Baltimore City – 43rd Legislative District – Alcoholic Beverages – Beer, Wine, and Liquor Tasting License

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 984 – Senator Lenett

AN ACT concerning

Task Force to Study Barriers to Voting Rights for Individuals Under Guardianship

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 985 – Senator Garagiola

AN ACT concerning

Health Insurance – Coverage for Off–Label Use of Drugs – Standard Reference Compendia

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 986 – Senator Garagiola

AN ACT concerning

Complementary Alternative Medicine Health Care Providers – Scope of Practice and Provider Registry

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 987 – Senators Exum and Kittleman

AN ACT concerning

Workers' Compensation Commission – Authority – Employer Compliance

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 989 – Senator Stone

AN ACT concerning

Criminal Procedure – Concurrent Court Jurisdiction – Second or Subsequent Offense of Failure to Register with Sex Offender Registry

The bill was re–referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 990 – Senator Stone

AN ACT concerning

Education – Reporting Requirement – Class Size

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 991 – Senators Stone, Della, Kasemeyer, Kelley, Klausmeier, Robey, and Zirkin

AN ACT concerning

Business Occupations – Crane Operators – Certificate of Competence

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 992 – Senator Kelley

AN ACT concerning

Welfare to Work – Job Skills Enhancement Program – Green Jobs

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 994 – Senator Klausmeier

AN ACT concerning

Crabbing – Crab Pots – Requirements

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 995 – Senator Garagiola

AN ACT concerning

Professional Employer Organization Recognition and Registration Act

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 996 – Senator Jones

AN ACT concerning

Creation of a State Debt – Baltimore City – Southwest Senior and Community Multipurpose Center

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 997 – Senator Muse

AN ACT concerning

Creation of a State Debt – Prince George's County – YMCA Potomac Overlook

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1008 – Senator Miller

AN ACT concerning

Creation of a State Debt – Calvert County – North Beach Boardwalk

The bill was re–referred to the Committee on Budget and Taxation.

THE COMMITTEE ON RULES REPORT #6

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1010 – Senator Colburn

AN ACT concerning

Dorchester County – New Board of License Commissioners

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1012 – Senator Kramer

AN ACT concerning

Creation of a State Debt – Montgomery County – Olney Theatre Center Campus

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1013 – Carroll County Senators

AN ACT concerning

Creation of a State Debt – Carroll County Agriculture Center

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1014 – Senators Brochin and Klausmeier

AN ACT concerning

Baltimore County – Property Tax Credit – The Northeast Youth Association, Inc.

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1015 – Senators Kittleman and Jacobs

AN ACT concerning

Election Law – E–mail Newsletters

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1016 – Senators Munson, Edwards, and Mooney

AN ACT concerning

Creation of a State Debt – Washington County – Museum of Fine Arts

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Joint Resolution be re–referred to the Committee on Judicial Proceedings:

Senate Joint Resolution 11 – Senators Harris and Mooney

A Senate Joint Resolution concerning

Opposition to the Reinstatement of the Fairness Doctrine

The bill was re–referred to the Committee on Judicial Proceedings.

THE COMMITTEE ON RULES REPORT #7

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1011 – Senators DeGrange, Currie, Jones, Kasemeyer, and Munson

AN ACT concerning

Department of Transportation – Consolidated Transportation Bonds – Issuance Procedures

The bill was re–referred to the Committee on Budget and Taxation.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 303)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #23

Senate Bill 92 – Chair, Budget and Taxation Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Motor Carriers – Identification Markers – Forged Documents – Criminal Penalties

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 304)

The Bill was then sent to the House of Delegates.

Senate Bill 122 – Senator Kelley

AN ACT concerning

Maryland Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 305)

The Bill was then sent to the House of Delegates.

Senate Bill 145 – Chair, Judicial Proceedings Committee (By Request – Maryland Judicial Conference)

AN ACT concerning

Courts – Violation of Probation or Suspension of Sentence – Notice or Warrant

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 306)

The Bill was then sent to the House of Delegates.

Senate Bill 164 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Natural Resources – Recreational Fishing Licenses – Penalties

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 307)

The Bill was then sent to the House of Delegates.

Senate Bill 169 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Department of Natural Resources – Antiquated Fish and Fisheries Laws – Repeal

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 308)

The Bill was then sent to the House of Delegates.

Senate Bill 179 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement Agency – Monitoring of Telephone Calls – Quality Assurance

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 309)

The Bill was then sent to the House of Delegates.

Senate Bill 241 – Senators Pugh, Conway, Harrington, Kelley, Muse, and Pinsky

AN ACT concerning

Education – Suspension and Expulsion Procedures – Attendance–Related Offenses

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 310)

The Bill was then sent to the House of Delegates.

Senate Bill 274 – The President (By Request – Administration)

AN ACT concerning

Tax Increment Financing and Special Taxing Districts – Transit–Oriented Development

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 311)

The Bill was then sent to the House of Delegates.

Senate Bill 339 – ~~Senator Raskin~~ Senators Raskin and Forehand

AN ACT concerning

Real Property – Abatement of Nuisance – Prostitution

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 312)

The Bill was then sent to the House of Delegates.

Senate Bill 378 – Senator Stoltzfus

AN ACT concerning

Somerset County – Fire Company – Appropriations

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 313)

The Bill was then sent to the House of Delegates.

Senate Bill 591 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Military Service Credit – Clarification and Simplification

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 314)

The Bill was then sent to the House of Delegates.

Senate Bill 592 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Compliance with Federal Tax Provisions

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 315)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #24

Senate Bill 279 – Senator Gladden and the President (By Request – Administration) and Senators Currie, Exum, Frosh, Jones, Kelley, King, Lenett, Madaleno, McFadden, Muse, Peters, Pinsky, Pugh, and Raskin

AN ACT concerning

Criminal Law – Death Penalty – ~~Repeal~~ Evidence

Senator Kittleman moved, duly seconded, to recommit the Bill.

The motion was rejected by a roll call vote as follows:

Affirmative – 15 Negative – 32 (See Roll Call No. 316)

Senator Stone moved, duly seconded, to place **Senate Bill 279** back on second reading for the purpose of adding amendments.

The motion was rejected by a roll call vote as follows:

Affirmative – 15 Negative – 32 (See Roll Call No. 317)

Read the third time and passed by yeas and nays as follows:

Affirmative – 34 Negative – 13 (See Roll Call No. 318)

The Bill was then sent to the House of Delegates.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 319)

ADJOURNMENT

At 11:20 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 11:00 A.M. on Friday, March 6, 2009 in memory of Joanne S. Parrott (former member of the Maryland House of Delegates).

Annapolis, Maryland
Friday, March 6, 2009
11:00 A.M. Session

The Senate met at 11:11 A.M.

Prayer by Reverend John Parker, Central Baptist Church of Camp Springs, guest of Senator Muse.

The Journal of March 5, 2009 was read and approved.

On motion of Senator Kasemeyer it was ordered that Senator Conway be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 324)

INTRODUCTION OF BILLS

Senate Bill 1029 – Senator Colburn

AN ACT concerning

Reorganization of State Government – Consolidating the Departments of Agriculture and the Environment into the Department of Natural Resources

FOR the purpose of restructuring State government by the consolidation of the Department of Agriculture and the Department of the Environment into the Department of Natural Resources; abolishing the Department of Agriculture and the Department of the Environment by a certain date; abolishing certain positions under these departments by a certain date; transferring all of the functions, powers, duties, equipment, assets, and liabilities of these departments to the Department of Natural Resources as of a certain date; transferring all of the boards, commissions, programs, funds, and units of these departments to the Department of Natural Resources as of a certain date, subject to a certain plan; providing for the meaning of certain names and titles in certain documents; requiring the Secretary of Budget and Management, in conjunction with the Secretary of Natural Resources, Secretary of Agriculture, and Secretary of the Environment, to develop the plan and to include certain

elements, including necessary legislation, certain provisions, a certain inventory, and a certain budget reduction goal by a certain year; requiring the plan to provide certain employees with a transfer option meeting certain requirements; providing for the transfer of certain appropriations to the Department of Natural Resources on or before a certain date; providing certain transitional provisions relating to the continuity of certain terms of office in a certain division, board, commission, authority, council, committee, office, or unit; providing for the continuity of certain rights, duties, or interests flowing from certain transactions entered into before a certain date; requiring the publisher of the Annotated Code of Maryland, in consultation with, and subject to the approval of, the Department of Legislative Services, to correct certain cross–references and terminology; providing for the continuity of certain laws and regulations, proposed regulations, and other duties and responsibilities; providing continuity for a certain license, registration, or certification; providing continuity for certain bonds and other financial instruments; requiring the Governor to include a certain appropriation in the State budget for a certain year that is consistent with the plan and that conforms to certain budget figures for a certain other year; repealing certain inconsistent laws; requiring the Secretary of Natural Resources to submit a report containing certain information to the Governor and the General Assembly on or before certain dates; making the provisions of this Act severable; defining a certain term; making certain stylistic changes and deleting an obsolete reference; and generally relating to restructuring State government by the consolidation of the Department of Agriculture and the Department of the Environment into the Department of Natural Resources.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 1–101, 1–102(a) and (b), and 1–104(a), (c), (d), (g), and (i)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing
Article – Natural Resources
Section 1–104(l)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 1030 – Senator Dyson

AN ACT concerning

Creation of a State Debt – St. Mary's County – Pathway's Facility Renovation

FOR the purpose of authorizing the creation of a State Debt not to exceed $175,000, the proceeds to be used as a grant to the Board of Directors of Pathway's, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Rules.

Senate Bill 1031 – Senator Dyson

AN ACT concerning

Creation of a State Debt – St. Mary's County – Cedar Lane Apartment Renovations

FOR the purpose of authorizing the creation of a State Debt in the amount of $300,000, the proceeds to be used as a grant to the Board of Directors of the Friends of Cedar Lane, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Rules.

Senate Bill 1032 – Senator Rosapepe

AN ACT concerning

Funding Formula to Expand K–12 Online Education

FOR the purpose of requiring the State Board of Education to set certain fees for online courses and services and payment of online courses and services of the Maryland Virtual Learning Opportunities Program in a certain manner for program course enrollees; requiring certain county boards of education to reimburse the Program a certain amount under certain circumstances; requiring the State Board to establish a certain policy for payment of Program course fees by certain individuals not enrolled in public schools; requiring the Governor to include a certain appropriation for the Program in the State budget of a certain year using certain funds; requiring the Department of Education to submit a certain report to the General Assembly beginning on a certain date each year; providing that it is the intent of the General Assembly that the Governor include a certain appropriation for the Program in the State budget of a certain year; and generally relating to funding for the Maryland Virtual Learning Opportunities Program.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–1002
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Rules.

Senate Bill 1033 – Senators Madaleno and Raskin

EMERGENCY BILL

AN ACT concerning

Special Election – Absentee Voting – Late Applications

FOR the purpose of establishing a process to allow a voter in the State to vote in certain special elections by absentee ballot; requiring local boards of elections to be open for absentee voting and to receive absentee ballots on certain days and during certain hours before a special election; making certain provisions of law applicable to absentee voting for a special election; requiring the State Board of Elections and local boards of elections to take certain steps to inform voters about a special election and about absentee voting for a special election; authorizing the State Board to adopt regulations and guidelines for the conduct of absentee voting for a special election; making this Act an emergency measure; providing for the termination of this Act; and generally relating to absentee voting for a special election.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 9–304, 9–305, and 10–102
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 1034 – Senator Brinkley

AN ACT concerning

Frederick County – Alcoholic Beverages – Sunday Sales Hours

FOR the purpose of altering the hours of sale on Sundays for certain holders of off–sale alcoholic beverages licenses in Frederick County; and generally relating to alcoholic beverages licenses in Frederick County.

BY repealing and reenacting, without amendments,

Article 2B – Alcoholic Beverages
Section 11–511(a) and (e)(2)(i), (3)(i), and (4)(i)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 11–511(e)(2)(ii), (3)(ii), and (4)(ii)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 1035 – Senators Peters, Muse, Harrington, Currie, Exum, Miller, Pinsky, and Rosapepe

AN ACT concerning

Education – Prince George's Community College Board of Trustees

FOR the purpose of altering the number of members on the Prince George's Community College Board of Trustees; requiring a certain number of the members of the Board to be appointed by the Governor, with the advice and consent of the Senate and a certain number from each of the legislative districts in the county; and generally relating to the membership of the Prince George's Community College Board of Trustees.

BY repealing and reenacting, with amendments,
Article – Education
Section 16–414
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Rules.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 3 – ~~Delegate Levy~~ Delegates Levy, Beidle, Bohanan, Bronrott, Carr, Conaway, Conway, DeBoy, Frush, Guzzone, Hecht, Jameson, Lafferty, McComas, Montgomery, Reznik, Robinson, Sophocleus, Sossi, F. Turner, Wood, Kipke, Cardin, Olszewski, Walker, Elmore, Frick, Gilchrist, Ivey, Rice, Murphy, Howard, Doory, Hixson, Barve, and Stukes

AN ACT concerning

Election Law – Access to Voting Room and Voting Booth by Minors Not Eligible to Vote

FOR the purpose of increasing the maximum age at which a minor may accompany a voter in the voting room and voting booth at a polling place under certain circumstances; and generally relating to access to the voting room and voting booth by minors at the polling place.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 10–308 and 10–310(c)
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 19 – ~~Delegate Frick~~ Delegates Frick and Haddaway

AN ACT concerning

Municipal Corporations and Taxing Districts – Financial Audits

FOR the purpose of altering the maximum annual revenues a municipal corporation or taxing district created by the State may have for purposes of eligibility under a certain exception to a requirement that a municipal corporation taxing district created by the State be audited at least once each fiscal year; altering certain threshold amounts of annual expenditures for purposes of certain audit and reporting requirements for certain special taxing districts; and generally relating to certain audit and reporting requirements for municipal corporations and taxing districts.

BY repealing and reenacting, with amendments,
Article 19 – Comptroller
Section 40
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 42 – Delegates Haddaway and Eckardt

AN ACT concerning

Dorchester County and Talbot County – Property Tax Credit for Habitat for Humanity of Talbot & Dorchester Counties, Inc.

FOR the purpose of authorizing the governing body of ~~Talbot~~ Dorchester County or Talbot County or of a municipal corporation in ~~Talbot~~ Dorchester County or Talbot County to grant, by law, a property tax credit against the county or municipal corporation property tax imposed on certain real property owned by Habitat for Humanity of Talbot & Dorchester Counties, Inc.; requiring Habitat for Humanity of Talbot & Dorchester Counties, Inc. to submit certain reports to ~~Talbot~~ Dorchester County and Talbot County; authorizing the governing ~~body~~ bodies of Dorchester County and Talbot County to set, by law, the amount, terms, scope, and duration of the credit and to provide for any other provision necessary to carry out the tax credit; providing for the application of this Act; and generally relating to authorization for a property tax credit for certain real property owned by Habitat for Humanity of Talbot & Dorchester Counties, Inc.

BY adding to
Article – Tax – Property
Section 9–311(d) and 9–322(e)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 98 – Delegates Simmons, Anderson, Barnes, Dumais, Feldman, Kramer, Levi, McComas, Rosenberg, Smigiel, Valderrama, and Waldstreicher

AN ACT concerning

Domestic Violence – Temporary Protective Orders – Extension

FOR the purpose of altering the period of time for which a judge is authorized to extend a temporary protective order to effectuate service of the order where necessary to provide protection or for other good cause; and generally relating to temporary protective orders.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–505
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 143 – Delegates Anderson, Doory, Oaks, and Stukes (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Newly Constructed Dwelling Property Tax Credit – Modification and Reauthorization

FOR the purpose of authorizing the Mayor and City Council of Baltimore City to establish certain maximum limits for a certain property tax credit; authorizing the Mayor and City Council of Baltimore City to establish certain application periods; authorizing the Mayor and City Council of Baltimore City to establish a one–time application amnesty period subject to certain restrictions; altering the termination date applicable to certain provisions; requiring the Mayor and City Council of Baltimore City to establish necessary and appropriate procedures to carry out the property tax credit; defining a certain term; and generally relating to the newly constructed dwelling property tax credit in Baltimore City.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–304(d)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 144 – Delegates Waldstreicher, Anderson, Barnes, Benson, Carr, Dumais, Haynes, Hecht, Ivey, Kramer, Kullen, Lee, McConkey, Montgomery, Pena–Melnyk, Ramirez, Rosenberg, Ross, Simmons, Tarrant, and Valderrama

AN ACT concerning

Social Services Administration ~~– Children at Substantial Risk of Abuse or Neglect – Identification and Notice~~ and Department of Health and Mental Hygiene – Parents Responsible for Child Abuse or Neglect – Birth of Subsequent Child

FOR the purpose of requiring the Secretary of Health and Mental Hygiene to provide certain birth record information to the Executive Director of the Social Services Administration in the Department of Human Resources under certain circumstances; requiring the Executive Director to provide certain information regarding certain individuals to the Secretary; requiring the Executive Director to take certain action following the receipt of certain information from the Secretary; providing a certain exception to the confidentiality of certain vital records; and generally relating to the Social Services Administration , the Department of Health and Mental Hygiene, and ~~children at substantial risk of abuse or neglect.~~ child abuse and neglect.

BY adding to
Article – Health – General
Section 4–222
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 4–224
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article – Family Law
Section 5–715
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 148 – Calvert County Delegation

AN ACT concerning

Calvert County – Reimbursement of Costs – Authority

FOR the purpose of authorizing Calvert County to seek reimbursement for certain cleanup costs from ~~certain fines collected by the Department of the Environment for certain violations~~ a certain person under certain circumstances; and generally relating to authorizing Calvert County to seek reimbursement for certain cleanup costs.

BY adding to
Article 25 – County Commissioners
Section 238
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 177 – Delegates Lafferty, O'Donnell, Bohanan, V. Clagett, Holmes, Kullen, Levy, Murphy, and Wood

AN ACT concerning

Natural Resources – Oyster Shell Purchase Program – Fair Market Value

FOR the purpose of requiring certain dealers to reserve oyster shells for a certain period after the opening of each annual public shellfish fishery season; altering the conditions under which a certain dealer shall reserve certain oyster shells; requiring the Department of Natural Resources to set, in consultation with the Oyster Advisory Commission and the Tidal Fisheries Advisory Commission, the annual fair market value the Department will pay for certain oyster shells and for the transport and placement of certain oyster shells under the Oyster Shell Purchase Program; requiring the Department to adopt certain regulations; repealing a certain oyster shell price ceiling under the Program; and generally relating to the Oyster Shell Purchase Program.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–1019.2
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 218 – Delegate Beitzel

AN ACT concerning

Garrett County – Sanitary Commission – Collection of Unpaid Benefit Assessments

FOR the purpose of authorizing the sanitary commission in Garrett County to take certain action to enforce the collection of certain unpaid benefit assessments or other charges; and generally relating to the powers of the sanitary commission in Garrett County.

BY repealing and reenacting, without amendments,
Article – Environment
Section 9–658(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–658(g)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 225 – Calvert County Delegation

AN ACT concerning

Calvert County – 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 ~~$24,613,000~~ $19,025,000 to finance the construction, improvement, or development of certain public 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.

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 269 – Caroline County Delegation

AN ACT concerning

Caroline County – Tax Sales – Auctioneer Fees

FOR the purpose of altering the fees auctioneers are allowed at tax sales in Caroline County; and generally relating to tax sales in Caroline County.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 14–813(e)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 299 – The Speaker (By Request – Administration) (Task Force to Combat Driving Under the Influence of Drugs and Alcohol) and Delegates Dumais, Bronrott, Lafferty, and Waldstreicher

AN ACT concerning

Criminal Law – Alcoholic Beverages – Underage Individuals – Prohibitions and Penalties

FOR the purpose of prohibiting an individual under a certain age from consuming~~, or exhibiting certain effects from consuming, alcoholic beverages~~ an alcoholic beverage; providing certain exceptions; making the furnishing of an alcoholic beverage to a certain individual a crime under certain circumstances; establishing certain penalties for certain violations of this Act; ~~requiring the Motor Vehicle Administration to suspend for a certain period of time the driver's license of a person who commits certain alcohol–related violations; authorizing the Motor Vehicle Administration to modify a certain suspension under certain circumstances;~~ and generally relating to certain alcoholic beverage violations involving underage individuals under certain circumstances.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 10–113, 10–115, 10–117, 10–118, and 10–120
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–114, 10–116, and 10–119
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

BY adding to
Article – Criminal Law
Section 10–121
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – Transportation~~
~~Section 16–205(g)~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2008 Supplement)~~

~~BY adding to~~
~~Article – Transportation~~
~~Section 16–206(c–1)~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2008 Supplement)~~

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 301 – The Speaker (By Request – Administration) (Task Force to Combat Driving Under the Influence of Drugs and Alcohol) and Delegates Dumais, Bronrott, and Waldstreicher

AN ACT concerning

Criminal Procedure – Drunk and Drugged Driving – Probation Before Judgment

FOR the purpose of extending the period of time preceding a subsequent violation by a defendant of certain alcohol– or drug–related driving offenses during which a previous conviction or probation of the defendant for certain alcohol– or drug–related driving offenses prohibits a court from staying entry of judgment, or striking an entry of judgment, and placing the defendant on probation for the subsequent violation; and generally relating to probation before judgment for certain alcohol– or drug–related driving offenses.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 6–220(d) and 6–230
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 305 – The Speaker (By Request – Administration) (Task Force to Combat Driving Under the Influence of Drugs and Alcohol) and Delegates Dumais, Bronrott, and Waldstreicher

AN ACT concerning

Vehicle Laws – Alcohol Restriction on Driver's License – Penalties for Violations

FOR the purpose of establishing certain penalties for a violation of a driver's license alcohol restriction imposed by the Motor Vehicle Administration; making a clarifying change; and generally relating to driver's license alcohol restrictions.

BY repealing and reenacting, with amendments,

Article – Transportation
Section 16–113(j), 27–101(c)(11), and 27–102
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 332 – Delegates Frank, Aumann, Bartlett, Bates, Beitzel, Boteler, Bromwell, Conaway, Dwyer, Eckardt, Elliott, Elmore, George, Haddaway, Impallaria, Jennings, Kach, Kelly, Kirk, Kramer, Krebs, McComas, McConkey, McDonough, Miller, Myers, Norman, O'Donnell, Riley, Robinson, Schuh, Schuler, Serafini, Shank, Shewell, Smigiel, Sossi, Stifler, Stocksdale, Stull, ~~and Walkup~~ Walkup, and Anderson

AN ACT concerning

Victims of Crime – Burglary and Crimes of Violence – Civil Immunity

FOR the purpose of providing that a person may not be liable for damages for a personal injury or death of an individual who enters the person's dwelling or place of business with the intent to commit certain crimes under certain circumstances; defining a certain term; providing for the application of this Act; and generally relating to providing certain immunity from civil liability to a victim of certain crimes under certain circumstances.

BY adding to
Article – Courts and Judicial Proceedings
Section 5–808
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 6–202 through 6–204 and 14–101(a)
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 408 – Delegate Malone

EMERGENCY BILL

AN ACT concerning

Automotive Dismantlers, Recyclers, and Scrap Processors – Notice of Vehicle Acquisition

FOR the purpose of expanding the exception to the requirement that an automotive dismantler and recycler or scrap processor provide certain notice of vehicle acquisition to include vehicles obtained through an out–of–state salvage certificate; making this Act an emergency measure; and generally relating to notice of vehicle acquisition by automotive dismantlers, recyclers, and scrap processors.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 15–511
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 422 – Delegates Shewell, DeBoy, Ali, Aumann, Barkley, Barnes, Beidle, Beitzel, Bohanan, Boteler, Branch, Bromwell, Bronrott, Burns, Cane, Carr, G. Clagett, Conway, Costa, Davis, Donoghue, Dumais, Eckardt, Elliott, Elmore, Frank, George, Glenn, Guzzone, Haddaway, Hecht, Heller, Holmes, Impallaria, James, Jennings, Kach, Kelly, King, Kipke, Kramer, Krebs, Kullen, Lafferty, Lee, Levy, Love, Malone, Manno, Mathias, McComas, McConkey, McDonough, McHale, Miller, Minnick, Montgomery, Morhaim, Norman, O'Donnell, Olszewski, Riley, Robinson, Rudolph, Schuh, Schuler, Serafini, Smigiel, Sophocleus, Sossi, Stein, Stocksdale, Stull, Tarrant, F. Turner, Valderrama, Waldstreicher, Walker, Walkup, Weir, Weldon, and Wood

AN ACT concerning

Family Law – Child Custody and Visitation – Military Duty

FOR the purpose of requiring ~~that, in a child custody or visitation proceeding involving a parent who is on certain active military duty,~~ that any order or modification of an existing child custody or visitation order issued by ~~the~~ a court during ~~certain active military duty of the~~ a certain deployment of a parent specifically reference certain information; requiring a parent, under certain circumstances, to specifically reference certain information in a certain petition for child custody or visitation; requiring the court, if a certain petition is filed within a certain time period after the end of ~~certain active military duty, to hear and rule~~ a certain deployment, to set a hearing on the petition on an expedited basis; authorizing the court, under extenuating circumstances, to ~~hear and rule~~ set a hearing on a certain petition on an expedited basis whenever the petition is filed; ~~establishing that the end of certain active military duty of a parent constitutes a material change of circumstances that affects the welfare of the child for purposes of modifying a child custody order~~ requiring any custody or visitation order issued based on a certain deployment of a parent to contain

certain provisions; defining the term "deployment"; and generally relating to active military duty and child custody or visitation orders.

BY adding to
Article – Family Law
Section 9–107
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 449 – Delegates Manno and Sossi and Delegates Aumann, Bromwell, Cane, Cardin, Dumais, Eckardt, Elmore, Feldman, Frush, Haddaway, Hucker, Impallaria, Jameson, Kach, Kaiser, Kipke, Levy, Mathias, Montgomery, Murphy, Proctor, Rice, Rudolph, Smigiel, Walkup, Weir, and Wood

AN ACT concerning

Maryland Organic Transition Investment Pilot Program (MO–TIPP)

FOR the purpose of establishing the Maryland Organic Transition Investment Pilot Program in the Department of Agriculture; requiring the Secretary of Agriculture to develop and implement the Pilot Program under certain circumstances; requiring the Department to submit a certain report on or before a certain date; establishing the Organic Agriculture Development Fund; establishing the purpose and uses of the Fund; requiring the Secretary to administer the Fund; establishing that the Fund is a special, nonlapsing fund; establishing eligibility requirements for the Fund; requiring certain producers that receive certain funding to report to the Department on or before a certain date; requiring the Department to adopt certain regulations; defining certain terms; providing for the interpretation of this Act; providing for the termination of this Act; and generally relating to organic agricultural production.

BY adding to
Article – Agriculture
Section 10–14A–01 through 10–14A–05 to be under the new subtitle "Subtitle 14A. Maryland Organic Transition Investment Pilot Program"
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 485 – Delegate Olszewski

AN ACT concerning

Maryland Youth Advisory Council – Youth Members

FOR the purpose of altering the term of a youth member of the Maryland Youth Advisory Council; altering the term of a youth member who is elected cochair of the Council; requiring the State Department of Education to categorize certain school absences of a youth member as lawful absences under certain circumstances; providing that the terms of the youth members of the Council in office on a certain date shall expire on a certain date; and generally relating to youth members on the Maryland Youth Advisory Council.

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–2701
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 544 – Delegates Hucker, Ali, Glenn, Holmes, Lafferty, Shank, Sossi, and Stein

AN ACT concerning

Real Property – Mechanic's Lien – Certified Interior Design Services

FOR the purpose of establishing that work done for or about a building, for purposes of establishing a mechanic's lien, includes certain interior design services provided by a certified interior designer; and generally relating to mechanics' liens.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 9–102(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 589 – Delegates Ivey, Ali, Cardin, Gilchrist, Ramirez, Rice, Ross, ~~and Walker~~ Walker, Howard, Stukes, Kaiser, Barve, Hixson, Elmore, Myers, Murphy, Frick, and F. Turner

AN ACT concerning

Election Law – ~~Request for~~ Change of Party Affiliation ~~– Deadline~~ and Nomination by Petition – Requirements

FOR the purpose of altering the deadline for requesting a change of party affiliation to coincide with the deadline for registering to vote for an election; altering the date on which the number of petition signatures required for a candidate to be nominated by petition is determined; making conforming changes; and generally relating to ~~the deadline for requesting a~~ requirements concerning change of party affiliation and nomination by petition.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 3–302
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 3–303 and 5–703(e)
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 606 – Delegate Beitzel

AN ACT concerning

Garrett County – County Commissioners – Signs ~~on~~ Adjacent to State and Local Roadways – Authority to Adopt Local Ordinance

FOR the purpose of authorizing the County Commissioners of Garrett County to enact ordinances regulating the height, size, location, and setback of certain signs ~~on~~ adjacent to certain roads; providing that an ordinance enacted under this Act may not be less stringent than any applicable State or federal law; and generally relating to the regulation of road signs in Garrett County.

BY adding to
Article 25 – County Commissioners
Section 154A
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 723 – Delegates Barve ~~and Cardin~~, Cardin, Frick, and Ivey

AN ACT concerning

Election Law – Campaign Finance Entity – ~~Authority of Chairman to Make a Disbursement~~ Officers Authorized to Perform Duties of Treasurer

FOR the purpose of ~~providing that, in certain circumstances, the chairman, rather than the treasurer, of a campaign finance entity, may~~ repealing the office of subtreasurer of a campaign finance entity; authorizing the chairman of a campaign finance entity to make a disbursement for the campaign finance entity; requiring ~~the chairman~~ a chairman who makes a disbursement to submit a certain report to the treasurer of the campaign finance entity within a certain number of days after the occurrence of certain events; prohibiting a chairman who is a candidate from making a disbursement; and generally relating to ~~the authority of a chairman to make a disbursement for a campaign finance entity~~ officers of a campaign finance entity who are authorized to perform the duties of the treasurer.

BY repealing
Article – Election Law
Section 13–211 and 13–219
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–215 and 13–218
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 971 – Delegates Ivey, Anderson, Barnes, Braveboy, Dumais, Eckardt, Jennings, Kullen, Lee, Levi, Montgomery, Niemann, Ramirez, V. Turner, Valderrama, and Vallario

AN ACT concerning

Domestic Violence – Duration of Protective Order – Subsequent Act of Abuse

FOR the purpose of extending the maximum duration of a final protective order under certain circumstances; and generally relating to domestic violence and the duration of a final protective order.

BY repealing and reenacting, with amendments,
Article – Family Law
Section ~~4–506(h)~~ 4–506(b) and (h)
Annotated Code of Maryland

(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 325)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #25

Senate Bill 174 – ~~Senator Brinkley~~ Senators Brinkley, Garagiola, Glassman, Kittleman, Klausmeier, and Pugh

AN ACT concerning

Business Regulation – Vending Machine Sales – Bulk Vending Machine Exemption

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 326)

The Bill was then sent to the House of Delegates.

Senate Bill 392 – Senator Exum

AN ACT concerning

Business Regulation – Registration of Retail Service Station Dealers and Sale of Gasoline Products

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 327)

The Bill was then sent to the House of Delegates.

Senate Bill 492 – Senators Kelley, Klausmeier, and Middleton

AN ACT concerning

Community Mental Health Services Programs – Financial Statements and Salary Information

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 328)

The Bill was then sent to the House of Delegates.

Senate Bill 493 – Senators Kelley, Klausmeier, and Middleton

AN ACT concerning

Mental Health Programs and Facilities – Reports of Death

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 329)

The Bill was then sent to the House of Delegates.

Senate Bill 646 – Senator Astle

AN ACT concerning

Credentialing of Health Care Providers by Managed Care Organizations, Insurance Carriers, and Hospitals

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 330)

The Bill was then sent to the House of Delegates.

Senate Bill 860 – Senator Pugh

AN ACT concerning

Maryland Not–For–Profit Development Center Program – Qualifying Not–For–Profit Entity Assistance

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 331)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #26

Senate Bill 202 – Senators Kelley, Conway, Currie, Forehand, Kasemeyer, Pugh, and Stone

AN ACT concerning

~~Identity Fraud~~ Financial Crimes – Seizure and Forfeiture of Property

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 332)

The Bill was then sent to the House of Delegates.

Senate Bill 270 – The President (By Request – Administration) and Senators Kelley ~~and Middleton~~, Middleton, Exum, and Garagiola

EMERGENCY BILL

SECOND PRINTING

AN ACT concerning

Unemployment Insurance – Eligibility – Part–Time Work

Read the third time and passed by yeas and nays as follows:

Affirmative – 36 Negative – 11 (See Roll Call No. 333)

The Bill was then sent to the House of Delegates.

Senate Bill 431 – Senator Greenip

AN ACT concerning

Vehicle Laws – School Buses – Paint Standards

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 334)

The Bill was then sent to the House of Delegates.

Senate Bill 458 – Senator Jones (Chair, Joint Committee on the Management of Public Funds) and Senators Currie, Forehand, and Haines

AN ACT concerning

State Treasurer – Local Government Units – Local Debt Policies

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 335)

The Bill was then sent to the House of Delegates.

Senate Bill 517 – Senator Jones (Chair, Joint Committee on the Management of Public Funds) and Senators Currie, Forehand, and Haines

AN ACT concerning

State Debt – Annuity Bond Fund – Payment of Fiscal Agents

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 336)

The Bill was then sent to the House of Delegates.

Senate Bill 579 – Senator Jones (Chair, Joint Committee on the Management of Public Funds) and Senators Currie, Forehand, and Haines

AN ACT concerning

State Checks – Electronic Publication of Payee Names

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 337)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF RESOLUTIONS

(See Exhibit B of Appendix III)

Recipient	Sponsor	Resolution No.
Robert A. Barish, M.D., M.B.A.	The President and All Members	436

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 338)

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 339)

ADJOURNMENT

At 11:33 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 8:00 P.M. on Monday, March 9, 2009.

Annapolis, Maryland
Monday, March 9, 2009
8:00 P.M. Session

The Senate met at 8:09 P.M.

Prayer by Senator Stoltfus.

The Journal of March 6, 2009 was read and approved.

On motion of Senator Kasemeyer it was ordered that Senators Kittleman, Muse and Raskin be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 341)

INTRODUCTION OF RESOLUTIONS

(See Exhibit B of Appendix III)

Recipient	Sponsor	Resolution No.
Stephen Decatur Middle School, Worcester County	The President and All Members	320
Highland Elementary, Montgomery County	The President and All Members	319
Hammond Middle School, Howard County	The President and All Members	318
Seventh District Elementary, Baltimore County	The President and All Members	317
Western High School, Baltimore City	The President and All Members	316
Southern High School, Anne Arundel County	The President and All Members	314

Read and adopted by a roll call vote as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 342)

INTRODUCTION OF BILLS

Senate Bill 1036 – Senator Middleton

EMERGENCY BILL

AN ACT concerning

Credit Regulation – Mortgage Loans – Proof of Ability to Repay – Exception

FOR the purpose of establishing an exception for certain mortgage loans that refinance an existing mortgage loan to the requirement that the due regard certain lenders and credit grantors must give to a borrower's ability to repay certain mortgage loans include consideration of the borrower's debt to income ratio and verification in a certain manner of certain income and assets of the borrower; making this Act an emergency measure; and generally relating to mortgage loans.

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 12–127(b), 12–311(d), 12–409.1(b), 12–925(b), and 12–1029(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 12–127(c), 12–311(e), 12–409.1(c), 12–925(c), and 12–1029(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 1037 – Senator Miller

AN ACT concerning

Creation of a State Debt – Prince George's County – Cosca Regional Skate Park

FOR the purpose of authorizing the creation of a State Debt not to exceed $300,000, the proceeds to be used as a grant to the Maryland–National Capital Park and Planning Commission for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Rules.

Senate Bill 1038 – Senator Colburn

AN ACT concerning

Vehicle Laws – Electric Personal Assistive Mobility Device – Golf Carts

FOR the purpose of altering the definition of an "electric personal assistive mobility device" to remove a requirement that it be a pedestrian device and to include a golf cart being operated by a person who has a certain disability; and generally relating to electric personal assistive mobility devices.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 11–176 and 21–501.1
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 21–101(j)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 1039 – Senators Currie, Harrington, Miller, Muse, Peters, Pinsky, and Rosapepe

EMERGENCY BILL

AN ACT concerning

Prince George's County Hospital Authority

FOR the purpose of extending the Prince George's County Hospital Authority's bidding process; clarifying the duration of a certain funding commitment of the State and Prince George's County; authorizing the Maryland Health Care Commission to make certain exemptions; requiring the Authority to make certain assessments and take certain actions regarding certain bids for the Prince George's County health care system; requiring the Authority to complete its obligations by a certain time; requiring certain agencies to serve as consultants to the Authority; specifying the role of certain agency consultants; declaring the intent of the General Assembly; making this Act an emergency measure; and generally relating to the Prince George's County Hospital Authority.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 24–1602(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 24–1602(b), 24–1604(b), and 24–1605(f), (h), and (k)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article – Health – General
Section 24–1605(l) and (m) and 24–1605.1
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules and the Committee on Budget and Taxation.

Senate Bill 1040 – Senator Kasemeyer

AN ACT concerning

Creation of a State Debt – Maryland Food Bank Distribution Center Roof

FOR the purpose of authorizing the creation of a State Debt not to exceed $250,000, the proceeds to be used as a grant to the Board of Directors of the Maryland Food Bank, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Rules.

Senate Bill 1041 – Senators Garagiola, Astle, and Pipkin

AN ACT concerning

Maryland Health Care Commission – State Police – Helicopter Emergency Medical Services

FOR the purpose of requiring the Maryland Health Care Commission, in conjunction with the Maryland Institute of Emergency Medical Systems Services, to conduct

a certain study, examination, and comparison regarding helicopter emergency medical services; requiring the Commission, in conjunction with the Maryland Institute of Emergency Medical Systems Services, to report certain findings to certain committees of the General Assembly on or before a certain date; prohibiting the Department of State Police from purchasing new helicopters before a certain report is submitted; providing for the termination of this Act; and generally relating to helicopter emergency medical services.

Read the first time and referred to the Committee on Rules.

Senate Bill 1042 – Senators King and Madaleno

AN ACT concerning

Property Tax – County Administrative Control – Real Property Valuation

FOR the purpose of providing that beginning in a certain fiscal year certain supervisors and assessors employed by the State Department of Assessments and Taxation are county employees and not State employees; repealing a requirement that the Director of the State Department of Assessments and Taxation appoint certain supervisors to supervise the assessment process; requiring each county to appoint at least one supervisor of assessments; providing that the supervisor is an employee of the county; repealing certain requirements relating to the hiring, salaries, and removal of, and the office space and staff for, certain supervisors; requiring each county to employ certain assessors; requiring each county to be responsible for certain costs associated with assessing and revaluing real property; requiring the State to reimburse the counties for certain costs associated with assessing and revaluing real property; repealing a requirement that the Secretary of Budget and Management set certain qualifications for certain supervisors, assessors, and clerical staff; requiring each county to provide a certain salary or fringe benefit to an assessor to encourage the assessor to achieve a certain certification; repealing the authority of the Director to set certain qualification requirements for certain assessors; requiring the Director to provide general guidance and oversight over the assessment process and the independent supervisors; repealing and altering certain powers of the Director relating to authority over the assessment process; requiring each county to review, at least once every 3 years, each property assessment; authorizing each county to order a review of a property assessment under certain circumstances; authorizing a county to order a revaluation of a property under certain circumstances; requiring each county to prepare, install, and maintain certain records of certain properties; altering certain definitions; making this Act subject to a certain contingency; providing for a delayed effective date; and generally relating to transferring to the counties certain responsibility for assessing property for purposes of property taxation.

BY repealing and reenacting, without amendments,
Article – Tax – Property

Section 1–101(a), (g), and (k)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 1–101(j) and (jj), 2–104, 2–105, 2–107, 2–109, 2–110, 2–201 through 2–204, 2–210, and 2–216(a), (b), and (c)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY repealing
Article – Tax – Property
Section 2–106 and 2–111
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY adding to
Article – Tax – Property
Section 2–106
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 1043 – Senator Harrington

AN ACT concerning

Prince George's County – Development Impact Fees

FOR the purpose of repealing a limitation on the amount of a certain development impact fee that may be imposed by the Prince George's County Council for certain purposes under certain circumstances; and generally relating to development impact fees in Prince George's County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Prince George's County
Section 10–265
Article 17 – Public Local Laws of Maryland
(2003 Edition and 2005 Supplement, as amended)

Read the first time and referred to the Committee on Rules.

Senate Bill 1044 – Senator Harrington

AN ACT concerning

Creation of a State Debt – Prince George's County – African–American History Museum

FOR the purpose of authorizing the creation of a State Debt not to exceed $250,000, the proceeds to be used as a grant to the Board of Directors of the Prince George's County African–American History Museum, Inc. for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

Read the first time and referred to the Committee on Rules.

Senate Bill 1045 – Senator Harrington

AN ACT concerning

DHCD – Community Development Administration – Financing Instruments – Mortgage Loans Guaranteed by Government–Sponsored Enterprises

FOR the purpose of authorizing the Community Development Administration of the Department of Housing and Community Development to purchase or issue certain securities that are backed by mortgage loans and guaranteed by government–sponsored enterprises or certain other entities; specifying that the securities are to finance community development projects, public purpose projects, or residential mortgage loans; defining a certain term; making a stylistic change; and generally relating to the Community Development Administration.

BY repealing and reenacting, without amendments,
Article – Housing and Community Development
Section 4–101(a) and (b)
Annotated Code of Maryland
(2006 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Housing and Community Development
Section 4–234 and 4–235(h)
Annotated Code of Maryland
(2006 Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 1046 – Senator Klausmeier

AN ACT concerning

Public Utilities – Unclaimed Funds – Energy Assistance

FOR the purpose of requiring the State Comptroller to distribute a certain percentage of the unclaimed remittance funds from certain utilities to the Fuel Fund of Maryland for the purpose of critical need energy assistance; and generally relating to the distribution of certain money to the Fuel Fund of Maryland for energy assistance.

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 17–101(c) and (o) and 17–303
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 17–317
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 1047 – Senator Klausmeier

AN ACT concerning

Family Investment Program – Temporary Cash Assistance – Eligibility

FOR the purpose of requiring the asset limit established by the Secretary of Human Resources for a temporary cash assistance case to be adjusted annually for inflation; requiring a local department to exclude certain retirement accounts and education savings accounts from income in determining eligibility for the Family Investment Program; and generally relating to eligibility for temporary cash assistance under the Family Investment Program.

BY repealing and reenacting, without amendments,
Article – Human Services
Section 5–312(a), (b), and (c)
Annotated Code of Maryland
(2007 Volume and 2008 Supplement)

BY adding to
Article – Human Services
Section 5–312(b–1)
Annotated Code of Maryland

(2007 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Human Services
Section 5–315
Annotated Code of Maryland
(2007 Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 1048 – Senator Muse

AN ACT concerning

State Government – Sickle Cell Anemia Awareness Month

FOR the purpose of requiring the Governor to proclaim the month of September to be "Sickle Cell Anemia Awareness Month".

BY adding to
Article – State Government
Section 13–503
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 1049 – Senator Muse

AN ACT concerning

Domestic Violence – Tween/Teen Dating Violence Education and Awareness

FOR the purpose of requiring the State Board of Education to develop and implement in the public schools a program to educate students about dating violence; requiring the program to include education on services provided to victims of dating violence; requiring the program to be started in each public school before a certain grade; altering the definition of "victim of domestic violence" for purposes of certain provisions of law to include a certain person; requiring the Governor annually to proclaim the second week in October "Statewide Tween/Teen Dating Violence Education and Awareness Week"; and generally relating to dating violence.

BY adding to
Article – Education
Section 7–411.1
Annotated Code of Maryland

(2008 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–513
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – State Government
Section 13–601 to be under the new subtitle "Subtitle 6. Commemorative Weeks"
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 1050 – Senator Harris

AN ACT concerning

Baltimore County Revenue Authority – Closure, Sale, Transfer, or Conveyance of Facility or Project

FOR the purpose of requiring the Baltimore County Revenue Authority to hold a certain number of public hearings before closing, selling, transferring, or conveying a certain facility or project; requiring that the public hearings be held at certain intervals; requiring that a certain public hearing be held a certain amount of time before a certain facility or project is closed, sold, transferred, or conveyed; and generally relating to the Baltimore County Revenue Authority.

BY repealing and reenacting, without amendments,
The Public Local Laws of Baltimore County
Section 9–1–101(a), (b), and (l)
Article 3 – Public Local Laws of Maryland
(2003 Edition and January 2009 Supplement, as amended)

BY adding to
The Public Local Laws of Baltimore County
Section 9–1–104.1
Article 3 – Public Local Laws of Maryland
(2003 Edition and January 2009 Supplement, as amended)

Read the first time and referred to the Committee on Rules.

Senate Bill 1051 – Senator Pugh

EMERGENCY BILL

AN ACT concerning

Public Service Commission – Prohibition on Terminating Gas and Electric Service – Residential Customers

FOR the purpose of prohibiting an electric company or a gas and electric company from terminating gas or electric service to a residential customer on or before a certain date or during the pendency of the Commission's investigation of a certain complaint; defining a certain term; making this Act an emergency measure; providing for the termination of this Act; and generally relating to the investigation by the Public Service Commission of complaints by residential customers about the cost of gas and electric service.

BY adding to
Article – Public Utility Companies
Section 7–307.1
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 1052 – Senator Colburn

AN ACT concerning

Health Occupations Boards – Exemption from Hiring Freeze

FOR the purpose of providing that a health occupations board may fill a vacant contractual or permanent staff position without regard to a certain hiring freeze if the board makes a certain determination and the cost of the position is funded from funds of the board; and generally relating to staff of health occupations boards.

BY adding to
Article – Health Occupations
Section 1–214
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 1053 – Senators Brochin, Della, Frosh, Klausmeier, and Stone

AN ACT concerning

Criminal Procedure – Strip Search or Body Cavity Search of an Arrestee – Restrictions

FOR the purpose of prohibiting a police officer from conducting or supervising a strip search or body cavity search of an individual arrested for certain misdemeanors or traffic offenses under certain circumstances, or of a minor detained for a certain act that would be a misdemeanor if committed by an adult, or for certain traffic offenses under certain circumstances; providing for certain exceptions; authorizing a police officer to conduct or supervise a strip search or body cavity search only if the officer has a reasonable suspicion that certain items may be concealed by the individual or minor and the officer is granted authorization by a certain supervising officer on duty; establishing certain requirements for the conducting of a strip search or a body cavity search; requiring a medical professional to conduct a body cavity search; providing that a complaint against a police officer alleging a violation of this Act shall be investigated in accordance with a certain law; providing that nothing in this Act limits or repeals any common law or statutory rights of an individual regarding an action for damages or injunctive relief; defining certain terms; and generally relating to restrictions on the conducting of a strip search or body cavity search of persons arrested under certain circumstances.

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 2–101(a) and (c)
Annotated Code of Maryland
(2008 Replacement Volume)

BY adding to
Article – Criminal Procedure
Section 2–108
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 3–101(a) and 3–104(a)
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–101(e) and 3–104(c)
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senate Bill 1054 – Senator Lenett

AN ACT concerning

State Advisory Council on Quality Care at the End of Life – Membership

FOR the purpose of altering the membership of the State Advisory Council on Quality Care at the End of Life; and generally relating to the membership of the State Advisory Council on Quality Care at the End of Life.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 13–1601
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 13–1602(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

INTRODUCTION OF JOINT RESOLUTIONS

Senate Joint Resolution 12 – Senator Klausmeier

A Senate Joint Resolution concerning

Regional Manufacturing Institute of Maryland – GreenTech Maryland

FOR the purpose of urging Maryland leaders to act expeditiously to support and promote the Regional Manufacturing Institute of Maryland in its initiative to advance green technology in manufacturing, including publicizing its "GreenTech Maryland – 'Making Earth–Friendly Products in an Earth–Friendly Way'" and "Going $Green with Maryland Manufacturing" initiatives.

Read the first time and referred to the Committee on Rules.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 39 – ~~Delegate Riley~~ Delegates Riley, Montgomery, Bronrott, Frick, Lee, Hammen, Bromwell, Costa, Donoghue, Elliott, Kach, Kipke, Krebs, Kullen, McDonough, Morhaim, Oaks, Pena–Melnyk, Reznik, Tarrant, V. Turner, and Weldon

AN ACT concerning

Health Insurance – Out–of–State Association Contracts – Regulation

FOR the purpose of requiring certain carriers that offer certain out–of–state association contracts to Maryland residents ~~also to offer certain individual health insurance contracts to Maryland residents; requiring the carriers~~ to make certain disclosures to a Maryland resident applying for coverage under an out–of–state association contract; requiring the carriers to disclose certain information on the enrollment application for coverage under an out–of–state association contract under certain circumstances; authorizing the Maryland Insurance Commissioner to require the carriers to make a certain report in a certain manner on or before a certain date of each year; defining certain terms; providing for the application of this Act; and generally relating to out–of–state association contracts.

BY adding to
Article – Insurance
Section 15–1105 to be under the amended subtitle "Subtitle 11. Miscellaneous Health Insurance Policies and Contracts and Health Benefit Plans"
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 374 – Delegate Reznik

AN ACT concerning

Radiation Therapists, Radiographers, Nuclear Medicine Technologists, and Radiologist Assistants – Renewal Requirements for Licenses

FOR the purpose of repealing a certain renewal requirement for certain licensed radiation therapists, radiographers, nuclear medicine technologists, and radiologist assistants; requiring certain licensees to meet any additional license renewal requirements established by the State Board of Physicians; and generally relating to radiation therapists, radiographers, nuclear medicine technologists, and radiologist assistants.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 14–5B–12(c)

Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 393 – Delegates Rosenberg, Oaks, Reznik, and Weldon

AN ACT concerning

Discrimination in Employment – Expansion of Disability Rights

FOR the purpose of altering the definition of disability applicable to certain provisions of law prohibiting discrimination in employment; prohibiting an employer from failing or refusing to make certain reasonable accommodations for certain disabilities of certain employees; providing that an employer is not required to reasonably accommodate an employee's disability if the accommodation would cause certain undue hardship; prohibiting an employer or labor union from retaliating against a certain individual because the individual has taken certain action; and generally relating to discrimination in employment.

BY repealing and reenacting, with amendments,
Article – State Government
Section 20–601(b), 20–603, and 20–606
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)
(As enacted by Chapter ___ (H.B. 51) of the Acts of the General Assembly of 2009)

BY repealing and reenacting, without amendments,
Article – State Government
Section 20–601(c), (d), (e), and (h)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)
(As enacted by Chapter ___ (H.B. 51) of the Acts of the General Assembly of 2009)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 405 – Delegates Pena–Melnyk, Ali, Benson, Braveboy, Bromwell, Costa, Donoghue, Elliott, Hubbard, Ivey, Kach, Kipke, Kullen, Levi, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Reznik, Riley, Tarrant, V. Turner, Valderrama, and Weldon

AN ACT concerning

Health Insurance – Mandated Benefits – Breast Cancer Screening

FOR the purpose of requiring certain insurers, nonprofit health service plans, and health maintenance organizations~~, and the State Employee and Retiree Health and Welfare Benefits Program~~ to provide coverage for breast cancer screening in accordance with certain guidelines; repealing certain requirements for coverage of certain mammograms by certain insurance policies and nonprofit health service plans; repealing a certain definition; making certain requirements applicable to health maintenance organizations; making certain conforming changes; providing for the applicability of this Act; and generally relating to health insurance coverage for breast cancer screening.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–814
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – State Personnel and Pensions~~
~~Section 2–502 and 2–503(b)~~
~~Annotated Code of Maryland~~
~~(2004 Replacement Volume and 2008 Supplement)~~

~~BY repealing and reenacting, without amendments,~~
~~Article – State Personnel and Pensions~~
~~Section 2–503(a)~~
~~Annotated Code of Maryland~~
~~(2004 Replacement Volume and 2008 Supplement)~~

BY adding to
Article – Health – General
Section 19–706(ttt)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 439 – Delegate Hucker

AN ACT concerning

Advisory Committee on the Naming of State Facilities, Roads, and Bridges – Repeal

FOR the purpose of repealing the Advisory Committee on the Naming of State Facilities, Roads, and Bridges and other related provisions of law.

BY repealing
Article – State Government
Section 2–10A–09
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 440 – Delegate Bromwell

AN ACT concerning

Health Insurance – Prompt Pay – ~~Modifications and~~ Clarifications

FOR the purpose of ~~requiring an insurer, nonprofit health service plan, or health maintenance organization to comply with certain requirements when reprocessing a claim;~~ clarifying that~~, notwithstanding compliance with certain notice requirements,~~ if an insurer, nonprofit health service plan, or health maintenance organization fails to pay a certain claim or otherwise violates certain provisions of law, the insurer, nonprofit health service plan, or health maintenance organization shall pay interest on a certain amount; and generally relating to ~~modifications and~~ clarifications of prompt pay requirements for health insurance.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–1005
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 457 – Delegate Morhaim

AN ACT concerning

Principal Departments and Executive Branch Units – Dissemination of Information on Websites

FOR the purpose of substituting a requirement that secretaries of certain departments and heads of certain units include certain organizational charts and descriptions on certain websites for the former requirement that secretaries of certain departments and heads of certain units submit to the General Assembly a certain organizational chart and description by a certain day each year; and generally relating to the posting of information by dissemination on websites by principal departments and executive branch units.

BY repealing and reenacting, with amendments,
Article – State Government
Section 8–305
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 537 – Delegate King

AN ACT concerning

Fraternal Benefit Societies – Exemption for Mutual Aid Associations – Clarification

FOR the purpose of clarifying that certain laws governing fraternal benefit societies and other insurance laws of the State do not apply to certain mutual aid associations that were organized before a certain date, have a membership composed of certain members of the Armed Forces or Sea Services of the United States, and have as a principal purpose to provide insurance and other benefits to certain individuals; and generally relating to exemptions of entities from regulation under State insurance laws.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 8–404
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #15

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 309 – Senator Conway

AN ACT concerning

State Board of Pharmacy – Pharmacy Permit – Term and Renewal

SB0309/994332/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 309
(First Reading File Bill)

On page 1, in line 20, strike "**1 MONTH**" and substitute "**3 MONTHS**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 367 – Senators Klausmeier, Astle, Brinkley, Della, Edwards, Exum, Forehand, Frosh, Garagiola, Gladden, Glassman, Greenip, Jones, Kasemeyer, Kelley, King, Kramer, Middleton, Munson, Peters, Pinsky, Pipkin, Pugh, and Stone

AN ACT concerning

Commission on the Establishment of a Maryland Women in Military Service Monument – Extension of Termination Date

SB0367/714232/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 367
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "– Extension of Termination Date"; strike beginning with "codifying" in line 4 down through "provided" in line 5 and substitute "re–establishing the Commission on the Establishment of a Maryland Women in Military Service Monument; providing"; strike beginning with "on" in line 5 down through "Monument" in line 6 and substitute "; authorizing the Commission to enter into a written agreement or memorandum of understanding regarding the funding,

design, construction, or placement of an appropriate monument with certain government entities"; in line 7, strike "date for" and substitute "of"; strike beginning with "repealing" in line 7 down through "Act" in line 9 and substitute "stating the intent of the General Assembly"; and strike in their entirety lines 17 through 22, inclusive.

AMENDMENT NO. 2

On page 2, in line 19, strike "**2006**" and substitute "**2009**".

On page 3, in line 1, after "**COMPENSATION**" insert "**AS A MEMBER OF THE COMMISSION**"; in line 9, strike "**AND**"; in line 10, strike "**IDENTIFY AND RECOMMEND**" and substitute "**MONITOR COMPLIANCE WITH THE RECOMMENDATIONS MADE IN REPORTS OF THE COMMISSION ISSUED UNDER CHAPTERS 281 AND 282 OF THE ACTS OF THE GENERAL ASSEMBLY OF 2006 REGARDING**"; in line 13, after "**AMERICA**" insert "**; AND**

(3) COORDINATE AND MONITOR THE EFFORT TO ERECT THE MARYLAND WOMEN IN MILITARY SERVICE MONUMENT DESCRIBED IN ITEM (2) OF THIS SUBSECTION.

(G) THE COMMISSION MAY ENTER INTO A WRITTEN AGREEMENT OR MEMORANDUM OF UNDERSTANDING REGARDING THE FUNDING, DESIGN, CONSTRUCTION, OR PLACEMENT OF AN APPROPRIATE MONUMENT WITH OTHER GOVERNMENT ENTITIES, INCLUDING THE FEDERAL GOVERNMENT, A UNIT OF STATE GOVERNMENT, A COUNTY, OR A MUNICIPALITY";

strike in their entirety lines 14 through 17, inclusive; in line 18, strike "**FINDINGS**" and substitute "**ACTIVITIES, INCLUDING A REPORT ON THE STATUS OF THE MARYLAND WOMEN IN MILITARY SERVICE MONUMENT**"; in line 19, after the first "**AND**" insert "**ANY ADDITIONAL**"; and strike in their entirety lines 22 through 31, inclusive.

AMENDMENT NO. 3

On page 3, after line 31, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that:

(1) The Governor appoint to the Commission on the Establishment of a Maryland Women in Military Service Monument those individuals who formerly were appointed to the predecessor Commission established under Chapters 281 and 282 of the Acts of the General Assembly of 2006 and who were serving on the Commission as of September 30, 2007; and

(2) Notwithstanding Section 3 of this Act, if a monument to honor Maryland women in military service is completed and erected before the termination of this Act, the Commission established under this Act shall terminate its operations and cease to meet after that monument is erected.";

and in line 32, strike "2." and substitute "3.".

On page 4, strike beginning with "However" in line 1 down through "occurrence." in line 4.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 433 – Senator Astle

AN ACT concerning

State Board of Physicians – Polysomnographic Technologists – Education and Licensing Requirements

SB0433/314934/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 433
(First Reading File Bill)

On page 2, in lines 3, 10, and 19, in each instance, strike "**2012**" and substitute "**2011**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 343)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #27

Senate Bill 86 – Chair, Finance Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Title Insurance Producers – Regulation and Requirements

Read the third time and passed by yeas and nays as follows:

Affirmative – 43 Negative – 0 (See Roll Call No. 344)

The Bill was then sent to the House of Delegates.

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 345)

ADJOURNMENT

At 8:37 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Tuesday, March 10, 2009.

Annapolis, Maryland
Tuesday, March 10, 2009
10:00 A.M. Session

The Senate met at 10:07 A.M.

Prayer by Pastor Steve Hall, Heritage Community Church, guest of Senator DeGrange, Sr.

(See Exhibit A of Appendix III)

The Journal of March 9, 2009 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 347)

INTRODUCTION OF RESOLUTIONS

(See Exhibit B of Appendix III)

Recipient	Sponsor	Resolution No.
Maryland Chapters of The Links, Inc.	The President and All Members	453

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 348)

Recipient	Sponsor	Resolution No.
Randallstown High School	The President and All Members	441

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 349)

FIRST CITIZEN AWARD

The President introduced Dr. Edward C. Papenfuse to present the First Citizen Awards for 2009.

On Being A First Citizen

Remarks by Dr. Edward C. Papenfuse, State Archivist
On the occasion of the presentation of the 2009 First Citizen Awards to
Senators Norman R. Stone, Nathaniel J. McFadden, and J. Lowell Stoltzfus.

March 10, 2009

President Miller, members of the Senate, distinguished guests, ladies and gentlemen. It is my privilege to be here today to again present, on your behalf, the *First Citizen* awards of the Maryland Senate.

At the suggestion of President Miller this award was created in 1992 to honor those who have dedicated themselves to the ideals and the work of the Maryland Senate, a deliberative body of such distinction and effectiveness that the framers of the U. S. Constitution chose it as a model for the United States Senate. The text of the award on the wall of the Senate Office building says best what it means to be a *First Citizen*:

> "First Citizen is the name that Charles Carroll of Carrollton chose to sign a series of articles published by Ann Catherine Green in the Annapolis Maryland Gazette in 1773. They form a strong defense of an independent legislature and were among the earliest arguments for a new concept of government based upon traditional community rights and liberties that protected its citizens from arbitrary rule. At the time, Carroll, as a Roman Catholic, could neither vote nor hold public office. With the publication of these articles, Carroll launched a career of public service that would not end until his death at the age of 95 in 1832. In addition to helping draft Maryland's first Constitution and signing the Declaration of Independence in 1776, Carroll served as President of the Maryland Senate, of which he was a member from 1777 to 1800, and as one of the first United States Senators from Maryland (1789–1792). To be a First Citizen is to be a dedicated and effective participant in the process of making government work for the benefit of all."

In the *First Citizen* letters, Carroll launched a dialog with his worthy opponent, Daniel Dulany, that challenged all citizens to think about much needed reform in government, changes that would allow people like Carroll "freedom of speech and thought," changes that would separate the powers of the Executive and the Legislature, and changes that would ensure that taxation would not be imposed without legislative consent.

To Carroll, and to others such as his distant cousin, Charles Carroll the Barrister, Samuel Chase, and William Paca, all of whom served in the Maryland Senate, making government work for the good of the whole meant a thoughtful reworking of the structure of government by writing it all down, debating the results, and crafting the

final product in committees separately and of the whole. Carroll as First Citizen, saw government much as every citizen should see it today, in constant need of attention and thoughtful legislative action by citizen legislators working in the best interests of their constituents.

Today, we honor three distinguished *First Citizens*, each of whom will receive a bound copy of the *First Citizen Letters*, edited and introduced by Professor Peter Onuf, a graduate of Johns Hopkins University, and now the distinguished Thomas Jefferson professor of history at the University of Virginia. All three of these recipients are known for their willingness, like Charles Carroll of Carrollton, to face the issues of the day with thoughtfulness, integrity, and spirit of civility so necessary to the well–being of our democracy.

As guests of the Senate to witness today's ceremonies are Mrs. Fred Malkus and Mrs. Clarence Blount, both wives of previous recipients whose contributions, and our memories of them, are linked in kindred spirit to those we honor this morning. We also have with us today former Senator Marty Madden, a previous First Citizen.

We begin with length of service and a dedication to applying a knowledge of the law to helping a grateful constituency. Senator Norman R. Stone, Jr.'s 42 years in the Senate are one year shy of Senator Malkus's record. Known as the *Senator for Life* from Dundalk, he is a soft–spoken advocate for those he represents, in the true tradition of a Citizen Legislator, as well as outspoken critic of distracted driving, a hazard of the legislative process as well as of the road. It is my pleasure to present the 2009 First Citizen Award to Senator Norman R. Stone, Jr.

Our next recipient, Senator Nathaniel J. McFadden, shares the same devotion to education and history as the late Senator Clarence Blount. A member of the Senate since 1995 and President Pro Tem since 2007, Senator McFadden has played key leadership roles in the Senate. He is first and foremost a champion of improving public education through local community participation as the necessary cornerstone of democracy and economic advancement. He sees the future in better schools producing a literate and well–informed citizenry. It is my pleasure to present the 2009 First Citizen Award to Senator Nathaniel J. McFadden.

Finally we turn to the other side of the aisle, to Senator J. Lowell Stoltzfus, who as President Miller put it, is known for "disagreeing with you in an agreeable manner." One colleague put it this way: "you have to understand that he really doesn't like when people don't treat other people fairly and with respect and honesty." Another explained "he's one of the most decent, caring people I've ever met in my life." Where once the legislature of Maryland was dominated by farmers and planters, Senator Stoltzfus at times today finds himself the lonesome voice of agriculture in an increasingly urbanized world. In his own words, it is his mission to bring "an understanding of the vulnerability of agriculture and the importance of farming to the state's economy to the General Assembly," a role that he plays with quiet informed passion, and determination. It is my pleasure to present the 2009 First Citizen Award to Senator J. Lowell Stoltzfus.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #16

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 217 – Senator Simonaire

AN ACT concerning

Natural Resources – Tree Services – Advertising

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 273 – The President (By Request – Administration) and Senators Della, King, Klausmeier, Lenett, Madaleno, and Rosapepe

AN ACT concerning

Smart, Green, and Growing – Local Government Planning – Planning Visions

SB0273/284537/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 273
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, strike "site" and substitute "land on which the public facility will be located"; and in line 14, after "reports;" insert "defining certain terms;".

AMENDMENT NO. 2

On page 8, after line 7, insert:

"**3. THE PROPOSED RESOLUTION OF THE RESTRICTION, IF AVAILABLE;**";

in lines 8, 10, and 12, strike "**3.**", "**4.**", and "**5.**", respectively, and substitute "**4.**", "**5.**", and "**6.**", respectively; and in line 9, after "**RESTRICTION**" insert "**, IF AVAILABLE**".

AMENDMENT NO. 3

On page 9, in line 1, after "**(1)**" insert "**(I)**"; in the same line, strike the comma and substitute "**THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(II)";

in the same line, strike "**PRIORITY**" and substitute "**PRIORITY**"; after line 3, insert:

"**(III) "PUBLIC FACILITY" INCLUDES:**

1. RECREATIONAL FACILITIES;

2. TRANSPORTATION FACILITIES AND TRANSIT ORIENTED DEVELOPMENT; AND

3. SCHOOLS AND EDUCATIONAL FACILITIES.";

in lines 6 and 10, in each instance, after "**ASSIST**" insert "**A LOCAL JURISDICTION**"; in line 7, strike "**A SCHOOL OR**" and substitute "**THE CONSTRUCTION OF A**"; in line 11, strike "**PUBLIC SITE**" and substitute "**LAND ON WHICH THE PUBLIC FACILITY WILL BE LOCATED**"; and in line 12, after "**THE**" insert "**PUBLIC**".

The preceding 3 amendments were read only.

Senator Glassman moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #9

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 150 – Senators Kelley, Astle, Colburn, Currie, Della, Garagiola, Glassman, Jacobs, Klausmeier, Lenett, Muse, Simonaire, and Stone

AN ACT concerning

Maryland Uniform Power of Attorney Act – Loretta's Law

SB0150/678475/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 150
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after the first "effect" insert "under certain circumstances"; and strike beginning with "requiring" in line 15 down through "appointment;" in line 16.

On page 2, in line 11, after "reimbursement" insert "of expenses"; strike beginning with "authorizing" in line 22 down through "presumption" in line 23 and substitute "providing that a person who accepts a certain power of attorney under certain circumstances is not liable for a claim"; in line 24, after "attorney" insert "without liability under certain circumstances"; in line 26, after "investigation" insert "and without liability under certain circumstances"; and in line 37, after "action;" insert "providing that a court may award certain fees and costs if a proceeding to mandate acceptance of a power of attorney was brought other than in good faith;".

AMENDMENT NO. 2

On page 7, in line 14, after "**POWER,**" insert "**IS GIVEN AS SECURITY, OR IS GIVEN FOR CONSIDERATION, REGARDLESS OF WHETHER THE POWER IS HELD FOR THE BENEFIT OF THE AGENT OR ANOTHER PERSON,**"; in line 18, after "**EXERCISE**" insert "**ANY AND ALL RIGHTS WITH RESPECT TO AN ENTITY, INCLUDING**"; in line 19, strike "**WITH RESPECT TO AN ENTITY; AND**" and substitute "**OR BOTH, OR A DELEGATION OF AUTHORITY TO EXECUTE, BECOME A PARTY TO, OR AMEND A DOCUMENT OR AGREEMENT GOVERNING AN ENTITY OR ENTITY OWNERSHIP INTEREST;**"; and in line 22, after "**PURPOSE**" insert "**;**

(5) A POWER CREATED AS PART OF, OR IN CONNECTION WITH, AN AGREEMENT ESTABLISHING AN ATTORNEY AND CLIENT RELATIONSHIP; AND

(6) A POWER OF ATTORNEY THAT STATES THAT IT IS NOT SUBJECT TO THIS TITLE".

AMENDMENT NO. 3

On page 8, in line 30, after "**(D)**" insert "**(1)**"; in line 31, after "**TITLE**" insert "**AND EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION**"; and after line 32, insert:

"**(2) A CLERK OF COURT MAY REFUSE TO RECORD A PHOTOCOPY OR ELECTRONICALLY TRANSMITTED COPY OF AN ORIGINAL POWER OF ATTORNEY.**".

AMENDMENT NO. 4

On page 9, strike in their entirety lines 7 through 14, and substitute:

"**(A) IN A POWER OF ATTORNEY, A PRINCIPAL MAY NOMINATE A GUARDIAN OF THE PRINCIPAL'S ESTATE IN ACCORDANCE WITH THE PROVISIONS OF § 13–207 OF THIS ARTICLE.**".

AMENDMENT NO. 5

On page 11, in line 14, strike "**ACCOMPLISHED**" and substitute "**FULLY ACCOMPLISHED, IF THE POWER OF ATTORNEY EXPRESSLY STATES THAT IT IS GIVEN FOR A SPECIFIC PURPOSE**".

AMENDMENT NO. 6

On page 13, in line 21, before "**UNLESS**" insert "**(A)**"; strike beginning with "**AND**" in line 23 down through "**CIRCUMSTANCES**" in line 24 and substitute "**, BUT IS NOT ENTITLED TO COMPENSATION**"; and after line 24, insert:

"**(B) IF THE PRINCIPAL INDICATES IN THE POWER OF ATTORNEY THAT THE AGENT IS ENTITLED TO COMPENSATION, THE AGENT MAY RECEIVE COMPENSATION BASED ON WHAT IS REASONABLE UNDER THE CIRCUMSTANCES OR ON SUCH OTHER BASIS AS MAY BE SET FORTH IN THE POWER OF ATTORNEY.**".

AMENDMENT NO. 7

On page 18, after line 3, insert:

"**(B) A PERSON THAT IN GOOD FAITH ACCEPTS AN ACKNOWLEDGED POWER OF ATTORNEY WITHOUT ACTUAL KNOWLEDGE THAT THE SIGNATURE IS NOT GENUINE MAY RELY ON THE PRESUMPTIONS SET FORTH IN § 17–104(B) OF THIS SUBTITLE, AND IS NOT LIABLE FOR A CLAIM BASED ON THE FACT THAT THE SIGNATURE IS NOT GENUINE.**";

in line 4, strike "**(B)**" and substitute "**(C)**"; in line 9, after "**ATTORNEY**" insert "**WITHOUT LIABILITY**"; in line 16, strike "**(C)**" and substitute "**(D)**"; in line 18, after "**INVESTIGATION**" insert "**AND WITHOUT ANY LIABILITY FOR THE RELIANCE**"; and in line 28, strike "**(D)**" and substitute "**(E)**".

On page 19, in line 12, strike "**(C)**" and substitute "**(D)**"; and in line 16, strike "**(C)**" and substitute "**(D)**".

AMENDMENT NO. 8

On page 20, in line 2, strike "**(C)**" and substitute "**(D)**"; in line 6, strike "**(C)**" and substitute "**(D)**"; and after line 22, insert:

"**(E) IF A COURT DETERMINES THAT A PROCEEDING TO MANDATE ACCEPTANCE OF A POWER OF ATTORNEY WAS BROUGHT OTHER THAN IN GOOD FAITH, THE COURT MAY AWARD REASONABLE ATTORNEY'S FEES AND COSTS TO THE PREVAILING PARTY.**".

AMENDMENT NO. 9

On page 21, strike in their entirety lines 1 and 2 and substitute:

"**(1) (I) CREATE A NEW INTER VIVOS TRUST; OR**

(II) IF AN EXISTING INTER VIVOS TRUST EXPRESSLY AUTHORIZES THE ACTION BY AN AGENT, AMEND, REVOKE, OR TERMINATE THE EXISTING INTER VIVOS TRUST;".

AMENDMENT NO. 10

On page 24, in line 16, after "**PRINCIPAL**" insert "**, INCLUDING A REVERSE MORTGAGE**".

AMENDMENT NO. 11

On page 40, strike in their entirety lines 28 and 29 and substitute:

"**YOUR AGENT IS NOT ENTITLED TO COMPENSATION UNLESS YOU INDICATE OTHERWISE IN THIS POWER OF ATTORNEY. IF YOU INDICATE THAT YOUR AGENT IS TO RECEIVE COMPENSATION, YOUR AGENT IS ENTITLED TO REASONABLE COMPENSATION OR COMPENSATION AS SPECIFIED IN THE SPECIAL INSTRUCTIONS.**".

AMENDMENT NO. 12

On page 43, after line 15, insert:

"**COMPENSATION OF AGENT**

( ) MY AGENT IS TO SERVE WITHOUT COMPENSATION

( ) MY AGENT IS TO RECEIVE COMPENSATION THAT IS REASONABLE UNDER THE CIRCUMSTANCES OR COMPENSATION AS SPECIFIED IN THE SPECIAL INSTRUCTIONS".

The preceding 12 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 159 – Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Commercial Real Property – Action to Abate Drug Nuisance – Repeal of Prior Notice Requirement

SB0159/238877/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 159
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after "Administration)" insert "and Senator Simonaire".

AMENDMENT NO. 2

On page 1, in line 2, strike "Repeal of"; in line 4, strike "repealing" and substitute "altering"; in line 6, after "and" insert "commercial"; in line 9, after "(5)" insert "and (e) through (q)"; in line 12, after "repealing" insert "and reenacting, with amendments,"; and strike in their entirety lines 17 through 21, inclusive.

AMENDMENT NO. 3

On page 2 in lines 15, 28, and 29, on page 3 in lines 8, 10, 23, 24, and 32, on page 4 in lines 7, 13, 14, 16, 23, 24, 27, 29, and 31, and on page 5 in lines 7, 10, and 11, in each instance, strike the bracket.

On page 2, in line 15, strike "An" and substitute "**(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, AN**"; in line 16, strike "45" and substitute "**30**"; after line 18, insert:

"**(II) IN BALTIMORE CITY, AN ACTION MAY NOT BE BROUGHT UNDER THIS SECTION CONCERNING A COMMERCIAL PROPERTY UNTIL 15 DAYS AFTER THE TENANT, IF ANY, AND OWNER OF RECORD RECEIVE NOTICE FROM A PERSON ENTITLED TO BRING AN ACTION UNDER THIS SECTION THAT A NUISANCE EXISTS.**";

and in line 29, strike "**(D)**".

On page 3, in line 8, strike "**(E)**"; in lines 10, 24, and 32, in each instance, strike "**(F)**"; and in line 23, strike "**(G)**".

On page 4, in lines 13, 16, 24, 27, 29, and 31, strike "**(H)**", "**(I)**", "**(J)**", "**(K)**", "**(L)**", and "**(M)**", respectively; in line 13, strike "**(F)(2)**"; and in lines 7, 14, and 23, in each instance, strike "**(F)**".

On page 5, in lines 7, 10, and 11, strike "**(N)**", "**(O)**", and "**(P)**", respectively.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 239 – Senator Frosh

AN ACT concerning

Maryland Antitrust Act – Establishment of Minimum Sale Price for Commodities or Services – Prohibited

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 304 – Senators Kramer, DeGrange, Forehand, Glassman, Haines, Middleton, Muse, and Stone

AN ACT concerning

Crimes – Financial Exploitation of Elderly – Penalty

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 364 – Senator Gladden

AN ACT concerning

Real Property – Mechanic's Lien – Certified Interior Design Services

SB0364/968979/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 364
(First Reading File Bill)

On page 1, in line 25, strike "**ARCHITECTURAL**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 368 – Senators Raskin, Brochin, Frosh, Gladden, Harrington, King, Klausmeier, Kramer, Lenett, Madaleno, Muse, Peters, Pugh, Robey, Rosapepe, and Zirkin

AN ACT concerning

Lilly Ledbetter Fair Pay Restoration Act of 2009

SB0368/223928/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 368
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Zirkin" and substitute "Zirkin, Jones, and Forehand"; in line 2, strike "Fair Pay" and substitute "Civil Rights"; and in line 12, after "law" insert "pending on or after a certain date".

AMENDMENT NO. 2

On page 2, strike beginning with "employment" in line 19 down through "Congress" in line 20 and substitute "discriminatory compensation claims should be interpreted broadly".

AMENDMENT NO. 3

On page 4, in line 15, strike "Title 20" and substitute "Title 20, Subtitles 3 through 11"; in line 16, after the first "Article" insert ", under § 3–304 of the Labor and Employment Article,"; and in line 24, after "Maryland" insert "pending on or after October 1, 2009".

The preceding 3 amendments were read only.

Senator Kittleman moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

THE COMMITTEE ON FINANCE REPORT #13

Senator Middleton, Chair, for the Committee on Finance and Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 14 – Senator Astle

SECOND PRINTING

AN ACT concerning

Maryland Environmental Service – Energy Generation Projects

SB0014/617775/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 14
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Astle" and substitute "Senators Astle, Della, Exum, Garagiola, Glassman, Kelley, Klausmeier, Middleton, Pugh, Colburn, and Harris".

AMENDMENT NO. 2

On page 3, in line 6, strike "**OR OTHER ENERGY**".

On page 6, in line 8, strike "**AND OTHER**".

AMENDMENT NO. 3

On page 23, in line 7, after "**YEAR**." insert "**EACH REPORT SHALL DESCRIBE ANY COMPLAINT THE SERVICE RECEIVES THAT INDICATES AN ENERGY ACTIVITY UNDERTAKEN BY THE SERVICE COMPETES WITH PRIVATE INVESTMENT IN A SIMILAR ENERGY ACTIVITY.**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 188 – Senators Pugh, Exum, Frosh, Garagiola, Glassman, Harrington, Jones, Kelley, Klausmeier, Lenett, McFadden, Peters, and Stone

AN ACT concerning

Maryland Strategic Energy Investment Fund – Allocation of Funds – Low–Income Renewable Energy Programs

SB0188/477573/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 188
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "programs;" insert "expanding the information that the Maryland Energy Administration is required to include in a certain annual report;"; and in line 15, after "9–20B–05(h)(1)" insert "and 9–20B–12".

AMENDMENT NO. 2

On page 2, after line 20, insert:

"9–20B–12.

(a) On or before January 1 of each year, the Administration shall report to the Governor and, in accordance with § 2–1246 of this article, to the General Assembly on the uses and expenditures of the Fund from the prior fiscal year.

(b) The report shall include:

(1) a detailed accounting of all amounts received by and disbursed from the Fund;

(2) all amounts used by the Administration for administrative purposes;

(3) programs, projects, and activities included in each category under § 9–20B–05(g) of this subtitle;

(4) the status of programs, projects, activities, and investments implemented with funds from the Fund, including an evaluation of the impact of the programs, projects, activities, and investments that are directed to low–income or moderate–income residential sectors or to other particular classes of ratepayers;

(5) A DESCRIPTION AND EVALUATION OF THE IMPACT OF RENEWABLE ENERGY PROGRAMS DIRECTED TO THE LOW–INCOME RESIDENTIAL SECTOR UNDER § 9–20B–05(H)(1)(I) OF THIS SUBTITLE, INCLUDING HOW CUSTOMERS HAVE RECEIVED ACTUAL BENEFITS OF THESE PROGRAMS;

[(5)**](6)** an estimate of electricity savings from the programs, projects, activities, and investments;

[(6)**] (7)** the number of allowances sold in each auction;

[(7)**] (8)** the average allowance price from each auction;

[(8)**] (9)** an estimate of revenue from future auctions; and

[(9)**] (10)** recommendations for changes to the allocation of funds under § 9–20B–05(g) of this subtitle.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 231 – Senator Della

AN ACT concerning

State Health Services Cost Review Commission – Health Care Facilities – Annual Reports of Compensation

SB0231/677377/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 231
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "Annual Reports of Compensation" and substitute "Required Forms"; strike beginning with "annual" in line 5 down through "compensation" in line 6 and substitute "a certain form at certain times"; strike beginning with the first "the" in line 6 down through "facilities" in line 8 and substitute "filing of required forms by health care facilities"; and in line 11, strike "19–212" and substitute "19–216".

AMENDMENT NO. 2

On pages 1 and 2, strike beginning with line 17 on page 1 through line 21 on page 2, inclusive, and substitute:

"19–216.

(a) At the end of the fiscal year for a facility**,** at least 120 days following a merger or a consolidation**,** and at any other interval that the Commission sets, the facility shall file:

(1) A balance sheet that details its assets, liabilities, and net worth;

(2) A statement of income and expenses; **[**and**]**

(3) THE MOST RECENT FORM 990 THAT THE FACILITY FILED WITH THE INTERNAL REVENUE SERVICE; AND

[(3)**]** **(4)** Any other report that the Commission requires about costs incurred in providing services.

(b) (1) A report under this section shall:

(i) Be in the form that the Commission requires;

(ii) Conform to the uniform accounting and financial reporting system adopted under this subtitle; and

(iii) Be certified as follows:

1. For the University of Maryland Hospital, by the Legislative Auditor; or

2. For any other facility, by its certified public accountant.

(2) If the Commission requires, responsible officials of a facility also shall attest that, to the best of their knowledge and belief, the report has been prepared in conformity with the uniform accounting and financial reporting system adopted under § 19–211 of this subtitle.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 290 – Senators Exum, Conway, Dyson, Garagiola, Glassman, Kelley, and Peters

AN ACT concerning

Assisted Living Programs – Elevator Installation – Exemption

SB0290/167373/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 290
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "elevator;" insert "authorizing the adoption of certain regulations to enhance the safety of certain elevator units;".

AMENDMENT NO. 2

On page 2, after line 5, insert:

"**(D) THE COMMISSIONER MAY ADOPT REGULATIONS TO ENHANCE THE SAFETY OF ELEVATOR UNITS INSTALLED IN ACCORDANCE WITH SUBSECTION (B)(3) OF THIS SECTION.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

Senate Bill 645 – Senator Astle

AN ACT concerning

Fraternal Benefit Societies – Exemption for Mutual Aid Associations – Clarification

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

Senate Bill 703 – Senators Klausmeier, Pugh, and Middleton

AN ACT concerning

Electric Universal Service Program – Modifications

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance and Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 762 – Senator Middleton

AN ACT concerning

Department of Labor, Licensing, and Regulation – Workforce Development and Adult Learning – Administration

SB0762/767376/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 762
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Middleton" and substitute "Senators Middleton and Klausmeier".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance and Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 791 – Senator Klausmeier

AN ACT concerning

Group Model Health Maintenance Organizations – Drug Therapy Management

SB0791/587975/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 791
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, after "terms;" insert "altering a certain definition; requiring the Board of Pharmacy and the Board of Physicians to submit a certain report to the Governor and the General Assembly on or before a certain date; providing for the termination of this Act;"; and after line 26, insert:

"BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 12–101(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)".

On page 2, in line 1, strike "12–6A–01" and substitute "12–101(s)(1), 12–6A–01,".

AMENDMENT NO. 2

On page 3, strike beginning with "**PROVIDES**" in line 18 down through "**ORGANIZATION**" in line 24 and substitute "**:**

(I) CONTRACTS WITH ONE MULTISPECIALTY GROUP OF PHYSICIANS WHO ARE EMPLOYED BY AND SHAREHOLDERS OF THE MULTISPECIALTY GROUP; AND

(II) PROVIDES AND ARRANGES FOR THE PROVISION OF PHYSICIAN SERVICES TO PATIENTS AT MEDICAL FACILITIES OPERATED BY THE HEALTH MAINTENANCE ORGANIZATION"; in line 31, strike "**MEANS A**" and substitute "**MEANS:**

(I) A";

and in line 32, after "**ORGANIZATION**" insert "**; OR**

(II) AN INDIVIDUAL TO WHOM THE GROUP MODEL HEALTH MAINTENANCE ORGANIZATION IS CONTRACTUALLY OR LEGALLY OBLIGATED TO PROVIDE, OR ARRANGE TO PROVIDE, HEALTH CARE SERVICES".

AMENDMENT NO. 3

On page 5, after line 19, insert:

"12–101.

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

(s) (1) "Practice pharmacy" means to engage in any of the following activities:

(i) Providing pharmaceutical care;

(ii) Compounding, dispensing, or distributing prescription drugs or devices;

(iii) Compounding or dispensing nonprescription drugs or devices;

(iv) Monitoring prescriptions for prescription and nonprescription drugs or devices;

(v) Providing information, explanation, or recommendations to patients and health care practitioners about the safe and effective use of prescription or nonprescription drugs or devices;

(vi) Identifying and appraising problems concerning the use or monitoring of therapy with drugs or devices;

(vii) Acting within the parameters of a therapy management contract, as provided under Subtitle 6A of this title;

(viii) Administering an influenza vaccination in accordance with § 12–508 of this title;

(ix) Delegating a pharmacy act to a registered pharmacy technician, pharmacy student, or an individual engaged in a Board approved pharmacy technician training program; **[**or**]**

(x) Supervising a delegated pharmacy act performed by a registered pharmacy technician, pharmacy student, or an individual engaged in a Board approved pharmacy technician training program**; OR**

(XI) PROVIDING DRUG THERAPY MANAGEMENT IN ACCORDANCE WITH § 19–713.6 OF THE HEALTH – GENERAL ARTICLE.";

and strike beginning with "**MEANS**" in line 22 down through "**ORGANIZATION**" in line 29 and substitute "**HAS THE MEANING STATED IN § 19–713.6 OF THE HEALTH – GENERAL ARTICLE**".

AMENDMENT NO. 4

On page 6, after line 31, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That:

On or before December 1, 2012, the Board of Pharmacy and the Board of Physicians shall report to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly on:

(1) the effect of this Act and any recommendations for legislative or regulatory action; and

(2) the outcomes achieved by drug therapy management as provided for under this Act.";

in line 32, strike "2." and substitute "3."; and in line 33, after "2009." insert "It shall remain in effect for a period of 4 years and, at the end of September 30, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 874 – Senators Exum and Pugh

AN ACT concerning

Mental Hygiene Administration – Rights of Individuals with Mental Disorders in Facilities

SB0874/217379/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 874
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "position;" insert "providing for the construction of certain provisions of this Act;".

AMENDMENT NO. 2

On pages 3 and 4, strike beginning with line 26 on page 3 through line 2 on page 4, inclusive, and substitute:

"**(8) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, AND SUBJECT TO SUBSECTION (J) OF THIS SECTION, HAVE THE RIGHT TO AN ADVOCATE OF THE INDIVIDUAL'S CHOICE PARTICIPATE IN THE TREATMENT PLANNING AND DISCHARGE PLANNING PROCESS; AND**".

On page 4, in line 3, strike "**IF**" and substitute "**SUBJECT TO THE PROVISIONS OF § 10–708 OF THIS SUBTITLE, IF**"; in line 12, after "**(D)**" insert "**NOTWITHSTANDING THE PROVISIONS OF SUBSECTION (C)(8) OF THIS SECTION, A FACILITY MAY PROHIBIT AN ADVOCATE FROM PARTICIPATING IN THE TREATMENT PLANNING OR DISCHARGE PLANNING PROCESS FOR AN INDIVIDUAL IF:**

(1) THE INDIVIDUAL IS A MINOR OR AN ADULT UNDER GUARDIANSHIP IN ACCORDANCE WITH § 13–705 OF THE ESTATES AND TRUSTS ARTICLE AND THE LEGAL GUARDIAN OF THE INDIVIDUAL HAS REQUESTED THAT THE ADVOCATE NOT PARTICIPATE; OR

(2) THE ADVOCATE HAS ENGAGED IN BEHAVIOR THAT:

(I) IS DISRUPTIVE TO THE INDIVIDUAL, OTHER PATIENTS, OR STAFF AT THE FACILITY; OR

(II) POSES A THREAT TO THE SAFETY OF THE INDIVIDUAL, OTHER PATIENTS, OR STAFF AT THE FACILITY.

(E)";

in lines 19 and 21, in each instance, strike the bracket; in line 19, strike "**(E)**"; and in line 21, strike "**(F)**".

On page 5, after line 20, insert:

"**(J) THIS SECTION MAY NOT BE CONSTRUED TO:**

(1) GRANT THE ADVOCATE OF AN INDIVIDUAL LEGAL AUTHORITY THAT THE ADVOCATE DOES NOT OTHERWISE HAVE UNDER LAW TO MAKE DECISIONS ON BEHALF OF THE INDIVIDUAL REGARDING TREATMENT OR DISCHARGE;

(2) GRANT THE ADVOCATE ACCESS TO THE MEDICAL RECORDS OF THE INDIVIDUAL OR OTHER CONFIDENTIAL INFORMATION THAT THE ADVOCATE DOES NOT OTHERWISE HAVE ACCESS TO UNDER LAW; OR

(3) LIMIT THE LEGAL AUTHORITY THAT AN ATTORNEY OR OTHER PERSON OTHERWISE HAS UNDER LAW TO PARTICIPATE IN THE TREATMENT PLANNING AND DISCHARGE PLANNING PROCESS OR TO OTHERWISE ACT ON BEHALF OF AN INDIVIDUAL IN A FACILITY.".

AMENDMENT NO. 3

On page 5, in lines 12 and 18, in each instance, strike the brackets; in line 12, strike "**(G)**"; and in line 18, strike "**(H)**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 350)

ADJOURNMENT

At 11:18 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 9:30 A.M. on Wednesday, March 11, 2009.

Annapolis, Maryland
Wednesday, March 11, 2009
9:30 A.M. Session

The Senate met at 10:05 A.M.

Prayer by Pastor Timothy Jones, Grace Community Church, Fulton, Maryland, guest of Senator Kittleman.

(See Exhibit A of Appendix III)

The Journal of March 10, 2009 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 354)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 163 – Chair, Economic Matters Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Motor Fuel – Dyed Diesel Fuel – Violations

FOR the purpose of establishing certain violations involving the use of dyed diesel fuel in the propulsion tanks of motor vehicles on the highways of the State; and generally relating to the regulation of dyed diesel fuel in the State.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 10–323.2
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 246 – Delegate Harrison

AN ACT concerning

Insurance Producers – Continuing Education – ~~Exemption for~~ Funeral Directors and Morticians

FOR the purpose of ~~exempting~~ prohibiting the Maryland Insurance Commissioner from requiring an insurance producer to receive more than a certain number of hours of continuing education in a certain period if the insurance producer is also a ~~certain~~ licensed funeral ~~directors and~~ director or ~~certain~~ licensed ~~morticians~~ mortician who ~~sell~~ sells only certain life insurance policies or annuity contracts for a certain purpose ~~from continuing education requirements for insurance producers~~; and generally relating to continuing education for insurance producers.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 10–116
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 380 – Charles County Delegation

AN ACT concerning

Charles County – Workers' Compensation – Auxiliary Volunteer of Sheriff's Office

FOR the purpose of establishing that each auxiliary volunteer of the Charles County Sheriff's Office is a covered employee while performing work assigned by the Sheriff of the county; and generally relating to workers' compensation coverage of volunteers in the Charles County Sheriff's Office.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–233
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Finance.

House Bill 571 – Delegates Kramer, Ali, Barkley, Carter, Gilchrist, Heller, Kelly, Manno, McComas, Montgomery, Ramirez, Reznik, Shank,

Simmons, Smigiel, ~~and Valderrama~~ Valderrama, Braveboy, Burns, Davis, Feldman, Haddaway, Harrison, Hecht, Jameson, King, Krysiak, Love, Mathias, McHale, Minnick, Rudolph, Stifler, Taylor, and Vaughn

EMERGENCY BILL

AN ACT concerning

Senior Investment Protection Act

FOR the purpose of prohibiting a person from using a ~~senior–specific certification or professional~~ senior or retiree credential or designation in such a way as to mislead a person in connection with the offer, sale, or purchase of ~~any security or in~~ securities, in connection with receiving certain consideration from another person for advising ~~another~~ the other person as to the value, purchase, or sale of ~~any security~~ securities, or in connection with acting as a broker–dealer, agent, investment adviser, or investment adviser representative; ~~specifying the factors that must be considered in determining whether a person is using a senior–specific certification or professional designation; establishing a rebuttable presumption that a certifying or professional designating organization is not disqualified under certain provisions of this Act under certain circumstances; providing that a certification or professional designation does not include a job title within certain organizations under certain circumstances; defining a certain term;~~ requiring the Securities Commissioner of the Securities Division, by rule or order, to define what constitutes a misleading use of a senior or retiree credential or designation for a certain purpose; providing that a violation of a certain rule or order constitutes a dishonest or unethical practice for purposes of certain provisions of law; authorizing the Commissioner, by rule or order, to provide certain exemptions from certain provisions of this Act under certain circumstances; providing that certain provisions of this Act do not limit certain powers of the Commissioner; establishing certain penalties for a willful violation of certain provisions of this Act; making certain stylistic changes; making this Act an emergency measure; and generally relating to the Senior Investment Protection Act.

BY repealing and reenacting, ~~with~~ without amendments,
Article – Corporations and Associations
Section ~~11–301 and 11–302~~ 11–302(a) and 11–412
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY adding to
Article – Corporations and Associations
Section 11–305
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, ~~without~~ with amendments,
Article – Corporations and Associations
Section ~~11–412~~ 11–705(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 613 – Delegate Stifler

AN ACT concerning

Public Safety – Elevators – Inspections

FOR the purpose of requiring that a State inspector make certain inspections relating to elevators and perform quality control monitoring of inspections by certain third–party qualified elevator inspectors; requiring an owner of an elevator to hire a third–party qualified elevator inspector to conduct certain inspections required by the Safety Code for elevator units; requiring an inspection by a third–party qualified elevator inspector to ensure that the elevator unit complies with the Safety Code and other regulations adopted by the Commissioner of Labor and Industry; requiring each elevator unit in the State to have a certain periodic annual inspection by a State inspector or by a third–party qualified elevator inspector; altering the procedures for issuing certain citations and assessing certain penalties; requiring the Commissioner to issue a certain citation under certain circumstances; requiring an owner who is issued a certain citation to post the citation or a copy of the citation in a certain manner; requiring the Commissioner to send by certified mail to the owner a certain notice within a reasonable time after issuance of a certain citation, authorizing an owner to request a hearing on the citation, within a certain period after receiving the notice; providing that a citation and penalties become a final order if a hearing is not requested; authorizing the Commissioner to establish, by regulation, procedures for the issuance of a warning notice instead of a citation for a certain de minimus violation; authorizing the Commissioner to delegate to the Office of Administrative Hearings the authority to hold a certain hearing and issue certain rulings; providing that a certain decision of an administrative law judge shall become a final order of the Commissioner under certain circumstances; requiring the Commissioner to issue a certain order under certain circumstances; authorizing the Commissioner to assess and collect a certain civil penalty under certain circumstances; requiring the Commissioner to consider certain elements in determining a certain penalty; authorizing the Commissioner to assess and collect double administrative penalties on making a certain determination; authorizing the Commissioner to impose a certain penalty on an owner for failure to correct a certain violation; requiring a certain civil penalty to be paid into the General Fund of the State; making certain technical changes; and generally relating to the inspection of elevators.

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 12–801(a) and (r) and 12–814.1
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–809, 12–812, and 12–814
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY adding to
Article – Public Safety
Section 12–814.2 and 12–814.3
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 653 – Chair, Economic Matters Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Fire Safety Performance Standard for Cigarettes – Sale or Distribution for Consumer Testing Under Controlled Settings

FOR the purpose of providing that cigarettes sold or distributed for the purpose of consumer testing in a controlled setting are not subject to certain certification requirements as to having met a certain fire safety performance standard; providing that cigarette manufacturers may submit to the Comptroller, as confidential under seal, certain information about cigarettes that are required to be certified as having met a certain fire safety performance standard; providing that certain information submitted to the Comptroller under this Act as confidential under seal is not subject to certain disclosures and may be used for certain purposes; defining certain terms; providing for the termination of this Act; and generally relating to consumer testing of cigarettes for fire safety performance purposes.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 16–601 and 16–602(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY adding to
Article – Business Regulation
Section 16–602.1
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 273 – The President (By Request – Administration) and Senators Della, King, Klausmeier, Lenett, Madaleno, and Rosapepe

AN ACT concerning

Smart, Green, and Growing – Local Government Planning – Planning Visions

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0273/284537/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 273
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, strike "site" and substitute "land on which the public facility will be located"; and in line 14, after "reports;" insert "defining certain terms;".

AMENDMENT NO. 2

On page 8, after line 7, insert:

"**3. THE PROPOSED RESOLUTION OF THE RESTRICTION, IF AVAILABLE;**";

in lines 8, 10, and 12, strike "**3.**", "**4.**", and "**5.**", respectively, and substitute "**4.**", "**5.**", and "**6.**", respectively; and in line 9, after "**RESTRICTION**" insert "**, IF AVAILABLE**".

AMENDMENT NO. 3

On page 9, in line 1, after "**(1)**" insert "**(I)**"; in the same line, strike the comma and substitute "**THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(II)";

in the same line, strike "**PRIORITY**" and substitute "**PRIORITY**"; after line 3, insert:

"**(III) "PUBLIC FACILITY" INCLUDES:**

1. RECREATIONAL FACILITIES;

2. TRANSPORTATION FACILITIES AND TRANSIT ORIENTED DEVELOPMENT; AND

3. SCHOOLS AND EDUCATIONAL FACILITIES.";

in lines 6 and 10, in each instance, after "**ASSIST**" insert "**A LOCAL JURISDICTION**"; in line 7, strike "**A SCHOOL OR**" and substitute "**THE CONSTRUCTION OF A**"; in line 11, strike "**PUBLIC SITE**" and substitute "**LAND ON WHICH THE PUBLIC FACILITY WILL BE LOCATED**"; and in line 12, after "**THE**" insert "**PUBLIC**".

The preceding 3 amendments were read and adopted.

Senator Glassman moved, duly seconded, to make the Bill and Report a Special Order for March 12, 2009.

The motion was adopted.

Senate Bill 368 – Senators Raskin, Brochin, Frosh, Gladden, Harrington, King, Klausmeier, Kramer, Lenett, Madaleno, Muse, Peters, Pugh, Robey, Rosapepe, and Zirkin

AN ACT concerning

Lilly Ledbetter Fair Pay Restoration Act of 2009

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0368/223928/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 368
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Zirkin" and substitute "Zirkin, Jones, and Forehand"; in line 2, strike "Fair Pay" and substitute "Civil Rights"; and in line 12, after "law" insert "pending on or after a certain date".

AMENDMENT NO. 2

On page 2, strike beginning with "employment" in line 19 down through "Congress" in line 20 and substitute "discriminatory compensation claims should be interpreted broadly".

AMENDMENT NO. 3

On page 4, in line 15, strike "Title 20" and substitute "Title 20, Subtitles 3 through 11"; in line 16, after the first "Article" insert ", under § 3–304 of the Labor and Employment Article,"; and in line 24, after "Maryland" insert "pending on or after October 1, 2009".

The preceding 3 amendments were read only.

Senator Raskin moved, duly seconded, to make the Bill and Amendments a Special Order for March 12, 2009.

The motion was adopted.

MESSAGE FROM THE EXECUTIVE

The Secretary of State appeared and delivered a Message from the Executive.

March 10, 2009

The Honorable Thomas V. Mike Miller, Jr.
President
Maryland State Senate
State House
Annapolis, Maryland 21401

Dear Mr. President:

I am pleased to submit the following appointment nominations for confirmation by the Maryland State Senate. These individuals bring exceptional knowledge and ability to the offices for which they have been nominated. I am confident they will provide the strength of experience and leadership to instill confidence among our citizens, and ensure we succeed in our goals for Marylanders.

I look forward to your favorable approval of these nominees. Thank you for your assistance and support.

Sincerely,

Governor

GUBERNATORIAL APPOINTMENTS TO STATEWIDE BOARDS
REQUIRING CONFIRMATION
2009 SESSION OF THE MARYLAND GENERAL ASSEMBLY

ARCHAEOLOGY, ADVISORY COMMITTEE ON	
William S. Dudley, Ph.D. 4420 Cobalt Drive Harwood, Maryland 20776 Anne Arundel/33	Reappointment Member Term of 3 years from July 1, 2009
CHESAPEAKE AND ATLANTIC COASTAL BAYS, CRITICAL AREA COMMISSION FOR THE	
Matthew R. Holloway 27585 Little Lane Salisbury, Maryland 21801 Wicomico/37	Appointment Somerset/Wicomico – Appointed/Elected Term of 4 years from July 1, 2008
EDUCATION, STATE BOARD OF	
David H. Murray 12012 Thackeray Court Bowie, Maryland 20720 Prince George's/23	Appointment Student Term of 1 year from July 1, 2009
INJURED WORKERS' INSURANCE FUND, BOARD FOR THE	
Lewis C. Powell 5750 Cabinwood Court Indian Head, Maryland 20640 Charles/28	Appointment Member Term of 5 years from June 1, 2009
LANDSCAPE ARCHITECTS, BOARD OF EXAMINERS OF	

Lisa S. Keir 13907 Longnecker Road Reisterstown, Maryland 21136 Baltimore County/5	Appointment Consumer Remainder of a term of 3 years from July 1, 2007
LOTTERY COMMISSION, STATE	
J. Kirby Fowler, Jr. 403 Gittings Avenue Baltimore, Maryland 21212 Baltimore City/43	Appointment Member Remainder of a term of 4 years from January 9, 2007
ST. MARY'S COLLEGE OF MARYLAND, BOARD OF TRUSTEES OF	
Lawrence Leak, Ph.D. 6505 Burgundy Lane Clarksville, Maryland 21029 Howard/13	Appointment Member Remainder of a term of 6 years from June 1, 2005
Arthur A. "Lex" Birney, Jr. 848 Coach Way Annapolis, Maryland 21401 Anne Arundel/33	Reappointment Member Term of 6 years from June 1, 2009
John J. McAllister, Jr. P.O. Box 2506 40346 Breton Beach Road Leonardtown, Maryland 20650 St. Mary's/29	Reappointment Member Term of 6 years from June 1, 2009
Benjamin C. Bradlee 3014 N Street, NW Washington, DC 20007 Nonresident	Reappointment Member Term of 6 years from June 1, 2009
James Patrick Muldoon, Esq. 304 9th Street, SE Washington, DC 20003 Nonresident	Reappointment Member Term of 6 years from June 1, 2009
Margaret Duchesne 12304 Sea Pearl Court Laurel, Maryland 20708 Prince George's/23	Appointment Member Remainder of a term of 6 years from June 1, 2007

GUBERNATORIAL APPOINTMENTS TO LOCAL BOARDS REQUIRING CONFIRMATION 2009 SESSION OF THE MARYLAND GENERAL ASSEMBLY

ALLEGANY COUNTY BOARD OF LICENSE COMMISSIONERS	
Frederick John Hill 1033 Weires Avenue La Vale, Maryland 21502	Reappointment Democrat Term of 6 years to expire on the first

Allegany/01	Monday in May, 2015
ANNE ARUNDEL COUNTY BOARD OF LICENSE COMMISSIONERS	
Melvin Hyatt 19 Williams Drive Annapolis, Maryland 21401 Anne Arundel/30	Reappointment Chair – Democrat Term of 2 years to expire on the first Monday in May, 2011
James C. Thomas 40 Glendale Avenue Glen Burnie, Maryland 21061 Anne Arundel/32	Appointment Democrat Remainder of a term to expire on the first Monday in May, 2009 and a term of 2 years to expire on the first Monday in May, 2011
John G. Warner 2027 Poplar Ridge Road Pasadena, Maryland 21122 Anne Arundel/31	Reappointment Republican Term of 2 years to expire on the first Monday in May, 2011
BALTIMORE CITY BOARD OF LICENSE COMMISSIONERS	
Elizabeth C. Smith 3400 Dorchester Road Baltimore, Maryland 21215 Baltimore City/41	Reappointment Member Term of 2 years to expire on the first Monday in May, 2011
Harvey Eugene Jones 4310 Walther Avenue Baltimore, Maryland 21214 Baltimore City/45	Reappointment Member Term of 2 years to expire on the first Monday in May, 2011
Stephan W. Fogleman, Jr. 726 South Clinton Street Baltimore, Maryland 21224 Baltimore City/46	Reappointment Chair Term of 2 years to expire on the first Monday in May, 2011
BALTIMORE CITY COMMUNITY COLLEGE, BOARD OF TRUSTEES OF	
Gary Duane Rodwell, D.P.A. 740 Dolphin Street P.O. Box 12708 Baltimore, Maryland 21217 Baltimore City/44	Appointment Member Remainder of a term of 6 years from July 1, 2003 and a term of 6 years from July 1, 2009
CHARLES COUNTY ORPHANS' COURT	
Frank H. Lancaster 13580 Persimmon Point Place Newburg, Maryland 20664 Charles/28	Appointment Judge of the Orphans' Court Remainder of a term of 4 years from the General Election of November, 2006
PRINCE GEORGE'S COUNTY BOARD OF LICENSE COMMISSIONERS	
David Daesok Son 13610 United Lane Bowie, Maryland 20720 Prince George's/23	Reappointment Democrat Term of 3 years from July 1, 2009
SOMERSET COUNTY COMMISSIONER	

James E. East 33123 Costen Road Pocomoke, Maryland 21851 Somerset/38	Appointment Commissioner Remainder of a term of 4 years from the General Election of November, 2006
TALBOT COUNTY BOARD OF LICENSE COMMISSIONERS	
Marygail Ferris 23933 Mt. Misery Road St. Michaels, Maryland 21663 Talbot/37	Reappointment Member Term of 6 years from May 8, 2007

The Message from the Executive, being of an Executive nature, was referred to the Committee on Executive Nominations.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #10

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 98 – Senator Stone

AN ACT concerning

Motor Vehicles – Use of Text Messaging Device While Driving – Prohibition

SB0098/188670/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 98
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Stone" and substitute "Senators Stone, Forehand, and Raskin"; strike line 2 in its entirety and substitute "The Delegate John Arnick Electronic Communications Traffic Safety Act"; and in line 4, after "vehicle" insert "under certain circumstances; defining a certain term; and generally relating to a prohibition on the use of a text messaging device while driving".

AMENDMENT NO. 2

On page 1, after line 18, insert:

"**(A) IN THIS SECTION, "TEXT MESSAGING DEVICE" MEANS A DEVICE USED TO SEND A TEXT MESSAGE OR AN ELECTRONIC MESSAGE VIA A SHORT MESSAGE SERVICE, WIRELESS TELEPHONE SERVICE, OR ELECTRONIC COMMUNICATION NETWORK.**";

in line 19, before "**A**" insert "**(B)**"; and in line 20, after "**VEHICLE**" insert "**IN MOTION OR IN THE TRAVEL PORTION OF THE ROADWAY**".

The preceding 2 amendments were read only.

Senator Harris moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 292 – Senator Edwards

AN ACT concerning

Vehicle Laws – Motor Vehicle and Bicycle Racing Events – Sunset Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 370 – Senators Stone, Conway, Dyson, Gladden, Klausmeier, Kramer, Munson, Muse, Peters, Raskin, Robey, Rosapepe, and Simonaire

EMERGENCY BILL

AN ACT concerning

Maryland Quiet Vehicles and Pedestrian Safety Task Force – Extension and Membership

SB0370/158077/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 370
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike "Extension and Membership" and substitute "Reconstitution"; in line 4, strike "extending the duration of" and substitute "reconstituting"; strike beginning with "altering" in line 5 down through "correction" in line 9 and substitute "providing for the membership and duties of the Task Force; providing for the staffing of the Task Force; prohibiting a member of the Task Force from receiving certain compensation; authorizing a member of the Task Force to receive reimbursement for certain expenses; requiring the Task Force to report to the Governor and the General Assembly by a certain date; making this Act an emergency measure; providing for the termination of this Act; stating the intent of the General Assembly"; strike in their entirety lines 11 through 19, inclusive; and strike line 23 in its entirety and substitute:

"(b) The Task Force consists of:".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 1 through 4, inclusive, and substitute:

"(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";

and in line 5, strike "**(3)**" and substitute "(3)"; in lines 7, 8, 10, 11, 13, 14, 16, and 18, strike "**[**(1)**] (I)**", "**[**(2)**] (II)**", "**[**(3)**] (III)**", "**[**(i)**] 1.**", "**[**(ii)**] 2.**", "**[**(iii)**] 3.**", "**[**(4)**] (IV)**", and "**[**(5)**] (V)**", respectively, and substitute "(i)", "(ii)", "(iii)", "1.", "2.", "3.", "(iv)", and "(v)", respectively.

AMENDMENT NO. 3

On page 3, in line 20, in each instance, strike the bracket; in the same line, strike "licensed"; in line 21, strike "**REGISTERED**" and substitute "registered"; in lines 27 and 28, in each instance, strike the bracket; in line 27, strike "2008"; in the same line, strike "**2010**" and substitute "2010"; in line 28, strike "**FINAL**" and substitute "final"; in the same line, strike "General Assembly"; in the same line, strike

"**GOVERNOR AND**" and substitute "Governor and"; and in lines 29 and 30, strike "**, THE GENERAL ASSEMBLY**" and substitute ", the General Assembly".

AMENDMENT NO. 4

On pages 4 through 6, strike in their entirety the lines beginning with line 1 on page 4 through line 13 on page 6, inclusive.

AMENDMENT NO. 5

On page 6, after line 13, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Governor appoint to the Maryland Quiet Vehicles and Pedestrian Safety Task Force those individuals who formerly were appointed to the predecessor Task Force established under Chapter 384 of the Acts of the General Assembly of 2008 and who were serving on the Task Force as of December 31, 2009.";

and in line 14, strike "2." and substitute "3.".

AMENDMENT NO. 6

On page 6, in line 18, after "enacted." insert "It shall remain effective through December 31, 2010, and, at the end of December 31, 2010, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 428 – Senators Raskin, Astle, Frosh, Mooney, and Rosapepe

AN ACT concerning

Vehicle Laws – Bicycles, EPAMDs, and Motor Scooters – Rules of the Road

SB0428/308073/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 428
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "lane" insert "or shoulder under certain circumstances".

AMENDMENT NO. 2

On page 2, in line 6, after "**IS**" insert "**LAWFULLY**"; and in line 7, after "**LANE**" insert "**OR SHOULDER IF THE DRIVER IS ABOUT TO:**

(1) MOVE THE MOTOR VEHICLE INTO OR ACROSS THE DESIGNATED BICYCLE LANE OR SHOULDER;

(2) TURN INTO OR ACROSS THE DESIGNATED BICYCLE LANE OR SHOULDER AT AN ALLEY, DRIVEWAY, OR PRIVATE ROAD; OR

(3) EXIT AN ALLEY, DRIVEWAY, OR PRIVATE ROAD INTO OR ACROSS THE DESIGNATED BICYCLE LANE OR SHOULDER".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 449 – Senator Edwards

AN ACT concerning

Allegany County and Garrett County – Exceptional Hauling Permits for Forestry Products – Sunset Repeal

Senator Stoltzfus moved, duly seconded, to make the Bill and Report a Special Order for March 12, 2009.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 817 – Senator Jones

AN ACT concerning

Task Force to Study Prison Violence in Maryland – Continuation

SB0817/788175/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 817
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Continuation" and substitute "Reconstitution"; in line 3, strike "continuing" and substitute "reconstituting"; and in line 9, after "Act;" insert "stating the intent of the General Assembly;".

AMENDMENT NO. 2

On page 3, after line 22, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Speaker of the House, President of the Senate, and the Governor appoint to the Task Force to Study Prison Violence in Maryland those individuals who formerly were appointed to the predecessor Task Force established under Chapter 518 of the Acts of the General Assembly of 2007 and who were serving on the Task Force as of January 31, 2009.";

and in line 23, strike "2." and substitute "3.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON RULES REPORT #8

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 957 – Senator Rosapepe

AN ACT concerning

Creation of a State Debt – Prince George's County – LARS Facility Renovation

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 958 – Senator Rosapepe

EMERGENCY BILL

AN ACT concerning

Construction Permits – Expiration Dates

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 972 – Senator Rosapepe

AN ACT concerning

Environment – On–Site Sewage Disposal Systems – Requirements

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 975 – Senator Harrington

AN ACT concerning

Public Safety – Regulation of Demolition – Demolition Contractors

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 998 – Senator Jacobs

AN ACT concerning

Creation of a State Debt – Harford County – The Citizens Care and Rehabilitation Center

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 999 – Senator Raskin

AN ACT concerning

Creation of a State Debt – Montgomery County – Dance Exchange

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1000 – Senator Brinkley

AN ACT concerning

State Law Enforcement Agencies – United States Immigration and Customs Enforcement Agency's 287(g) Delegation of Authority Program

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1001 – Senator Della

AN ACT concerning

Creation of a State Debt – Baltimore City – Sports Legends Museum at Camden Yards

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1002 – Senator Astle

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Annapolis Summer Garden Theatre Renovation

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1003 – Senator Astle

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Light House Shelter

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1004 – Senator Astle

AN ACT concerning

Creation of a State Debt – Anne Arundel County – Coordinating Center for Home and Community Care Building Facilities Loan

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1005 – Senator Muse

AN ACT concerning

Property Tax Credit – Individuals at Least 65 Years Old

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 1006 – Senator Garagiola

AN ACT concerning

Labor and Employment – Independent Contractor – Definition

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1017 – Senator Colburn

AN ACT concerning

Marine Contractors – Licensure and Regulation – Wetland Permits and Authorizations

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1018 – Senator Garagiola

AN ACT concerning

State Retirement and Pension System – Investments – Qualified Technology or Bioscience Businesses

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1019 – Senators McFadden and Robey

AN ACT concerning

State Police Retirement System – Reemployment of Retirees

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 1022 – Senators Mooney and Muse

AN ACT concerning

Driving While Under the Influence of Alcohol or Impaired by a Controlled Dangerous Substance – First Offense – Minimum Sentence

The bill was re–referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1023 – Senator Mooney

AN ACT concerning

Maryland Sesquicentennial of the American Civil War Commission

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1024 – Senator McFadden

AN ACT concerning

Creation of a State Debt – Baltimore City – Eastside Youth Center Expansion

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1025 – Senator Kramer

AN ACT concerning

Maryland Consolidated Capital Bond Loan of 2006 – Montgomery County – Our House Youth Home

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 1026 – Senator Middleton

AN ACT concerning

Telecommunications – Basic and Competitive Services – Agreement

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 1027 – Senator Dyson

AN ACT concerning

Real Property – Conservation Easements – Disclosure

The bill was re–referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1028 – Senator Middleton

AN ACT concerning

Creation of a State Debt – Charles County – Jaycees Field of Dreams

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1030 – Senator Dyson

AN ACT concerning

Creation of a State Debt – St. Mary's County – Pathway's Facility Renovation

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1031 – Senator Dyson

AN ACT concerning

Creation of a State Debt – St. Mary's County – Cedar Lane Apartment Renovations

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation and the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1032 – Senator Rosapepe

AN ACT concerning

Funding Formula to Expand K–12 Online Education

The bill was re–referred to the Committee on Budget and Taxation and the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1033 – Senators Madaleno and Raskin

EMERGENCY BILL

AN ACT concerning

Special Election – Absentee Voting – Late Applications

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1034 – Senator Brinkley

AN ACT concerning

Frederick County – Alcoholic Beverages – Sunday Sales Hours

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1035 – Senators Peters, Muse, Harrington, Currie, Exum, Miller, Pinsky, and Rosapepe

AN ACT concerning

Education – Prince George's Community College Board of Trustees

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

THE COMMITTEE ON RULES REPORT #9

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1037 – Senator Miller

AN ACT concerning

Creation of a State Debt – Prince George's County – Cosca Regional Skate Park

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1039 – Senators Currie, Harrington, Miller, Muse, Peters, Pinsky, and Rosapepe

EMERGENCY BILL

AN ACT concerning

Prince George's County Hospital Authority

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1040 – Senator Kasemeyer

AN ACT concerning

Creation of a State Debt – Maryland Food Bank Distribution Center Roof

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1044 – Senator Harrington

AN ACT concerning

Creation of a State Debt – Prince George's County – African–American History Museum

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 1051 – Senator Pugh

EMERGENCY BILL

AN ACT concerning

Public Service Commission – Prohibition on Terminating Gas and Electric Service – Residential Customers

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 1053 – Senators Brochin, Della, Frosh, Klausmeier, and Stone

AN ACT concerning

Criminal Procedure – Strip Search or Body Cavity Search of an Arrestee – Restrictions

The bill was re–referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Joint Resolution be re–referred to the Committee on Finance:

Senate Joint Resolution 12 – Senator Klausmeier

A Senate Joint Resolution concerning

Regional Manufacturing Institute of Maryland – GreenTech Maryland

The bill was re–referred to the Committee on Finance.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 355)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #28

Senate Bill 309 – Senator Conway

AN ACT concerning

State Board of Pharmacy – Pharmacy Permit – Term and Renewal

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 356)

The Bill was then sent to the House of Delegates.

Senate Bill 367 – Senators Klausmeier, Astle, Brinkley, Della, Edwards, Exum, Forehand, Frosh, Garagiola, Gladden, Glassman, Greenip, Jones, Kasemeyer, Kelley, King, Kramer, Middleton, Munson, Peters, Pinsky, Pipkin, Pugh, and Stone

AN ACT concerning

Commission on the Establishment of a Maryland Women in Military Service Monument ~~– Extension of Termination Date~~

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 357)

The Bill was then sent to the House of Delegates.

Senate Bill 433 – Senator Astle

AN ACT concerning

State Board of Physicians – Polysomnographic Technologists – Education and Licensing Requirements

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 358)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF BILLS

Senator Garagiola moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1055 – Senator Garagiola

AN ACT concerning

Creation of a State Debt – Montgomery County – Poolesville Skate Park

FOR the purpose of authorizing the creation of a State Debt in the amount of $200,000, the proceeds to be used as a grant to the Town of Poolesville for certain development or improvement purposes; providing for disbursement of the loan proceeds, subject to a requirement that the grantee provide and expend a matching fund; establishing a deadline for the encumbrance or expenditure of the loan proceeds; and providing generally for the issuance and sale of bonds evidencing the loan.

Senator Garagiola moved to suspend the rules to allow **Senate Bill 1055** to be referred immediately.

The motion was adopted.

Read the first time and referred to the Committee on Budget and Taxation.

Senator Mooney moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1056 – Senator Mooney

AN ACT concerning

Environment – Incinerator Permits – Conditions for Issuance

FOR the purpose of prohibiting the Department of the Environment from issuing a permit to construct an incinerator unless certain conditions are met; prohibiting local jurisdictions from issuing a building permit for an incinerator unless certain conditions are met; providing for the application of this Act; providing that existing obligations or contract rights may not be impaired by this Act; and generally relating to the conditions for issuing a permit for an incinerator.

BY repealing and reenacting, without amendments,
Article – Environment
Section 2–401
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY adding to
Article – Environment
Section 2–401.1
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 359)

ADJOURNMENT

At 10:43 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Thursday, March 12, 2009.

Annapolis, Maryland
Thursday, March 12, 2009
10:00 A.M. Session

The Senate met at 10:14 A.M.

Prayer by Reverend Allan Gorman, Harford Community Church, guest of Senator Jacobs.

(See Exhibit A of Appendix III)

The Journal of March 11, 2009 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 361)

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 98 – Senator Stone

AN ACT concerning

Motor Vehicles – Use of Text Messaging Device While Driving – Prohibition

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0098/188670/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 98
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Stone" and substitute "Senators Stone, Forehand, and Raskin"; strike line 2 in its entirety and substitute "The Delegate John Arnick Electronic Communications Traffic Safety Act"; and in line 4, after "vehicle" insert "under certain circumstances; defining a certain term; and generally relating to a prohibition on the use of a text messaging device while driving".

AMENDMENT NO. 2

On page 1, after line 18, insert:

"**(A) IN THIS SECTION, "TEXT MESSAGING DEVICE" MEANS A DEVICE USED TO SEND A TEXT MESSAGE OR AN ELECTRONIC MESSAGE VIA A SHORT MESSAGE SERVICE, WIRELESS TELEPHONE SERVICE, OR ELECTRONIC COMMUNICATION NETWORK.**";

in line 19, before "**A**" insert "**(B)**"; and in line 20, after "**VEHICLE**" insert "**IN MOTION OR IN THE TRAVEL PORTION OF THE ROADWAY**".

The preceding 2 amendments were read and adopted.

Senator Pipkin moved, duly seconded, to make the Bill and Report a Special Order for March 13, 2009.

The motion was adopted.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #17

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 168 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Department of Natural Resources – Shellfish and Crabs – Public Process

SB0168/264130/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 168
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Shellfish and"; in line 4, strike "shellfish and"; strike beginning with "prohibiting" in line 5 down through "regulations" in line 10 and substitute "requiring the Department to hold certain hearings in certain locations under certain circumstances"; and in line 14, strike ", 4–1102, 4–1103, and 4–1106".

AMENDMENT NO. 2

On page 2, in line 19, after "(c)" insert "**(1)**"; in line 21, after "**A**" insert "**PUBLIC**"; in the same line, after "**HEARING**" insert "**:**

(I) IN SOUTHERN MARYLAND; AND

(II) ON THE EASTERN SHORE";

in line 21, before "The" insert:

"**(2)**";

in lines 22, 23, and 25, in each instance, strike the bracket; and in lines 22 and 26, in each instance, strike "**HEARING**".

AMENDMENT NO. 3

On pages 2 through 9, strike in their entirety the lines beginning with line 27 on page 2 through line 3 on page 9.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 257 – The President (By Request – Administration) and Senators Astle, Colburn, Dyson, Edwards, Forehand, Garagiola, Lenett, Peters, Robey, Simonaire, and Stone

AN ACT concerning

Interstate Compact on Educational Opportunity for Military Children

SB0257/524534/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 257
(First Reading File Bill)

On page 12, in line 7, after "**B.**" insert "**1.**"; strike beginning with "**TO**" in line 8 down through "**EDUCATION**" in line 9; and after line 11, insert:

"**2. IN MARYLAND, THE MILITARY FAMILY EDUCATION LIAISON SHALL BE LOCATED IN THE MARYLAND STATE DEPARTMENT OF EDUCATION.**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 408 – Senators Simonaire, Brochin, Colburn, Forehand, Gladden, Harrington, Lenett, Raskin, Rosapepe, and Stone

AN ACT concerning

Environment – Water Pollution Control – Incentives and Penalties

SB0408/384930/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 408
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Incentives and"; strike beginning with "requiring" in line 3 down through "penalties;" in line 6; strike beginning with "requiring" in line 7 down through "penalty;" in line 8; and in line 12, strike "9–320 and".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 18 on page 1 through line 25 on page 2.

AMENDMENT NO. 3

On page 3, in line 2, strike "**$10,000**" and substitute "**$5,000**"; in line 21, in each instance, strike the bracket; in line 23, strike the semicolon; and strike beginning with "**AND**" in line 24 down through "**SUBTITLE**" in line 26.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 652 – Senator Edwards

AN ACT concerning

Allegany and Garrett Counties – Deer Hunting on Private Property – Sundays

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #18

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 149 – Senators Kelley, Conway, Forehand, Glassman, Greenip, Jacobs, Jones, King, Klausmeier, Kramer, Lenett, Madaleno, and Pugh

AN ACT concerning

Maryland Commission for Women – Appointment of Members

SB0149/944437/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 149
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 4 down through "Commission" in line 11 and substitute "requiring the Governor to appoint certain members of the Commission from among certain applicants with the advice and consent of the Senate"; and in line 13, strike "renominated and".

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 27 on page 2 through line 17 on page 3, inclusive, and substitute:

"**(A) THE COMMISSION CONSISTS OF 25 MEMBERS APPOINTED BY THE GOVERNOR WITH THE ADVICE AND CONSENT OF THE SENATE.**

(B) OF THE 25 MEMBERS OF THE COMMISSION:

(1) 12 SHALL BE APPOINTED FROM AMONG APPLICANTS WHO HAVE BEEN NOMINATED AND RECOMMENDED FOR APPOINTMENT BY ORGANIZATIONS LOCATED IN THE STATE WHOSE INTERESTS RELATE TO THE STATUS OF WOMEN; AND

(2) 13 SHALL BE APPOINTED FROM AMONG APPLICANTS APPLYING ON THEIR OWN BEHALF.

(c) To the extent practicable, in making appointments under this section, the Governor**[**, the President of the Senate, and the Speaker of the House**]** shall ensure geographic diversity among the membership of the Commission.".

AMENDMENT NO. 3

On page 4, in line 2, strike the colon; in line 3, strike "(a)"; in line 4, after "Governor" insert ", by the President of the Senate, and by the Speaker of the House,"; strike beginning with "renominated" in line 6 down through "be" in line 7; in line 9, strike "nominated and"; and strike beginning with the semicolon in line 10 down through "Act" in line 18.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 180 – Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Authority of Mayor to Remove Police Commissioner

Senator Della moved, duly seconded, to make the Bill and Report a Special Order for March 13, 2009.

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 350 – Senators Pinsky and Harrington

AN ACT concerning

Municipal Corporations – Annexations – Small Parcels

Senator Brinkley moved, duly seconded, to make the Bill and Report a Special Order for March 13, 2009.

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 402 – Senators Conway, Currie, Dyson, Exum, Gladden, Harrington, Jones, Lenett, Madaleno, McFadden, Muse, Peters, Pinsky, and Pugh

AN ACT concerning

Maryland Higher Education Commission – Review of Duplicative Academic Programs

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

MOTION

Senator Kelley moved, duly seconded, that the Senate receive in Open Session the following Report from the Committee on Executive Nominations.

The motion was adopted.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #5

March 12, 2009
Report #5

The Senate Executive Nominations Committee reports favorably on the attached gubernatorial appointments and recommends that the Senate of Maryland advise and consent to these appointments.

Delores G. Kelley
Chair

Senate Executive Nominations Committee
Report #5
March 12, 2009

District Court, Baltimore City (District 1)

1. Timothy D. Murphy District 46

Judge of the District Court of Maryland, District 1, Baltimore City; reappointed to serve a term of ten years from January 20, 2009

2. Gregory Sampson District 41

Judge of the District Court of Maryland, District 1, Baltimore City; appointed to serve a term of ten years from February 5, 2009

District Court, Harford County (District 9)

3. John L. Dunnigan District 35

Judge of the District Court of Maryland, District 9, Harford County; reappointed to serve a term of ten years from April 12, 2009

Airport Zoning Appeals Board

4. David S. Roe District 32
6433 Orchard Road
Linthicum, MD 21090

Member of the Airport Zoning Appeals Board; reappointed to serve a term of four years from July 1, 2009

Amusement Ride Safety Board

5. Dawn O. Holland District 14
13512 Greencastle Ridge Terrace, #203
Burtonsville, MD 20866

Member of the Amusement Ride Safety Board; appointed to serve a term of four years from July 1, 2008

6. Christopher M. Trimper District 38
10252 Bent Creek Road
Ocean City, MD 21842

Member of the Amusement Ride Safety Board; appointed to serve remainder of a term of four years from July 1, 2005 and a term of four years from July 1, 2009

Apprenticeship and Training Council

7. Michael J. McNelly District 33
6337 North Brook Drive
Dunkirk, MD 20754

Member of the Apprenticeship and Training Council; reappointed to serve a term of four years from July 1, 2009

Architectural Review, State Board of

8. Susan Gail Hains — District 16
6921 Winterberry Lane
Bethesda, MD 20817

Member of the State Board of Architectural Review; appointed to serve a term of four years from July 1, 2006

Arts Council, Maryland State

9. Terence Patrick Winch — District 18
10113 Greeley Avenue
Silver Spring, MD 20902

Member of the Maryland State Arts Council; appointed to serve a term of three years from July 1, 2009

Aviation Commission, Maryland

10. Gregory V. Billups — District 28
12822 Meadowbrook Lane
Waldorf, MD 20601

Member of the Maryland Aviation Commission; appointed to serve a term of three years from October 1, 2009

11. Gerry L. Brewster — District 5
14520 Cuba Road
Cockeysville, MD 21030

Member of the Maryland Aviation Commission; appointed to serve a term of three years from October 1, 2009

Boiler Rules, Board of

12. William M. Rohrer — District 2
12025 Steven Avenue
Smithsburg, MD 21783

Member of the Board of Boiler Rules; reappointed to serve a term of four years from January 1, 2009

Canal Place Preservation and Development Authority

13. Kara Rogers Thomas, Ph.D. — District 1
52 Linden Street

Frostburg, MD 21532

Member of the Canal Place Preservation and Development Authority; appointed to serve remainder of a term of four years from June 1, 2005 and a term of four years from June 1, 2009

Chesapeake and Atlantic Coastal Bays, Critical Area Commission for the

14. Jay A. Jacobs District 36
21223 Chesapeake Avenue, P.O. Box 109
Rock Hall, MD 21661

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; appointed to serve a term of four years from July 1, 2008

15. Donald Sydnor District 37
718 Rosemount Avenue
Cambridge, MD 21613

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; appointed to serve a term of four years from July 1, 2008

Chiropractic Examiners, State Board of

16. Jonathan C. Nou, D.C. District 12
5532 Mystic Court
Columbia, MD 21044

Member of the State Board of Chiropractic Examiners; appointed to serve a term of four years from July 1, 2009

Consumer Council

17. Norman Goldstein, Esquire District 19
1014 Chiswell Lane
Silver Spring, MD 20901

Member of the Consumer Council; reappointed to serve a term of six years from July 1, 2008

Correctional Standards, Commission on

18. Delores Alexander District 10
9905 Shoshone Way
Randallstown, MD 21133

Member of the Commission on Correctional Standards; reappointed to serve a term of three years from July 1, 2007

19. Milton M. Crump, Jr. District 27
10200 Lynn–Ric Drive
Upper Marlboro, MD 20772

Member of the Commission on Correctional Standards; reappointed to serve a term of three years from July 1, 2009

Correctional Training Commission

20. Robin R. Harting District 30
31 Goodrich Road
Annapolis, MD 21401

Member of the Correctional Training Commission; appointed to serve remainder of a term of four years from July 1, 2007

21. Randall S. Wylie District 3
11 Jennifer Lynne Drive
Brunswick, MD 21758

Member of the Correctional Training Commission; appointed to serve remainder of a term of four years from July 1, 2008

Deaf and Hard of Hearing, Maryland Advisory Council for the

22. Jennifer R. Whitcomb District 38
9275 Tournament Drive
Delmar, MD 21875

Member of the Maryland Advisory Council for the Deaf and Hard of Hearing; appointed to serve remainder of a term of three years from October 1, 2007

Higher Education Commission, Maryland

23. Joshua Ackerman District 42
6612 Baythorne Road
Baltimore, MD 21209

Member of the Maryland Higher Education Commission; appointed to serve a term of one year from July 1, 2008

Lottery Commission, Maryland State

24. Howard A. Denis District 16

4515 Willard Avenue, #2109S
Chevy Chase, MD 20815

Member of the Maryland State Lottery Commission; appointed to serve remainder of a term of 4 years from January 8, 2005 and a term of 4 years from January 9, 2009

Statewide Nominees

Please Note: Statewide nominees who, in accordance with the policies adopted by the Senate Executive Nominations Committee, are not required to appear before the committee.

Airport Zoning Appeals Board

S–1. Ronald W. Lane District 6
503 South 45th Street
Baltimore, MD 21224

Member of the Airport Zoning Appeals Board; reappointed to serve a term of four years from July 1, 2009

Amusement Ride Safety Board

S–2. John M. Chenoweth District 9
6111 Flemish Blue Court
Eldersburg, MD 21784

Member of the Amusement Ride Safety Board; reappointed to serve a term of four years from July 1, 2009

Appalachian States Low–Level Radioactive Waste Commission

S–3. John M. Colmers District 43
3422 Guilford Terrace
Baltimore, MD 21218

Member of the Appalachian States Low–Level Radioactive Waste Commission; reappointed to serve a term of two years from May 7, 2009

S–4. Clifford Seth Mitchell, M.D. District 41
5705 Woodcrest Avenue
Baltimore, MD 21215

Alternate Member of the Appalachian States Low–Level Radioactive Waste Commission; reappointed to serve a term of two years from May 7, 2009

S–5. Robert M. Summers, Ph.D. District 42
7315 Yorktown Drive
Towson, MD 21204

Alternate Member of the Appalachian States Low–Level Radioactive Waste Commission; reappointed to serve a term of two years from May 7, 2009

S–6. Shari T. Wilson District 46
707 South President Street, Unit 1127
Baltimore, MD 21202

Member of the Appalachian States Low–Level Radioactive Waste Commission; reappointed to serve a term of two years from May 7, 2009

Apprenticeship and Training Council

S–7. Rosie L. D. Pointer District 26
7501 Epping Avenue
Fort Washington, MD 20744

Member of the Apprenticeship and Training Council; reappointed to serve a term of four years from July 1, 2009

S–8. William C. Taylor District 26
6218 Dimrill Court
Fort Washington, MD 20744

Member of the Apprenticeship and Training Council; reappointed to serve a term of four years from July 1, 2009

Architects, State Board of

S–9. Stephen L. Parker District 15
12110 Glen Mill Road
Potomac, MD 20854

Designated Chair of the State Board of Architects; reappointed to serve a term of five years from July 1, 2009

Arts Council, Maryland State

S–10. Abigail S. Hoffman, Esquire District 11
1005 Fallscroft Way
Lutherville, MD 21093

Member of the Maryland State Arts Council; reappointed to serve a term of three years from July 1, 2009

S–11. Jon Jiang Liu, Ph.D. District 19
4401 Winding Oak Drive
Olney, MD 20832

Member of the Maryland State Arts Council; reappointed to serve a term of three years from July 1, 2009

Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists, State Board of Examiners for

S–12. Rebecca Conley–Hartman District 13
6315 Eastern Star Way
Clarksville, MD 21029

Member of the State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists; reappointed to serve a term of four years from July 1, 2009

Boiler Rules, Board of

S–13. Thomas E. Pickett District 27
8812 Gladeside Drive
Clinton, MD 20735

Member of the Board of Boiler Rules; reappointed to serve a term of four years from January 1, 2009

Certified Interior Designers, State Board of

S–14. Karen Zopf District 42
716 Hickory Lot Road
Towson, MD 21286

Member of the State Board of Certified Interior Designers; reappointed to serve a term of three years from July 1, 2009

Chesapeake and Atlantic Coastal Bays, Critical Area Commission for the

S–15. Caroline D. Gabel District 36
113 Hoffman Lane
Chestertown, MD 21620

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; reappointed to serve a term of four years from July 1, 2008

S–16. Stephen Michael Mielke District 37
9644 Leeds Landing Circle
Easton, MD 21601

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; reappointed to serve a term of four years from July 1, 2008

S–17. C. Edward Prager District 38
9911 Martin Court
Berlin, MD 21811

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; reappointed to serve a term of four years from July 1, 2007

Correctional Standards, Commission on

S–18. Robert L. Green District 2
10905 Honeyfield Road
Williamsport, MD 21795

Member of the Commission on Correctional Standards; reappointed to serve a term of three years from July 1, 2009

S–19. Walter B. Ridley District 26
8301 Arden Lane
Fort Washington, MD 20744

Member of the Commission on Correctional Standards; reappointed to serve a term of three years from July 1, 2007

S–20. Sheree L. Sample–Hughes District 37
28926 Jacqueline Drive
Salisbury, MD 21801

Member of the Commission on Correctional Standards; reappointed to serve a term of three years from July 1, 2009

S–21. Jeffrey Washington District 24
10503 Vista Grande Drive
Mitchellville, MD 20721

Member of the Commission on Correctional Standards; reappointed to serve a term of three years from July 1, 2009

Correctional Training Commission

S–22. LaMonte Edwin Cooke District 36

24837 Langford Road
Chestertown, MD 21620

Member of the Correctional Training Commission; reappointed to serve a term of four years from July 1, 2009

Dental Examiners, State Board of

S–23. William Ernest Raulin District 14
3173 Castleleigh Road
Silver Spring, MD 20904

Member of the State Board of Dental Examiners; reappointed to serve a term of four years from June 1, 2009

Dietetic Practice, State Board of

S–24. Sharon E. Bunch District 43
2105 Woodbourne Avenue
Baltimore, MD 21214

Member of the State Board of Dietetic Practice; reappointed to serve a term of four years from July 1, 2009

S–25. Daisy Miller, Ph.D. District 22
6112 44th Avenue
Riverdale, MD 20737

Member of the State Board of Dietetic Practice; reappointed to serve a term of four years from July 1, 2009

Local Nominees

Please Note: Local Nominees are not required to appear before the Senate Executive Nominations Committee.

Carroll County Orphans' Court

L–1. Phillip R. Miller District 5
2209 E. Deep Run Road
Manchester, MD 21102

Member of the Carroll County Orphans' Court; appointed to serve remainder of a term of four years from the General Election of November, 2006

Senator Kelley moved, duly seconded, to make the Report a Special Order for March 13, 2009.

The motion was adopted.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 273 – The President (By Request – Administration) and Senators Della, King, Klausmeier, Lenett, Madaleno, and Rosapepe

AN ACT concerning

Smart, Green, and Growing – Local Government Planning – Planning Visions

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

FLOOR AMENDMENT

SB0273/443320/1

BY: Senator Glassman

AMENDMENTS TO SENATE BILL 273, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On pages 1 and 2 of the Education, Health, and Environmental Affairs Committee Amendments (SB0273/284537/1), strike Amendment Nos. 1 and 3 in their entirety.

AMENDMENT NO. 2

On page 1 of the bill, in line 12, strike "the development right" and substitute "certain development rights"; in line 13, after "facility;" insert "requiring that, for schools and educational facilities, the proceeds of the sale of development rights be used to assist in the purchase of the land on which the school or educational facility will be located;"; in line 14, after "area;" insert "prohibiting the sale or transfer of development rights associated with certain public land owned by a local jurisdiction on a certain date under certain circumstances;"; and in the same line, after "reports;" insert "defining certain terms;".

AMENDMENT NO. 3

On page 9 of the bill, in line 1, after "**(1)**" insert "**(I)**"; in the same line, strike the comma and substitute "**THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(II)";

in the same line, strike "**PRIORITY**" and substitute "**PRIORITY**"; after line 3, insert:

"**(III) "PUBLIC FACILITY" INCLUDES:**

1. RECREATIONAL FACILITIES;

2. TRANSPORTATION FACILITIES AND TRANSIT ORIENTED DEVELOPMENT; AND

3. SCHOOLS AND EDUCATIONAL FACILITIES.";

in line 6, after "**ASSIST**" insert "**A LOCAL JURISDICTION**"; in line 7, strike "**A SCHOOL OR**" and substitute "**THE CONSTRUCTION OF A**"; in line 9, strike "**PROCEEDS**" and substitute "**(I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, PROCEEDS**"; in lines 11 and 12, strike "**(I)**" and "**(II)**", respectively, and substitute "**1.**" and "**2.**", respectively; and after line 12, insert:

"**(II) FOR SCHOOLS AND EDUCATIONAL FACILITIES, PROCEEDS OF THE SALE OF DEVELOPMENT RIGHTS SHALL BE USED TO ASSIST IN THE PURCHASE OF THE LAND ON WHICH THE SCHOOL OR EDUCATIONAL FACILITY WILL BE LOCATED.**";

and after line 15, insert:

"**(5) DEVELOPMENT RIGHTS ASSOCIATED WITH EXISTING PUBLIC LAND THAT IS OWNED BY A LOCAL JURISDICTION ON OCTOBER 1, 2009, MAY NOT BE SOLD OR TRANSFERRED UNDER THIS SUBSECTION.**".

The preceding 3 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 368 – Senators Raskin, Brochin, Frosh, Gladden, Harrington, King, Klausmeier, Kramer, Lenett, Madaleno, Muse, Peters, Pugh, Robey, Rosapepe, and Zirkin

AN ACT concerning

Lilly Ledbetter Fair Pay Restoration Act of 2009

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0368/223928/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 368
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Zirkin" and substitute "Zirkin, Jones, and Forehand"; in line 2, strike "Fair Pay" and substitute "Civil Rights"; and in line 12, after "law" insert "pending on or after a certain date".

AMENDMENT NO. 2

On page 2, strike beginning with "employment" in line 19 down through "Congress" in line 20 and substitute "discriminatory compensation claims should be interpreted broadly".

AMENDMENT NO. 3

On page 4, in line 15, strike "Title 20" and substitute "Title 20, Subtitles 3 through 11"; in line 16, after the first "Article" insert ", under § 3–304 of the Labor and Employment Article,"; and in line 24, after "Maryland" insert "pending on or after October 1, 2009".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0368/483227/1

BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 368, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

In the Judicial Proceedings Committee Amendments (SB0368/223928/1), in line 3 of Amendment No. 1, strike "pending on or after a certain date".

On page 1 of the bill, strike beginning with "providing" in line 10 down through "law;" in line 12.

AMENDMENT NO. 2

In the Judicial Proceedings Committee Amendments (SB0368/223928/1), strike Amendment Nos. 2 and 3 in their entirety.

AMENDMENT NO. 3

On page 2 of the bill, strike in their entirety lines 8 through 21, inclusive.

On page 4 of the bill, strike in their entirety lines 14 through 24, inclusive; and in line 25, strike "5." and substitute "3.".

The preceding 3 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 449 – Senator Edwards

AN ACT concerning

Allegany County and Garrett County – Exceptional Hauling Permits for Forestry Products – Sunset Repeal

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Favorable report adopted.

FLOOR AMENDMENT

SB0449/343529/1

BY: Senator Stoltzfus

AMENDMENTS TO SENATE BILL 449
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Allegany County and Garrett County –"; in line 3, after "Repeal" insert "and Expansion of Use"; in line 4, after the first "of" insert "expanding the scope of a certain provision of law to provide that certain exceptional hauling permits are valid in Calvert, Caroline, Charles, Dorchester, St. Mary's, Somerset, Talbot, Wicomico, and Worcester counties;"; strike beginning with "in" in line 5 down through the second "County" in line 6; and in line 7, strike "without" and substitute "with".

AMENDMENT NO. 2

On page 1, in line 20, strike "and" and substitute "**, CALVERT COUNTY, CAROLINE COUNTY, CHARLES COUNTY, DORCHESTER COUNTY,**"; and in the same line, after the second "County" insert "**, ST. MARY'S COUNTY, SOMERSET COUNTY, TALBOT COUNTY, WICOMICO COUNTY, AND WORCESTER COUNTY**".

The preceding 2 amendments were read only.

Senator Mooney moved, duly seconded, to make the Bill and Amendments a Special Order for March 13, 2009.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 362)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #29

Senate Bill 150 – Senators Kelley, Astle, Colburn, Currie, Della, Garagiola, Glassman, Jacobs, Klausmeier, Lenett, Muse, Simonaire, and Stone

AN ACT concerning

Maryland Uniform Power of Attorney Act – Loretta's Law

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 363)

The Bill was then sent to the House of Delegates.

Senate Bill 159 – Senator McFadden (By Request – Baltimore City Administration) and Senator Simonaire

AN ACT concerning

Commercial Real Property – Action to Abate Drug Nuisance – ~~Repeal of~~ Prior Notice Requirement

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 1 (See Roll Call No. 364)

The Bill was then sent to the House of Delegates.

Senate Bill 217 – Senator Simonaire

AN ACT concerning

Natural Resources – Tree Services – Advertising

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 365)

The Bill was then sent to the House of Delegates.

Senate Bill 239 – Senator Frosh

AN ACT concerning

Maryland Antitrust Act – Establishment of Minimum Sale Price for Commodities or Services – Prohibited

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 366)

The Bill was then sent to the House of Delegates.

Senate Bill 304 – Senators Kramer, DeGrange, Forehand, Glassman, Haines, Middleton, Muse, and Stone

AN ACT concerning

Crimes – Financial Exploitation of Elderly – Penalty

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 367)

The Bill was then sent to the House of Delegates.

Senate Bill 364 – Senator Gladden

AN ACT concerning

Real Property – Mechanic's Lien – Certified Interior Design Services

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 2 (See Roll Call No. 368)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #30

Senate Bill 14 – ~~Senator Astle~~ Senators Astle, Della, Exum, Garagiola, Glassman, Kelley, Klausmeier, Middleton, Pugh, Colburn, and Harris

AN ACT concerning

Maryland Environmental Service – Energy Generation Projects

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 2 (See Roll Call No. 369)

The Bill was then sent to the House of Delegates.

Senate Bill 188 – Senators Pugh, Exum, Frosh, Garagiola, Glassman, Harrington, Jones, Kelley, Klausmeier, Lenett, McFadden, Peters, and Stone

AN ACT concerning

Maryland Strategic Energy Investment Fund – Allocation of Funds – Low–Income Renewable Energy Programs

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 370)

The Bill was then sent to the House of Delegates.

Senate Bill 231 – Senator Della

AN ACT concerning

State Health Services Cost Review Commission – Health Care Facilities – ~~Annual Reports of Compensation~~ Required Forms

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 371)

The Bill was then sent to the House of Delegates.

Senate Bill 290 – Senators Exum, Conway, Dyson, Garagiola, Glassman, Kelley, and Peters

AN ACT concerning

Assisted Living Programs – Elevator Installation – Exemption

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 372)

The Bill was then sent to the House of Delegates.

Senate Bill 645 – Senator Astle

AN ACT concerning

Fraternal Benefit Societies – Exemption for Mutual Aid Associations – Clarification

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 373)

The Bill was then sent to the House of Delegates.

Senate Bill 703 – Senators Klausmeier, Pugh, and Middleton

AN ACT concerning

Electric Universal Service Program – Modifications

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 374)

The Bill was then sent to the House of Delegates.

Senate Bill 762 – ~~Senator Middleton~~ Senators Middleton and Klausmeier

AN ACT concerning

Department of Labor, Licensing, and Regulation – Workforce Development and Adult Learning – Administration

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 2 (See Roll Call No. 375)

The Bill was then sent to the House of Delegates.

Senate Bill 791 – Senator Klausmeier

AN ACT concerning

Group Model Health Maintenance Organizations – Drug Therapy Management

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 376)

The Bill was then sent to the House of Delegates.

Senate Bill 874 – Senators Exum and Pugh

AN ACT concerning

Mental Hygiene Administration – Rights of Individuals with Mental Disorders in Facilities

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 377)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF BILLS

Senator Klausmeier moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1057 – Senator Klausmeier

AN ACT concerning

Public Service Companies – Termination of Electric and Gas Service – Extreme Temperatures

FOR the purpose of prohibiting a public service company from terminating electric or gas service to a residential customer because of nonpayment on a day for which the forecasted high temperature is at or below a certain temperature; prohibiting a public service company from terminating electric service to a residential customer because of nonpayment on certain days if the forecasted heat index is at or above a certain level; requiring the Public Service Commission to adopt regulations to carry out this Act; and generally relating to public service companies and the termination of electric and gas service to residential customers.

BY adding to
Article – Public Utility Companies
Section 7–307.1
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 378)

ADJOURNMENT

At 11:15 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 11:00 A.M. on Friday, March 13, 2009 in memory of Margaret James.

Annapolis, Maryland
Friday, March 13, 2009
11:00 A.M. Session

The Senate met at 11:17 A.M.

Prayer by Reverend Larry Harris, St. Barnabas Church, Upper Marlboro, Maryland, guest of Senator Miller.

(See Exhibit A of Appendix III)

The Journal of March 12, 2009 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 380)

INTRODUCTION OF RESOLUTIONS

(See Exhibit B of Appendix III)

Recipient	Sponsor	Resolution No.
John "Ox" Stefan	Senator Alexander X. Mooney	344

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 381)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 66 – Delegates Anderson, Carter, Conaway, Rosenberg, Simmons, Sophocleus, and Waldstreicher

AN ACT concerning

Criminal Law – Theft – Penalties

FOR the purpose of altering certain penalties for a conviction of theft of property or services with a value at or over a certain value; making conforming changes; and generally relating to theft of property or services.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 7–104(g)(1), (2), and (4) and 7–108(a)
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 7–104(g)~~(2),~~ (3)~~, and (4)~~
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 71 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

Department of Legislative Services – Technical Changes

FOR the purpose of making technical changes to conform the law to current practice regarding the appointment of managers in the Office of Policy Analysis and the Office of Legislative Information Systems in the Department of Legislative Services; and generally relating to the Department of Legislative Services.

BY repealing and reenacting, with amendments,
Article – State Government
Section 2–1231 and 2–1236
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

House Bill 184 – Delegates Hucker, Hixson, Kaiser, Ali, Gilchrist, Ivey, Myers, Olszewski, Rice, and Ross

AN ACT concerning

Education – Maryland's Preschool for All Business Plan – Final Report Requirements

FOR the purpose of requiring the State Department of Education to consult with and accept comments from certain county superintendents and certain local governing bodies regarding the Maryland's Preschool for All Business Plan before preparing and publishing a certain version of a certain Business Plan; requiring the Department to submit to the Governor and General Assembly a copy of a certain report that includes certain information on or before a certain date; defining certain terms; and generally relating to final report requirements for the Maryland's Preschool for All Business Plan.

Read the first time and referred to the Committee on Budget and Taxation and the Committee on Education, Health, and Environmental Affairs.

House Bill 348 – ~~Delegates Love, Beidle, V. Clagett, Costa, George, King, and McConkey~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Board of Education – Student Member Scholarship

FOR the purpose of establishing a certain scholarship for the student member of the Anne Arundel County Board of Education who fulfills a certain requirement; providing that this Act does not apply to the incumbent student board member; and generally relating to the Anne Arundel County Board of Education.

BY repealing and reenacting, with amendments,
Article – Education
Section 3–110(g)
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 361 – Washington County Delegation

AN ACT concerning

Public Safety – Hagerstown Community College Police Force

FOR the purpose of establishing a police force for the Hagerstown Community College; specifying the powers of a Hagerstown Community College police officer; requiring the Board of Trustees of the Hagerstown Community College to adopt certain standards and regulations; including a member of the police force of the Hagerstown Community College in the defined term "police officer" in connection with provisions of law relating to the authority to make arrests; including a member of the police force of the Hagerstown Community College in the defined term "law enforcement officer" in connection with provisions of law

relating to the Maryland Police Training Commission and the Law Enforcement Officers' Bill of Rights; and generally relating to the police force of the Hagerstown Community College.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 2–101(c)(22) and (23)
Annotated Code of Maryland
(2008 Replacement Volume)

BY adding to
Article – Criminal Procedure
Section 2–101(c)(24)
Annotated Code of Maryland
(2008 Replacement Volume)

BY adding to
Article – Education
Section 16–407.1
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–101(e)(1)(ii)21. and 22. and 3–201(e)(1)(ii)18. and 19.
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY adding to
Article – Public Safety
Section 3–101(e)(1)(ii)23. and 3–201(e)(1)(ii)20.
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 392 – Delegates Malone and DeBoy

AN ACT concerning

Baltimore County – ~~State Highways – Prohibition on Use for Solicitation~~ Roadside Solicitation of Money or Donations – Permit Program

FOR the purpose of ~~prohibiting, in Baltimore County, a person from standing in a roadway, median divider, or intersection to solicit money or donations from the occupant of a vehicle; providing that this Act applies only to State highways in Baltimore County; and generally relating to restrictions on the use of State~~

~~highways for solicitation in Baltimore County~~ authorizing the County Council of Baltimore County or the governing body of a municipal corporation in Baltimore County to enact a permit program to allow a person to stand in a roadway, median divider, or intersection to solicit money or donations from the occupant of a vehicle; requiring an applicant for a permit to provide certain information to the county or municipal corporation within a certain period before the date on which the permit is to be effective; requiring the county or municipal corporation to make a certain examination and investigation to determine the truth of the statements made on a certain application; requiring the county or municipal corporation to deny the permit under certain circumstances; requiring a certain permit to contain certain information; requiring a certain permit to be signed by a certain individual; prohibiting the term of a certain permit from exceeding a certain period; limiting the number of certain permits that may be issued to the same person in a calendar year; requiring the county or municipal corporation to send a copy of a certain permit to the police department of the county or municipal corporation; requiring a certain person to display a certain permit in a certain manner while soliciting; and generally relating to a permit program for roadside solicitation of money or donations in Baltimore County.

~~BY repealing and reenacting, without amendments,~~
~~Article – Transportation~~
~~Section 21–507(a) and (b)~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2008 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Transportation
Section ~~21–507(c)~~ 21–507
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 426 – Delegates Oaks, Carter, Rosenberg, Hammen, McHale, and Stukes

AN ACT concerning

Transportation – Baltimore Corridor Transit Study – Red Line Area

FOR the purpose of prohibiting the Maryland Transit Administration, under certain circumstances, from acquiring certain real property, during a certain period, for construction of the Baltimore Corridor Red Line transit project; altering the period during which the Administration shall conduct a certain study; declaring the intent of the General Assembly regarding certain matters; and generally relating to the Baltimore Corridor Red Line Transit Study.

BY repealing and reenacting, with amendments,
Chapter 2 of the Acts of the General Assembly of the 2006 Special Session
Section 1

BY repealing and reenacting, with amendments,
Chapter 3 of the Acts of the General Assembly of the 2006 Special Session
Section 1

Read the first time and referred to the Committee on Finance.

House Bill 427 – Cecil County Delegation

AN ACT concerning

Cecil County – Employees of Cecil County Treasurer's Office

FOR the purpose of establishing that certain employees of the Cecil County Treasurer's Office shall be subject to the personnel policies and procedures governing County employees, subject to certain conditions; providing that the determination of an employee's qualifications and ability to serve in a position in the Treasurer's Office shall be at the sole discretion of the Treasurer; requiring a new employee of the Treasurer's Office to serve a probationary period of a certain length; authorizing the Treasurer to extend the probationary period of an employee; providing that employees of the Treasurer's Office that have served a certain period of time before a certain date are exempt from serving a probationary period, except under certain circumstances; requiring a newly created position in the Treasurer's Office to be placed in an unclassified, at–will category, except under certain circumstances; authorizing the Treasurer to adopt certain policies and procedures that supplement the County policies and procedures; clarifying language; and generally relating to employees of the Cecil County Treasurer's Office.

BY repealing and reenacting, with amendments,
The Public Local Laws of Cecil County
Section 78–3
Article 8 – Public Local Laws of Maryland
(1989 Edition and November 2007 Supplement, as amended)

Read the first time and referred to the Committee on Finance.

House Bill 429 – Caroline County Delegation

AN ACT concerning

Caroline County – ~~Sheriff – Salary~~ Sheriff's Salary

FOR the purpose of ~~increasing~~ altering the salary of the Sheriff of Caroline County ~~to a certain amount~~; providing that this Act does not apply to the salary or compensation of the incumbent Sheriff of Caroline County; and generally relating to the salary of the Sheriff of Caroline County.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 2–309(g)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 548 – Caroline County Delegation

AN ACT concerning

Caroline County – Department of Corrections Employment Applicants – Lie Detector Tests

FOR the purpose of exempting from the prohibition against an employer requiring or demanding, as a condition of employment, that an individual submit to or take a lie detector or similar test, individuals who apply for employment with the Caroline County Department of Corrections either as a correctional officer or in any other capacity that involves direct contact with an inmate in the Department; and generally relating to the Caroline County Department of Corrections.

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 3–702(a), (b)(3) and (4), and (c)
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 3–702(b)(5)
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 552 – Delegates Hucker and Sossi

AN ACT concerning

Maryland Homeowners Association Act – Closed Meetings of Homeowners Association

FOR the purpose of repealing a certain condition on which a meeting of the board of directors or other governing body of a homeowners association or a committee of a homeowners association may be held in closed session; altering certain conditions on which a meeting of a governing body or committee of a homeowners association may be held in closed session; authorizing a governing body or committee of a homeowners association to hold a meeting in closed session in order to discuss an individual owner assessment account; and generally relating to closed meetings of a homeowners association.

BY repealing and reenacting, without amendments,
Article – Real Property
Section 11B–111(1) and (5)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11B–111(4)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 553 – Delegates Hucker and Sossi

AN ACT concerning

Maryland Condominium Act – Closed Meetings of Board of Directors

FOR the purpose of repealing a certain condition on which a meeting of the board of directors of a condominium council of unit owners may be held in closed session; altering certain conditions on which a meeting of a board of directors may be held in closed session; authorizing a board of directors to hold a meeting in closed session in order to discuss an individual owner assessment account; and generally relating to closed meetings of the board of directors of a council of unit owners.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–109.1(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 667 – Delegate Braveboy

AN ACT concerning

Condominiums and Homeowners Associations – Transition of Control

FOR the purpose of requiring a meeting of the council of unit owners of a condominium to elect a board of directors to be held within a certain time; requiring a developer before the date of a certain meeting to deliver to each unit owner a certain notice; terminating the term of members of a board of directors appointed by a developer under certain circumstances; requiring a developer to deliver certain documents, funds, and property to the officers or board of directors for the council of unit owners on transfer of control under certain circumstances; authorizing the board of directors to terminate without liability certain contracts under certain circumstances; authorizing an aggrieved unit owner to submit a certain dispute to the Division of Consumer Protection of the Office of the Attorney General under certain circumstances; requiring a developer to make certain books and records available to a unit owner within a certain time under certain circumstances; requiring a meeting of the members of a homeowners association to elect a governing body to be held within a certain time; requiring a declarant before the date of a certain meeting to deliver to each lot owner a certain notice; terminating the term of members of the governing body appointed by a declarant under certain circumstances; requiring a declarant to deliver certain documents, funds, and property to the governing body on transfer of control under certain circumstances; authorizing the members of a governing body to terminate without liability certain contracts under certain circumstances; authorizing an aggrieved lot owner to submit a certain dispute to the Division of Consumer Protection of the Office of the Attorney General under certain circumstances; requiring a declarant to make certain books and records available to a lot owner within a certain time under certain circumstances; defining certain terms; making a stylistic change; and generally relating to the transition of control in a condominium or homeowners association.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–109(c)(16), 11–116, and 11B–112(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY repealing
Article – Real Property
Section 11–132
Annotated Code of Maryland

(2003 Replacement Volume and 2008 Supplement)

BY adding to
Article – Real Property
Section 11–132 and 11B–106.1
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 676 – Delegates Cane, Beitzel, Carr, Conway, Donoghue, Frush, Kelly, Mathias, Myers, Rudolph, Shewell, Stocksdale, Stull, Waldstreicher, and Wood

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Easements

FOR the purpose of authorizing the Maryland Agricultural Land Preservation Foundation to enter into certain corrective easements to make certain adjustments, resolve certain violations, or accommodate certain plans; authorizing certain corrective easements to be accomplished in a certain manner; excluding certain corrective easements from certain requirements; authorizing the Foundation to adopt certain regulations; making technical corrections; and generally relating to easements under the Maryland Agricultural Land Preservation Program.

BY adding to
Article – Agriculture
Section 2–513(b)(8)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 2–513(b)(8)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 683 – Delegates Ivey, Carter, Conaway, and Ramirez

AN ACT concerning

Post Adoption Support Services Pilot Program

FOR the purpose of altering a certain purpose of the Post Adoption Support Services Pilot Program; expanding the eligibility of an adopted child or adoptive family for post adoption support services; repealing a requirement that a local department of social services conduct a clinical assessment of the needs of an adoptive child and adoptive family under certain circumstances; substituting a requirement that a local department conduct an assessment of the needs of an adoptive child and adoptive family under certain circumstances; providing for the distribution of certain funds; altering the date on or before which the Secretary of Human Resources is required to submit a certain report to the General Assembly; extending the termination date of the Post Adoption Support Services Pilot Program; making certain technical changes; and generally relating to the Post Adoption Support Services Pilot Program.

BY repealing and reenacting, with amendments,
Chapter 444 of the Acts of the General Assembly of 2007
Section 1 and 2

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 687 – Delegate Braveboy

AN ACT concerning

Common Ownership Communities – Fidelity Insurance

FOR the purpose of requiring certain governing bodies of a cooperative housing corporation, a condominium, or a homeowners association to purchase fidelity insurance not later than a certain time and to keep the insurance in place each year; requiring the fidelity insurance to provide for the indemnification of ~~certain governing bodies of~~ a cooperative housing corporation, a condominium, or a homeowners association against loss resulting from certain acts or omissions of certain persons under certain circumstances; requiring a copy of the fidelity insurance policy of a cooperative housing corporation, a condominium, or a homeowners association to be kept and made available for inspection under certain circumstances; requiring the fidelity insurance of a cooperative housing corporation, a condominium, or a homeowners association to be in a certain amount; allowing an aggrieved member of a cooperative housing corporation, an aggrieved unit owner of a condominium, or an aggrieved lot owner of a homeowners association to submit a dispute regarding fidelity insurance to the Division of Consumer Protection of the Office of the Attorney General under certain circumstances; and generally relating to fidelity insurance and common ownership communities.

BY adding to
Article – Corporations and Associations
Section 5–6B–18.6

Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY adding to
Article – Real Property
Section 11–114.1 and 11B–111.6
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 732 – Delegates Cane, Conway, Eckardt, Elmore, Haddaway, and Mathias

AN ACT concerning

Wicomico County – Local Board of Elections – Compensation

FOR the purpose of altering the compensation of a substitute member of the local board of elections in Wicomico County; repealing a certain requirement relating to the compensation of the counsel to the local board of elections in Wicomico County; providing that this Act does not apply to the salary or compensation of an incumbent substitute member of the local board of elections in Wicomico County; and generally relating to the compensation of the local board of elections in Wicomico County.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 2–204 and 2–205
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 760 – Delegates Walkup, Smigiel, and Sossi

AN ACT concerning

Kent County – Office of the Sheriff – Salary

FOR the purpose of ~~increasing~~ establishing the annual salary of the Sheriff of Kent County in ~~a~~ certain calendar ~~year~~ years; providing that this Act does not apply to the salary or compensation of the incumbent Sheriff of Kent County; and generally relating to the salary of the Sheriff of Kent County.

BY repealing and reenacting, with amendments,

Article – Courts and Judicial Proceedings
Section 2–309(p)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 1000 – Delegates Conaway, Carter, Dumais, Frank, Levi, McComas, Ramirez, and Simmons

AN ACT concerning

Marriage Ceremonies – Performance by Tax Court Judges

FOR the purpose of authorizing a judge of the United States Tax Court to perform a marriage ceremony in this State; altering a certain definition; and generally relating to marriage ceremonies.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 2–406(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 1128 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Sheriff and Sheriff's Deputies – Alteration of Duties
PG 304–09

FOR the purpose of repealing a certain termination date concerning certain duties of the Sheriff and Sheriff's deputies of Prince George's County; and generally relating to repealing a certain termination date concerning certain duties of the Sheriff and Sheriff's deputies of Prince George's County.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 2–309(r)(8)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 2–309(r)(9) and (10)

Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Chapter 618 of the Acts of the General Assembly of 2007
Section 2

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 1176 – Delegates Rice ~~and Hixson~~, Hixson, and Howard

AN ACT concerning

Transportation – Public–Private Partnerships – Notice to the General Assembly

FOR the purpose of requiring the Department of Transportation to provide certain information to certain committees of the General Assembly and the Department of Legislative Services by a certain date prior to issuing a public notice of solicitation related to certain public–private partnerships; requiring the Department to provide certain information to certain committees of the General Assembly and the Department of Legislative Services by a certain date prior to entering into certain public–private partnerships; stating the intent of the General Assembly regarding the application of this Act; defining certain terms; and generally relating to providing notice to the General Assembly of public–private partnerships involving the Department of Transportation.

BY adding to
Article – Transportation
Section 3.5–101 and 3.5–201 to be under the new title "Title 3.5. Public–Private Partnerships"
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Budget and Taxation.

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 382 (Emergency Bill)	The President	Annual Corrective Bill
SB 440 (Emergency Bill)	The President	Annual Curative Bill

Endorsed as having been read the third time and passed by yeas and nays in the House of Delegates.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #19

CONSENT CALENDAR #3

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 16 – Senator Conway

AN ACT concerning

Baltimore City and Prince George's County – Organization of Parents and Teachers – Matching Fund

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 434 – Senator Astle

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Yacht Club License

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 543 – Senators Brochin and Stone

AN ACT concerning

Baltimore County – Towson Commercial Revitalization District – Alcoholic Beverages – Transfer and Conversion of Licenses

SB0543/764333/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 543
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 7 down through "restaurants;" in line 8 and substitute "**ALTERING A CERTAIN MINIMUM PERCENTAGE OF THE AVERAGE DAILY RECEIPTS OF A RESTAURANT THAT MUST COME FROM THE SALE OF FOOD;**".

AMENDMENT NO. 2

On page 3, in line 6, strike the brackets; in the same line, strike "**35%**"; strike beginning with the colon in line 19 down through "**OR**" in line 22 and substitute "**WITHIN 2 YEARS IMMEDIATELY PRECEDING THE APPLICATION:**

(1) (I) THE APPLICANT WAS A HOLDER OF AN ON–SALE LICENSE ISSUED UNDER THIS ARTICLE WITHIN THE BOUNDARIES OF THE TOWSON COMMERCIAL REVITALIZATION DISTRICT; OR

(II) THERE WAS AN ON–SALE LICENSE IN EXISTENCE";

and in line 23, strike "**CLASS B (B, W, L) (TCRD)**" and substitute "**ON–SALE**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 608 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County – Alcoholic Beverages – Part–Time Inspectors

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 629 – Senators Glassman, Harris, and Jacobs

AN ACT concerning

Harford County – Board of Education – Selection of Members

SB0629/864932/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 629
(First Reading File Bill)

On page 5, strike in their entirety lines 19 through 24; and in line 25, strike "**(4)**" and substitute "**(3)**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 767 – Senator Astle

AN ACT concerning

Fire, Rescue, and Emergency Medical Services in Anne Arundel County – Agreements with Federal Government – Reimbursement

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON RULES REPORT #10

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 993 – Senator Klausmeier

AN ACT concerning

Physicians – Outpatient Surgical Services – Hospital Privileges

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 1036 – Senator Middleton

EMERGENCY BILL

AN ACT concerning

Credit Regulation – Mortgage Loans – Proof of Ability to Repay – Exception

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 1038 – Senator Colburn

AN ACT concerning

Vehicle Laws – Electric Personal Assistive Mobility Device – Golf Carts

The bill was re–referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 1041 – Senators Garagiola, Astle, and Pipkin

AN ACT concerning

Maryland Health Care Commission – State Police – Helicopter Emergency Medical Services

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1042 – Senators King and Madaleno

AN ACT concerning

Property Tax – County Administrative Control – Real Property Valuation

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1043 – Senator Harrington

AN ACT concerning

Prince George's County – Development Impact Fees

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1045 – Senator Harrington

AN ACT concerning

DHCD – Community Development Administration – Financing Instruments – Mortgage Loans Guaranteed by Government–Sponsored Enterprises

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 1046 – Senator Klausmeier

AN ACT concerning

Public Utilities – Unclaimed Funds – Energy Assistance

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 1047 – Senator Klausmeier

AN ACT concerning

Family Investment Program – Temporary Cash Assistance – Eligibility

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1048 – Senator Muse

AN ACT concerning

State Government – Sickle Cell Anemia Awareness Month

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Judicial Proceedings:

Senate Bill 1049 – Senator Muse

AN ACT concerning

Domestic Violence – Tween/Teen Dating Violence Education and Awareness

The bill was re–referred to the Committee on Judicial Proceedings.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 1050 – Senator Harris

AN ACT concerning

Baltimore County Revenue Authority – Closure, Sale, Transfer, or Conveyance of Facility or Project

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1052 – Senator Colburn

AN ACT concerning

Health Occupations Boards – Exemption from Hiring Freeze

The bill was re–referred to the Committee on Budget and Taxation.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 1054 – Senator Lenett

AN ACT concerning

State Advisory Council on Quality Care at the End of Life – Membership

The bill was re–referred to the Committee on Finance.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 98 – Senator Stone

AN ACT concerning

Motor Vehicles – Use of Text Messaging Device While Driving – Prohibition

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Favorable report adopted.

FLOOR AMENDMENT

SB0098/913726/1

BY: Senator Harris

AMENDMENTS TO SENATE BILL 98, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

In the Judicial Proceedings Committee Amendments (SB0098/188670/1), in line 4 of Amendment No. 1, after "circumstances;" insert "prohibiting the assessment of a fine or points for a violation of this Act unless the violation contributes to an accident; establishing that if a person uses a text messaging device to write, send, or read a text message while operating a motor vehicle and the violation contributes to an accident that results in the death of another, the person is subject to a certain fine; authorizing the Motor Vehicle Administration to suspend a person's license for a certain period of time under certain circumstances; providing that a licensee may request a hearing on a license suspension imposed under this Act;".

AMENDMENT NO. 2

On page 1 of the bill, after line 20, insert:

"**(C) A PERSON MAY NOT BE ASSESSED A FINE UNDER § 27–101 OF THIS ARTICLE OR POINTS UNDER § 16–402 OF THIS ARTICLE FOR A VIOLATION OF THIS SECTION, UNLESS A VIOLATION OF THIS SECTION CONTRIBUTES TO AN ACCIDENT.**

(D) IF A PERSON COMMITS A VIOLATION OF SUBSECTION (B) OF THIS SECTION AND THE VIOLATION CONTRIBUTES TO AN ACCIDENT THAT RESULTS IN THE DEATH OF ANOTHER, THE PERSON IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE OF NOT MORE THAN $1,000.

(E) (1) IF THE ADMINISTRATION RECEIVES SATISFACTORY EVIDENCE THAT A PERSON HAS VIOLATED SUBSECTION (B) OF THIS SECTION AND THE VIOLATION CONTRIBUTED TO AN ACCIDENT THAT RESULTED IN THE DEATH OF ANOTHER, THE ADMINISTRATION MAY SUSPEND THE PERSON'S DRIVER'S LICENSE FOR NOT MORE THAN 180 DAYS.

(2) A PERSON MAY REQUEST A HEARING AS PROVIDED FOR A SUSPENSION OR REVOCATION UNDER TITLE 12, SUBTITLE 2 OF THIS ARTICLE.".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 13 Negative – 34 (See Roll Call No. 382)

FLOOR AMENDMENT

SB0098/403722/1

BY: Senator Zirkin

AMENDMENT TO SENATE BILL 98, AS AMENDED
(First Reading File Bill)

In the Judicial Proceedings Committee Amendments (SB0098/188670/1), in line 2 of Amendment No. 2, after "**A**" insert "**HAND HELD**".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0098/463122/1

BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 98, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

In the Judicial Proceedings Committee Amendments (SB0098/188670/1), in line 4 of Amendment No. 1, after "circumstances;" insert "providing that this Act may only be enforced as a secondary action;".

AMENDMENT NO. 2

On page 1 of the bill, after line 20, insert:

"**(C) A POLICE OFFICER MAY ENFORCE THIS SECTION ONLY AS A SECONDARY ACTION WHEN THE POLICE OFFICER DETAINS A DRIVER FOR A SUSPECTED VIOLATION OF ANOTHER PROVISION OF THE CODE.**".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 16 Negative – 31 (See Roll Call No. 383)

FLOOR AMENDMENT

SB0098/663820/1

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 98, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

Strike the Judicial Proceedings Committee Amendments (SB0098/188670/1) in their entirety.

AMENDMENT NO. 2

On page 1 of the bill, in the sponsor line, strike "Senator Stone" and substitute "Senators Stone, Forehand, and Raskin"; strike line 2 in its entirety and substitute "The Delegate John Arnick Electronic Communications Traffic Safety Act"; strike beginning with "prohibiting" in line 3 down through "vehicle" in line 4 and substitute "requiring the Maryland Insurance Commissioner, in cooperation with the Motor Vehicle Administration, the Department of State Police, and certain insurers, to establish and implement public awareness efforts to educate drivers about the dangers of using text messaging devices while operating a motor vehicle; requiring the Commissioner to collect a certain assessment from certain insurers; requiring the Commissioner to deposit certain money into a special fund to be used only for a certain purpose; and generally relating to establishing and funding public awareness efforts concerning the dangers of text messaging while driving"; and strike in their entirety lines 5 through 14, inclusive, and substitute:

"BY adding to
Article – Insurance
Section 2–116
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)"

AMENDMENT NO. 3

On pages 1 and 2 of the bill, strike in their entirety the lines beginning with line 17 on page 1 through line 7 on page 2, inclusive, and substitute:

"Article – Insurance

2–116.

(A) THE COMMISSIONER, IN COOPERATION WITH THE MOTOR VEHICLE ADMINISTRATION, THE DEPARTMENT OF STATE POLICE, AND INSURERS THAT ISSUE, SELL, OR DELIVER MOTOR VEHICLE LIABILITY INSURANCE POLICIES IN THE STATE, SHALL ESTABLISH AND IMPLEMENT PUBLIC AWARENESS EFFORTS TO EDUCATE DRIVERS ABOUT THE DANGERS OF USING TEXT MESSAGING DEVICES WHILE OPERATING A MOTOR VEHICLE.

(B) THE COMMISSIONER SHALL:

(1) COLLECT AN ASSESSMENT FROM EACH INSURER THAT ISSUES, SELLS, OR DELIVERS MOTOR VEHICLE LIABILITY INSURANCE POLICIES IN THE STATE IN AN AMOUNT THAT THE COMMISSIONER DETERMINES NECESSARY TO ACCOMPLISH THE PURPOSE SPECIFIED FOR THE SPECIAL FUND ESTABLISHED UNDER SUBSECTION (C) OF THIS SECTION; AND

(2) DEPOSIT THE AMOUNTS COLLECTED UNDER THIS SUBSECTION INTO A SPECIAL FUND TO BE USED ONLY AS PROVIDED IN SUBSECTIONS (C) OF THIS SECTION.

(C) THE SPECIAL FUND ESTABLISHED UNDER SUBSECTION (B)(2) OF THIS SECTION SHALL BE USED ONLY FOR THE PURPOSE OF ESTABLISHING PUBLIC AWARENESS EFFORTS TO EDUCATE DRIVERS ABOUT THE DANGERS OF USING TEXT MESSAGING DEVICES WHILE OPERATING A MOTOR VEHICLE.".

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 7 Negative – 39 (See Roll Call No. 384)

FLOOR AMENDMENT

BY: Senator Stone

AMENDMENT TO SENATE BILL 98, AS AMEMDED

In the Judicial Proceedings Committee Amendments (SB0098/188670/1), in line 2 of Amendment No. 1, strike "and Raskin" and substitute "Raskin, and Lenett".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 180 – Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Authority of Mayor to Remove Police Commissioner

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Senator Conway moved, duly seconded, to make the Bill and Report a Special Order for March 16, 2009.

The motion was adopted.

Senate Bill 350 – Senators Pinsky and Harrington

AN ACT concerning

Municipal Corporations – Annexations – Small Parcels

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #5

The Senate Executive Nominations Committee reports favorably on the attached gubernatorial appointments and recommends that the Senate of Maryland advise and consent to these appointments.

Delores G. Kelley
Chairman

Senate Executive Nominations Committee
Report #5
March 12, 2009

District Court, Baltimore City (District 1)

1. Timothy D. Murphy — District 46

   Judge of the District Court of Maryland, District 1, Baltimore City; reappointed to serve a term of ten years from January 20, 2009

2. Gregory Sampson — District 41

   Judge of the District Court of Maryland, District 1, Baltimore City; appointed to serve a term of ten years from February 5, 2009

District Court, Harford County (District 9)

3. John L. Dunnigan — District 35

   Judge of the District Court of Maryland, District 9, Harford County; reappointed to serve a term of ten years from April 12, 2009

Airport Zoning Appeals Board

4. David S. Roe — District 32
   6433 Orchard Road
   Linthicum, MD 21090

   Member of the Airport Zoning Appeals Board; reappointed to serve a term of four years from July 1, 2009

Amusement Ride Safety Board

5. Dawn O. Holland — District 14
   13512 Greencastle Ridge Terrace, #203
   Burtonsville, MD 20866

Member of the Amusement Ride Safety Board; appointed to serve a term of four years from July 1, 2008

6. Christopher M. Trimper District 38
10252 Bent Creek Road
Ocean City, MD 21842

Member of the Amusement Ride Safety Board; appointed to serve remainder of a term of four years from July 1, 2005 and a term of four years from July 1, 2009

Apprenticeship and Training Council

7. Michael J. McNelly District 33
6337 North Brook Drive
Dunkirk, MD 20754

Member of the Apprenticeship and Training Council; reappointed to serve a term of four years from July 1, 2009

Architectural Review, State Board of

8. Susan Gail Hains District 16
6921 Winterberry Lane
Bethesda, MD 20817

Member of the State Board of Architectural Review; appointed to serve a term of four years from July 1, 2006

Arts Council, Maryland State

9. Terence Patrick Winch District 18
10113 Greeley Avenue
Silver Spring, MD 20902

Member of the Maryland State Arts Council; appointed to serve a term of three years from July 1, 2009

Aviation Commission, Maryland

10. Gregory V. Billups District 28
12822 Meadowbrook Lane
Waldorf, MD 20601

Member of the Maryland Aviation Commission; appointed to serve a term of three years from October 1, 2009

11. Gerry L. Brewster District 5
14520 Cuba Road
Cockeysville, MD 21030

Member of the Maryland Aviation Commission; appointed to serve a term of three years from October 1, 2009

Boiler Rules, Board of

12. William M. Rohrer District 2
12025 Steven Avenue
Smithsburg, MD 21783

Member of the Board of Boiler Rules; reappointed to serve a term of four years from January 1, 2009

Canal Place Preservation and Development Authority

13. Kara Rogers Thomas, Ph.D. District 1
52 Linden Street
Frostburg, MD 21532

Member of the Canal Place Preservation and Development Authority; appointed to serve remainder of a term of four years from June 1, 2005 and a term of four years from June 1, 2009

Chesapeake and Atlantic Coastal Bays, Critical Area Commission for the

14. Jay A. Jacobs District 36
21223 Chesapeake Avenue, P.O. Box 109
Rock Hall, MD 21661

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; appointed to serve a term of four years from July 1, 2008

15. Donald Sydnor District 37
718 Rosemount Avenue
Cambridge, MD 21613

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; appointed to serve a term of four years from July 1, 2008

Chiropractic Examiners, State Board of

16. Jonathan C. Nou, D.C. District 12
5532 Mystic Court
Columbia, MD 21044

Member of the State Board of Chiropractic Examiners; appointed to serve a term of four years from July 1, 2009

Consumer Council

17. Norman Goldstein, Esquire District 19
1014 Chiswell Lane
Silver Spring, MD 20901

Member of the Consumer Council; reappointed to serve a term of six years from July 1, 2008

Correctional Standards, Commission on

18. Delores Alexander District 10
9905 Shoshone Way
Randallstown, MD 21133

Member of the Commission on Correctional Standards; reappointed to serve a term of three years from July 1, 2007

19. Milton M. Crump, Jr. District 27
10200 Lynn–Ric Drive
Upper Marlboro, MD 20772

Member of the Commission on Correctional Standards; reappointed to serve a term of three years from July 1, 2009

Correctional Training Commission

20. Robin R. Harting District 30
31 Goodrich Road
Annapolis, MD 21401

Member of the Correctional Training Commission; appointed to serve remainder of a term of four years from July 1, 2007

21. Randall S. Wylie District 3
11 Jennifer Lynne Drive
Brunswick, MD 21758

Member of the Correctional Training Commission; appointed to serve remainder of a term of four years from July 1, 2008

Deaf and Hard of Hearing, Maryland Advisory Council for the

22. Jennifer R. Whitcomb District 38
9275 Tournament Drive
Delmar, MD 21875

Member of the Maryland Advisory Council for the Deaf and Hard of Hearing; appointed to serve remainder of a term of three years from October 1, 2007

Higher Education Commission, Maryland

23. Joshua Ackerman District 42
6612 Baythorne Road
Baltimore, MD 21209

Member of the Maryland Higher Education Commission; appointed to serve a term of one year from July 1, 2008

Lottery Commission, Maryland State

24. Howard A. Denis District 16
4515 Willard Avenue, #2109S
Chevy Chase, MD 20815

Member of the Maryland State Lottery Commission; appointed to serve remainder of a term of 4 years from January 8, 2005 and a term of 4 years from January 9, 2009

Statewide Nominees

Please Note: Statewide nominees who, in accordance with the policies adopted by the Senate Executive Nominations Committee, are not required to appear before the committee.

Airport Zoning Appeals Board

S–1. Ronald W. Lane District 6
503 South 45th Street
Baltimore, MD 21224

Member of the Airport Zoning Appeals Board; reappointed to serve a term of four years from July 1, 2009

Amusement Ride Safety Board

S–2. John M. Chenoweth District 9
6111 Flemish Blue Court
Eldersburg, MD 21784

Member of the Amusement Ride Safety Board; reappointed to serve a term of four years from July 1, 2009

Appalachian States Low–Level Radioactive Waste Commission

S–3. John M. Colmers District 43
3422 Guilford Terrace
Baltimore, MD 21218

Member of the Appalachian States Low–Level Radioactive Waste Commission; reappointed to serve a term of two years from May 7, 2009

S–4. Clifford Seth Mitchell, M.D. District 41
5705 Woodcrest Avenue
Baltimore, MD 21215

Alternate Member of the Appalachian States Low–Level Radioactive Waste Commission; reappointed to serve a term of two years from May 7, 2009

S–5. Robert M. Summers, Ph.D. District 42
7315 Yorktown Drive
Towson, MD 21204

Alternate Member of the Appalachian States Low–Level Radioactive Waste Commission; reappointed to serve a term of two years from May 7, 2009

S–6. Shari T. Wilson District 46
707 South President Street, Unit 1127
Baltimore, MD 21202

Member of the Appalachian States Low–Level Radioactive Waste Commission; reappointed to serve a term of two years from May 7, 2009

Apprenticeship and Training Council

S–7. Rosie L. D. Pointer District 26
7501 Epping Avenue
Fort Washington, MD 20744

Member of the Apprenticeship and Training Council; reappointed to serve a term of four years from July 1, 2009

S–8. William C. Taylor District 26
6218 Dimrill Court
Fort Washington, MD 20744

Member of the Apprenticeship and Training Council; reappointed to serve a term of four years from July 1, 2009

Architects, State Board of

S–9. Stephen L. Parker District 15
12110 Glen Mill Road
Potomac, MD 20854

Designated Chair of the State Board of Architects; reappointed to serve a term of five years from July 1, 2009

Arts Council, Maryland State

S–10. Abigail S. Hoffman, Esquire District 11
1005 Fallscroft Way
Lutherville, MD 21093

Member of the Maryland State Arts Council; reappointed to serve a term of three years from July 1, 2009

S–11. Jon Jiang Liu, Ph.D. District 19
4401 Winding Oak Drive
Olney, MD 20832

Member of the Maryland State Arts Council; reappointed to serve a term of three years from July 1, 2009

Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists, State Board of Examiners for

S–12. Rebecca Conley–Hartman District 13
6315 Eastern Star Way
Clarksville, MD 21029

Member of the State Board of Examiners for Audiologists, Hearing Aid Dispensers, and Speech–Language Pathologists; reappointed to serve a term of four years from July 1, 2009

Boiler Rules, Board of

S–13. Thomas E. Pickett District 27
8812 Gladeside Drive
Clinton, MD 20735

Member of the Board of Boiler Rules; reappointed to serve a term of four years from January 1, 2009

Certified Interior Designers, State Board of

S–14. Karen Zopf District 42
716 Hickory Lot Road
Towson, MD 21286

Member of the State Board of Certified Interior Designers; reappointed to serve a term of three years from July 1, 2009

Chesapeake and Atlantic Coastal Bays, Critical Area Commission for the

S–15. Caroline D. Gabel District 36
113 Hoffman Lane
Chestertown, MD 21620

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; reappointed to serve a term of four years from July 1, 2008

S–16. Stephen Michael Mielke District 37
9644 Leeds Landing Circle
Easton, MD 21601

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; reappointed to serve a term of four years from July 1, 2008

S–17. C. Edward Prager District 38
9911 Martin Court
Berlin, MD 21811

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; reappointed to serve a term of four years from July 1, 2007

Correctional Standards, Commission on

S–18. Robert L. Green District 2
10905 Honeyfield Road
Williamsport, MD 21795

Member of the Commission on Correctional Standards; reappointed to serve a term of three years from July 1, 2009

S–19. Walter B. Ridley District 26
8301 Arden Lane
Fort Washington, MD 20744

Member of the Commission on Correctional Standards; reappointed to serve a term of three years from July 1, 2007

S–20. Sheree L. Sample–Hughes District 37
28926 Jacqueline Drive
Salisbury, MD 21801

Member of the Commission on Correctional Standards; reappointed to serve a term of three years from July 1, 2009

S–21. Jeffrey Washington District 24
10503 Vista Grande Drive
Mitchellville, MD 20721

Member of the Commission on Correctional Standards; reappointed to serve a term of three years from July 1, 2009

Correctional Training Commission

S–22. LaMonte Edwin Cooke District 36
24837 Langford Road
Chestertown, MD 21620

Member of the Correctional Training Commission; reappointed to serve a term of four years from July 1, 2009

Dental Examiners, State Board of

S–23. William Ernest Raulin District 14
3173 Castleleigh Road
Silver Spring, MD 20904

Member of the State Board of Dental Examiners; reappointed to serve a term of four years from June 1, 2009

Dietetic Practice, State Board of

S–24. Sharon E. Bunch District 43
2105 Woodbourne Avenue
Baltimore, MD 21214

Member of the State Board of Dietetic Practice; reappointed to serve a term of four years from July 1, 2009

S–25. Daisy Miller, Ph.D. District 22
6112 44th Avenue
Riverdale, MD 20737

Member of the State Board of Dietetic Practice; reappointed to serve a term of four years from July 1, 2009

Local Nominees

Please Note: Local Nominees are not required to appear before the Senate Executive Nominations Committee.

Carroll County Orphans' Court

L–1. Phillip R. Miller District 5
2209 E. Deep Run Road
Manchester, MD 21102

Member of the Carroll County Orphans' Court; appointed to serve remainder of a term of four years from the General Election of November, 2006

STATUS: QUESTION IS WILL THE SENATE ADVISE AND CONSENT TO THE NOMINATIONS OF THE EXECUTIVE?

The President of the Senate put the following question: "Will the Senate advise and consent to the above nominations of the Executive?"

The above nominations of the Executive were all confirmed by roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 385)

Senate Bill 449 – Senator Edwards

AN ACT concerning

Allegany County and Garrett County – Exceptional Hauling Permits for Forestry Products – Sunset Repeal

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS (2) OFFERED FROM THE FLOOR BY SENATOR STOLTZFUS.

FLOOR AMENDMENT

SB0449/343529/1

BY: Senator Stoltzfus

AMENDMENTS TO SENATE BILL 449
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Allegany County and Garrett County –"; in line 3, after "Repeal" insert "and Expansion of Use"; in line 4, after the first "of" insert "expanding the scope of a certain provision of law to provide that certain exceptional hauling permits are valid in Calvert, Caroline, Charles, Dorchester, St. Mary's, Somerset, Talbot, Wicomico, and Worcester counties;"; strike beginning with "in" in line 5 down through the second "County" in line 6; and in line 7, strike "without" and substitute "with".

AMENDMENT NO. 2

On page 1, in line 20, strike "and" and substitute "**, CALVERT COUNTY, CAROLINE COUNTY, CHARLES COUNTY, DORCHESTER COUNTY,**"; and in the same line, after the second "County" insert "**, ST. MARY'S COUNTY, SOMERSET COUNTY, TALBOT COUNTY, WICOMICO COUNTY, AND WORCESTER COUNTY**".

The preceding 2 amendments were withdrawn.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 386)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #31

Senate Bill 292 – Senator Edwards

AN ACT concerning

Vehicle Laws – Motor Vehicle and Bicycle Racing Events – Sunset Repeal

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 387)

The Bill was then sent to the House of Delegates.

Senate Bill 370 – Senators Stone, Conway, Dyson, Gladden, Klausmeier, Kramer, Munson, Muse, Peters, Raskin, Robey, Rosapepe, and Simonaire

EMERGENCY BILL

AN ACT concerning

Maryland Quiet Vehicles and Pedestrian Safety Task Force – ~~Extension and Membership~~ Reconstitution

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 388)

The Bill was then sent to the House of Delegates.

Senate Bill 428 – Senators Raskin, Astle, Frosh, Mooney, and Rosapepe

AN ACT concerning

Vehicle Laws – Bicycles, EPAMDs, and Motor Scooters – Rules of the Road

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 2 (See Roll Call No. 389)

The Bill was then sent to the House of Delegates.

Senate Bill 817 – Senator Jones

AN ACT concerning

Task Force to Study Prison Violence in Maryland – ~~Continuation~~ Reconstitution

Read the third time and passed by yeas and nays as follows:

Affirmative – 43 Negative – 4 (See Roll Call No. 390)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF BILLS

Senator Colburn moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1058 – Senator Colburn

AN ACT concerning

Reorganization of State Government – Consolidating the Department of the Environment into the Department of Natural Resources

FOR the purpose of restructuring State government by the consolidation of the Department of the Environment into the Department of Natural Resources; abolishing the Department of the Environment by a certain date; abolishing certain positions under the Department of the Environment by a certain date; transferring all of the functions, powers, duties, equipment, assets, and liabilities of the Department of the Environment to the Department of Natural Resources as of a certain date; transferring all of the boards, commissions, programs, funds, and units of the Department of the Environment to the Department of Natural Resources as of a certain date, subject to a certain plan; providing for the meaning of certain names and titles in certain documents; requiring the Secretary of Budget and Management, in conjunction with the Secretary of Natural Resources and the Secretary of the Environment, to develop the plan and to include certain elements, including necessary legislation, certain provisions, a certain inventory, and a certain budget reduction goal by a certain year; requiring the plan to provide certain employees with a transfer option meeting certain requirements; providing for the transfer of certain appropriations to the Department of Natural Resources on or before a certain date; providing certain transitional provisions relating to the continuity of certain terms of office in a certain division, board, commission, authority, council, committee, office, or unit; providing for the continuity of certain rights, duties, or interests flowing from certain transactions entered into before a certain date; requiring the publisher of the Annotated Code of Maryland, in consultation with, and subject to the approval of, the Department of Legislative Services, to correct certain cross–references and terminology; providing for the continuity of certain laws and regulations, proposed regulations, and other duties and responsibilities; providing continuity for a certain license, registration, or certification; providing continuity for certain bonds and other financial instruments; requiring the Governor to include a certain appropriation in the State budget for a certain year that is consistent with the plan and that conforms to certain budget figures for a certain other year; repealing certain

inconsistent laws; requiring the Secretary of Natural Resources to submit a report containing certain information to the Governor and the General Assembly on or before certain dates; making the provisions of this Act severable; defining a certain term; making certain stylistic changes and deleting an obsolete reference; and generally relating to restructuring State government by the consolidation of the Department of the Environment into the Department of Natural Resources.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 1–101, 1–102(a) and (b), and 1–104(a), (c), (d), (g), and (i)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing
Article – Natural Resources
Section 1–104(l)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senator Middleton moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1059 – Chair, Finance Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Cigarette Business Licenses – Cigarette Manufacturers – Definitions and Scope of License

FOR the purpose of altering the definition of "manufacturer" in connection with the licensing of cigarette businesses and certain cigarette safety standards to include certain persons who operate cigarette manufacturing plants outside the United States and certain participating manufacturers; providing that a cigarette manufacturer license authorizes the licensee to sell certain unstamped cigarettes to certain cigarette wholesalers located outside of Maryland under certain circumstances; defining a certain term; and generally relating to cigarette manufacturers and the licensing of cigarette businesses.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 16–201, 16–206(a), and 16–601(d)

Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 391)

ADJOURNMENT

At 12:13 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 8:00 P.M. on Monday, March 16, 2009.

Annapolis, Maryland
Monday, March 16, 2009
8:00 P.M. Session

The Senate met at 8:03 P.M.

Prayer by Reverend Ron Maxson, Chaplain, Frederick County Sheriff's Office, guest of Senator Mooney.

(See Exhibit A of Appendix III)

The Journal of March 13, 2009 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 392)

INTRODUCTION OF RESOLUTIONS

(See Exhibit B of Appendix III)

Recipient	Sponsor	Resolution No.
Sherwood High School Varsity Baseball Team	Senator Rona E. Kramer	325

Read and adopted by a roll call vote as follows:

Affirmative – 36 Negative – 0 (See Roll Call No. 393)

Recipient	Sponsor	Resolution No.
Sherwood High School Varsity Football Team	Senator Rona E. Kramer	324

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 394)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 30 – Delegates Bobo and Manno

AN ACT concerning

~~**Health – Terminal Condition – Counseling**~~
Health Care Decisions Counseling – Workgroup

FOR the purpose of ~~requiring certain health care providers to provide certain information and counseling about terminal condition care options to certain patients with a terminal condition under certain circumstances; requiring certain terminal condition care counseling to include certain information; authorizing terminal condition care counseling to occur over a certain period of time; authorizing certain referrals for terminal condition care counseling under certain circumstances; requiring certain health care providers to make a certain referral and provide a patient with certain information under certain circumstances; defining certain terms; and generally relating to providing terminal condition care counseling to patients with a terminal condition~~ requiring the counsel for Health Decisions Policy in the Office of the Attorney General to convene a workgroup to study and make recommendations related to end–of–life counseling and hospice care; providing for the membership of the workgroup; requiring the workgroup to examine certain issues in conducting the study; requiring the workgroup to provide a certain report to certain committees of the General Assembly on or before a certain date; and generally relating to methods to increase and improve end–of–life counseling and hospice care.

~~BY adding to~~
~~Article – Health – General~~
~~Section 5–901 through 5–903 to be under the new subtitle "Subtitle 9. Terminal Condition Care Counseling"~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2008 Supplement)~~

Read the first time and referred to the Committee on Finance.

House Bill 46 – Delegate Sossi

AN ACT concerning

Caroline County – Alcoholic Beverages – Multiple Event Licenses

FOR the purpose of authorizing in Caroline County an applicant to purchase multiple event alcoholic beverages licenses; specifying certain license fees; prohibiting the total number of days for which multiple event licenses may be issued to a single applicant from exceeding a certain number of days; requiring that fees for multiple event licenses be paid in advance; prohibiting the Board of License

Commissioners from issuing certain refunds under certain circumstances; providing for certain restrictions on the issuance of multiple event licenses; requiring that a certain server be on the licensed premises whenever alcoholic beverages are served under the license; and generally relating to alcoholic beverages licenses in Caroline County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 7–101(j)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 7–101(j)(7)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 54 – The Speaker (By Request – Department of Legislative Services – Code Revision)

AN ACT concerning

Human Relations – Civil Actions – Unlawful Employment Practices

FOR the purpose of clarifying that certain provisions of law relating to civil actions elected or filed by certain complainants apply only to unlawful employment practices; making certain conforming changes; and generally relating to the relief available for certain discriminatory acts.

BY repealing and reenacting, with amendments,
Article – State Government
Section 20–1006(b), 20–1007(a) and (b), 20–1012(a) and (b), and 20–1013(a) and (b)
Annotated Code of Maryland
(As enacted by Chapter ____ (H.B. ___)(9lr0791) of the Acts of the General Assembly of 2009)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 105 – Delegates Haddaway and Eckardt

AN ACT concerning

Talbot County – Alcoholic Beverages – Limited Wineries

FOR the purpose of authorizing a holder of a Class 4 manufacturer's (limited winery) license in Talbot County to produce wine and pomace brandy at each warehouse for which the holder has been issued an individual storage permit; prohibiting a holder from serving or selling wine and pomace brandy to the public at a warehouse; making a stylistic change; and generally relating to holders of Class 4 manufacturer's licenses in Talbot County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 2–205(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–205(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 2–205(d)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 124 – Delegates Morhaim, Barnes, Branch, Conaway, Glenn, Harrison, Oaks, Robinson, Tarrant, V. Turner, and Walker

AN ACT concerning

State Procurement – ~~Structuring and~~ Bundling of Procurements

FOR the purpose of prohibiting a unit of State government subject to the State procurement law from ~~structuring or~~ bundling a procurement, limiting the number of competitive bidders or offerors, or limiting certain participation to a predetermined group of bidders or offerors for the purpose of precluding or limiting participation by certain entities under certain circumstances; providing for the application of this Act; defining a certain term; and generally relating to prohibitions governing the ~~structuring or~~ bundling of a procurement.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement

Section 11–201
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 142 – Chair, Health and Government Operations Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance – Antifraud Plans

FOR the purpose of making certain provisions of law relating to antifraud plans applicable to ~~health maintenance organizations and~~ third party administrators; authorizing certain insurers, as part of an antifraud plan, to require an ~~insured~~ individual who is receiving benefits under certain policies to make certain affirmations; requiring certain insurers to make certain disclosures to ~~insureds~~ certain individuals under certain circumstances; and generally relating to antifraud plans.

~~BY adding to~~
~~Article – Health – General~~
~~Section 19–706(ttt)~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2008 Supplement)~~

BY adding to
Article – Insurance
Section 8–321.1
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 27–803
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 171 – Delegates G. Clagett, Boteler, Hecht, Robinson, Weldon, and Wood

AN ACT concerning

Business Regulation – Vending Machine Sales – Bulk Vending Machine Exemption

FOR the purpose of exempting from certain licensing requirements the sale or offering for sale of certain merchandise through certain vending machines; and generally relating to an exemption from certain vending machine licensing requirements for the sale or offering for sale of certain merchandise through certain vending machines.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 17–1902
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 11–201.1(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance and the Committee on Budget and Taxation.

House Bill 175 – Delegates Bromwell and Schuler

AN ACT concerning

Consumer Protection – False Advertising – Misrepresentations in Advertisements and Telephone Directory Listings ~~– Publication of Local Numbers by Nonlocal Businesses~~

FOR the purpose of ~~prohibiting certain nonlocal businesses from publishing an advertisement containing a local telephone number in certain directories except under certain circumstances; prohibiting certain nonlocal businesses from listing or causing to be listed a local telephone number in certain directories except under certain circumstances; providing that a telephone company or directory provider is not liable for this Act by a nonlocal business; providing that a violation of this Act is an unfair or deceptive trade practice under the Maryland Consumer Protection Act and is subject to certain enforcement and penalty provisions;~~ providing that a person is in violation of a certain provision of law prohibiting false advertising if the person causes an advertisement that misrepresents the location of the person to be published in a certain directory, or causes a telephone listing that misrepresents the location of the person to be listed in a certain directory; exempting publishers, printers, and distributors of certain advertisements or telephone listings from certain provisions of law governing false advertising; providing for the application of certain provisions of

this Act; defining certain terms; and generally relating to ~~the publication of local numbers in telephone directories by nonlocal businesses.~~ false advertising and misrepresentations in advertisements and telephone directory listings.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section ~~13–301(14)~~ 11–701 and 11–702
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 11–703 and 11–705
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article – Commercial Law
Section ~~14–1322~~ 11–704.1
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 227 – Delegate Elmore

AN ACT concerning

Somerset County – Liquor Control Board – Borrowing Limit

FOR the purpose of increasing to a certain limit the aggregate sum of money that may be advanced to or borrowed by the Somerset County Liquor Control Board for certain purposes; and generally relating to the Somerset County Liquor Control Board.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 15–202(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–202(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 252 – Delegate Costa

AN ACT concerning

State Board of Pharmacy – Pharmacy Permit – Term and Renewal

FOR the purpose of altering the term of a pharmacy permit; ~~requiring the State Board of Pharmacy to send out a certain notice within a certain time of the expiration of a pharmacy permit~~ altering the date by which the State Board of Pharmacy is required to send certain renewal notices to pharmacy permit holders; repealing a requirement that the State Board send a renewal application form to each pharmacy permit holder; and generally relating to a pharmacy permit term and renewal.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 12–407
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 255 – Delegates Pena–Melnyk ~~and Costa~~, Costa, Hammen, Pendergrass, Benson, Bromwell, Donoghue, Elliott, Hubbard, Kach, Kipke, Krebs, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Reznik, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Health Maintenance Organizations – Payments to Nonparticipating Providers

FOR the purpose of ~~altering the rate that a health maintenance organization must pay to certain trauma physicians for certain covered services provided to certain enrollees of the health maintenance organization;~~ requiring health maintenance organizations to pay certain health care providers for certain evaluation and management services no less than the greater of certain rates; requiring health maintenance organizations to pay certain health care providers for certain services that are not evaluation and management services no less than the greater of certain rates; requiring a health maintenance organization to calculate a certain average rate in a certain manner; requiring the Maryland Health Care Commission to annually review certain payments and report certain findings to the Maryland Insurance Administration; authorizing the

Administration to take certain actions to investigate and enforce a violation of certain provisions of this Act; requiring the Administration, in consultation with the Commission, to adopt certain regulations; defining certain terms; providing for a delayed effective date; providing for the termination of this Act; and generally relating to payments by health maintenance organizations to nonparticipating providers.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–710.1
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 334 – Delegate Beitzel

AN ACT concerning

Garrett County – Alcoholic Beverages – Wine and Beer Tasting License – Off–Site Retail Delivery Procedures – Fees

FOR the purpose of requiring the Garrett County Board of License Commissioners to charge an issuing fee of a certain amount for a wine and beer tasting license; authorizing an alcoholic beverages licensee or an employee of the licensee to make an off–site retail delivery of alcoholic beverages under certain circumstances; requiring that certain delivery forms be submitted to the Board on or before a certain day of the month following the delivery; requiring the Board to adopt certain regulations; altering certain fees; making certain stylistic changes; and generally relating to alcoholic beverages in Garrett County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–406.1 and 10–503(m)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 10–502(d) and 12–301(e)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 372 – Charles County Delegation

AN ACT concerning

Charles County – Alcoholic Beverages Violations – Penalties

FOR the purpose of increasing certain penalties for alcoholic beverages violations in Charles County; providing that the Charles County Board of License Commissioners may impose both a fine and a license suspension for an alcoholic beverages violation; and generally relating to penalties for alcoholic beverages violations in Charles County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 16–507(j)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 10–1001
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 400 – ~~Delegates V. Clagett, Beidle, Costa, Frush, George, Kipke, Love, McConkey, Pena-Melnyk, Schuh, and Sophocleus~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Yacht Club License

FOR the purpose of altering certain requirements that a yacht club in Anne Arundel County must meet to be issued a special Class C (yacht club) alcoholic beverages license; making certain stylistic changes; and generally relating to alcoholic beverages licenses in Anne Arundel County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 6–301(c)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages
Section 6–301(c)(5)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 425 – Delegates Eckardt, Haddaway, and Cane

AN ACT concerning

Dorchester County – Alcoholic Beverages Act of 2009

FOR the purpose of authorizing the Dorchester County Board of License Commissioners to issue a Class B caterer's license to certain persons; providing an annual license fee; specifying the privileges conferred by the Class B caterer's license; specifying certain requirements that a holder of a caterer's license must meet and certain restrictions on the use of a caterer's license; requiring a holder of a caterer's license at a catered public event to issue wristbands to certain individuals; prohibiting the serving of alcoholic beverages to individuals without wristbands; authorizing the Board to issue a beer and wine sampling or tasting (BWST) license to certain persons; authorizing certain holders of a BWST license to hold only beer tastings or samplings; specifying certain conditions for the use of a BWST license; specifying certain maximum quantities of alcoholic beverages that may be consumed under certain conditions; specifying certain requirements for applying for a BWST license, resubmitting an application, and issuing a BWST license; specifying certain license fees; requiring that the holder of a BWST license dispose of certain alcoholic beverages at a certain time; clarifying a certain prohibition concerning the granting of a new license within a certain distance of certain buildings; exempting from the prohibition applications for certain licenses in certain municipalities and certain premises; repealing the authority of a holder of an on–sale alcoholic beverages license in the county to make sales at any time on New Year's Day; altering the annual compensation of the Chairman and the regular members of the Board; authorizing the county inspector to serve summonses; providing that this Act does not apply to the salary or compensation of the incumbent Chairman or regular members of the Board; and generally relating to alcoholic beverages in Dorchester County.

BY adding to
Article 2B – Alcoholic Beverages
Section 6–713 and 8–405.2
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

Article 2B – Alcoholic Beverages
Section 9–210, 15–109(k), and 16–410(b)(2)(i)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing
Article 2B – Alcoholic Beverages
Section 11–402(k)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 442 – Charles County Delegation

AN ACT concerning

Charles County – Alcoholic Beverages Licensees – Administrative Proceedings

FOR the purpose of adding Charles County to the list of counties in which the granting of probation before judgment to an alcoholic beverages licensee for selling or furnishing alcoholic beverages to an underage individual does not bar the Board of License Commissioners from proceeding administratively against the licensee for the violation; and generally relating to alcoholic beverages licensees in Charles County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 12–108(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 12–108(f)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 456 – Delegate Morhaim

AN ACT concerning

Health Insurance – Coverage for Off–Label Use of Drugs – Standard Reference Compendia

FOR the purpose of altering the definition of "standard reference compendia" for purposes of health insurance coverage for off–label use of drugs; and generally relating to coverage for off–label use of drugs under health insurance.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–804
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 462 – Delegates Hubbard, Costa, Kipke, V. Turner, and Weldon

AN ACT concerning

Medicaid State Plan and Medical Assistance Program – Amendments and Waiver Applications

FOR the purpose of requiring the Department of Health and Mental Hygiene to publish in the Maryland Register notice of amendments to the Medicaid State Plan ~~or Medical Assistance Program~~; requiring the Department of Health and Mental Hygiene to submit amendments to the Medicaid State Plan ~~or Medical Assistance Program~~ to the Medicaid Advisory Committee; requiring the Department to make amendments to the Medicaid State Plan ~~or Medical Assistance Program~~ available to the public and to provide an opportunity for public comment on the amendments; requiring the Department to submit to the Medicaid Advisory Committee a copy of a certain Medical Assistance Program waiver application under certain circumstances; and generally relating to the Medicaid State Plan and Medical Assistance Program.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–134
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 500 – Delegates Tarrant, Anderson, Branch, Carter, Conaway, Glenn, Hammen, Krysiak, Oaks, Robinson, Rosenberg, and Stukes

AN ACT concerning

Baltimore City – Medical Assistance Programs – Eligibility and Enrollment Information Mailings to Students

FOR the purpose of requiring the ~~State Department of Education~~ Baltimore City Public School System and ~~Baltimore HealthCare Access~~ the Department of Health and Mental Hygiene to enter into an agreement regarding the disclosure of certain information; specifying certain terms for the required agreement; requiring the ~~Department~~ Baltimore City Public School System to make certain disclosures to parents or guardians whose students are ~~applying for~~ enrolled in the National School Lunch Program on or before a certain date each year; requiring the ~~Department~~ Baltimore City Public School System to disclose certain information regarding certain students in Baltimore City to ~~Baltimore HealthCare Access~~ the Department on or before a certain date each year; requiring ~~Baltimore HealthCare Access~~ the Department to send eligibility and enrollment information regarding the Maryland Medical Assistance Program and the Maryland Children's Health Program to parents or guardians of certain students in Baltimore City who are ~~eligible for~~ enrolled in the National School Lunch Program on or before a certain date each year; requiring ~~Baltimore HealthCare Access~~ the Department to report to the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to eligibility and enrollment information mailings regarding certain medical assistance programs to students in Baltimore City.

~~BY adding to~~
~~Article – Education~~
~~Section 7–606~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume)~~

BY adding to
Article – Health – General
Section 15–305
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 507 – Delegates Nathan–Pulliam, Benson, Bromwell, Elliott, Kach, Kipke, Kullen, Montgomery, Morhaim, Riley, ~~and Tarrant~~ Tarrant, Hammen, Pendergrass, Costa, Donoghue, Hubbard, Oaks, Pena–Melnyk, Reznik, V. Turner, and Weldon

AN ACT concerning

Inmates – Hepatitis C – Counseling and Referral to Medical ~~Assistance Program~~ Home

FOR the purpose of requiring the Department of Public Safety and Correctional Services, in collaboration with the Department of Human Resources and the Department of Health and Mental Hygiene, to develop a process to refer certain inmates to the Department of Human Resources or the Department of Health and Mental Hygiene for enrollment in certain programs on or before a certain date; requiring the Department of Public Safety and Correctional Services to provide certain counseling to inmates with Hepatitis C; requiring the Department of Public Safety and Correctional Services, in collaboration with the Department of Human Resources and the Department of Health and Mental Hygiene, to develop certain regulations; and generally relating to inmates with Hepatitis C.

BY adding to
Article – Correctional Services
Section 9–613
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 526 – ~~Delegates Pena–Melnyk and Costa~~ Delegates Costa, Pena–Melnyk, Hammen, Pendergrass, Benson, Bromwell, Donoghue, Elliott, Hubbard, Kach, Kipke, Krebs, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Reznik, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Credentialing of Health Care Providers by Managed Care Organizations, Insurance Carriers, and Hospitals

FOR the purpose of providing that certain provisions of law relating to credentialing of health care providers by carriers apply to managed care organizations; ~~requiring the Secretary of Health and Mental Hygiene to designate~~ providing hospitals with the option of using a certain form as the uniform standard credentialing form for hospitals; authorizing the Maryland Insurance Commissioner to designate a certain provider credentialing application as the uniform credentialing form under certain circumstances; altering ~~a~~ certain ~~definition~~ definitions; and generally relating to credentialing of health care providers.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–102.3 and 19–319(e)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–112.1
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 610 – ~~Delegate Morhaim~~ Delegates Morhaim, Hammen, Pendergrass, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Krebs, Kullen, McDonough, Montgomery, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Health Insurance – ~~Discrimination or Rebates –~~ Bona Fide Wellness Programs – Incentives

FOR the purpose of ~~altering the conditions under which it is not discrimination or a rebate for~~ authorizing an insurer, a nonprofit health service plan, a health maintenance organization, or a dental plan organization to provide reasonable incentives for participation in a bona fide wellness program under certain circumstances; ~~providing that it is not discrimination or a rebate for a carrier to provide reasonable incentives for participation in a bona fide wellness program if the bona fide wellness program satisfies certain requirements;~~ authorizing a carrier to condition an incentive for a bona fide wellness program on an individual satisfying a standard that is related to a health factor under certain circumstances; providing that a bona fide wellness program shall be construed in a certain manner if certain conditions are met; ~~providing that an incentive may not be construed in a certain manner unless certain conditions are met;~~ establishing requirements for certain alternative standards or waivers of certain standards; authorizing the use of certain language to satisfy certain requirements; authorizing the Maryland Insurance Commissioner to request a review of a bona fide wellness program; requiring the expense of the review to be paid in a certain manner; altering the conditions under which it is not discrimination or a rebate for a carrier to provide reasonable incentives for participation in a bona fide wellness program; making certain provisions applicable to health maintenance organizations; defining certain terms; and generally relating to ~~exceptions to prohibitions against discrimination or rebates for~~ incentives for participation in bona fide wellness programs offered with health insurance.

BY adding to
Article – Health – General
Section 19–706(ttt)
Annotated Code of Maryland

(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article – Insurance
Section 15–509
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Insurance
Section 27–210(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 27–210(h)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 616 – Howard County Delegation

AN ACT concerning

Howard County – Alcoholic Beverages – Hearing Board and Liquor Board Personnel
Ho. Co. 11–09

FOR the purpose of specifying that personnel needed in Howard County to carry out the duties of the Appointed Alcoholic Beverage Hearing Board and the Board of License Commissioners be included in the staff of the County Council and supervised by the County Council Administrator; repealing a provision of law that requires the director of a certain agency to provide a single administrator to serve both the Appointed Alcoholic Beverage Hearing Board and the Board of License Commissioners; repealing a provision of law that authorizes the director of a certain agency to provide certain staffing; and generally relating to the regulation of alcoholic beverages in Howard County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 15–107.1(a)(1) through (4) and (6)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing

Article 2B – Alcoholic Beverages
Section 15–107.1(g)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 15–107.1(g)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 624 – Allegany County Delegation

AN ACT concerning

Allegany County – Alcoholic Beverages – Volunteer Company License

FOR the purpose of establishing a Class C (volunteer company) beer, wine and liquor license in Allegany County; specifying the persons to whom the license may be issued; specifying that a holder of the license may keep and sell alcoholic beverages for consumption on or off the premises; specifying that the patrons of a club for which a license is issued are not limited to certain individuals; providing for a license fee; making certain stylistic changes; and generally relating to alcoholic beverages in Allegany County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 6–301(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 657 – Delegate Manno

AN ACT concerning

Maryland Antitrust Act – Establishment of Minimum Sale Price for Commodities or Services – Prohibited

FOR the purpose of providing that a contract, combination, or conspiracy that establishes a minimum price below which a retailer, wholesaler, or distributor may not sell a commodity or service is an unreasonable restraint of trade or

commerce for purposes of a certain provision of the Maryland Antitrust Act; and generally relating to the Maryland Antitrust Act.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 11–204
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 705 – Delegates Pena–Melnyk and Ivey

AN ACT concerning

Child Fatality Review – Child Death Review Case Reporting System

FOR the purpose of authorizing certain members and staff of certain State teams to provide identifying information to a national center for child death review in accordance with certain data use agreements that authorize access to certain information to certain persons and require the national center to act as a fiduciary agent of certain State and local teams; establishing that certain information provided to a national center for child death review is confidential and subject to certain confidentiality and discovery protections; defining certain terms; and generally relating to child fatality review and a child death review case reporting system.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 5–701 and 5–704
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 721 – Frederick County Delegation

AN ACT concerning

Frederick County – Alcoholic Beverages – Wine Festival License

FOR the purpose of establishing a special wine festival (WF) license in Frederick County; requiring that an applicant for a special WF license must be a holder of a certain other license; specifying that a holder of a special WF license may display and sell wine in a certain manner; requiring the Frederick County Board of License Commissioners to assure that the primary focus of the festival is the promotion of Maryland wine; requiring a holder of a special WF license to

display and sell certain wine; providing for a license fee; providing that this Act does not prohibit the holder of a special WF license from holding another alcoholic beverages license; authorizing the Board to choose certain weekends for festivals; requiring the Board to choose certain locations for the festivals; requiring the Board to adopt certain regulations; defining certain terms; and generally relating to wine in Frederick County.

BY renumbering
Article 2B – Alcoholic Beverages
Section 8–308.1
to be Section 8–308.2
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 8–308.1
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 736 – Delegates McHale, Davis, Haddaway, Krysiak, and Vaughn

AN ACT concerning

Electric Universal Service Program – Modifications

FOR the purpose of altering certain criteria for providing bill assistance under the electric universal service program; repealing a certain limitation on providing arrearage retirement assistance under the program; clarifying the scope of certain weatherization assistance funded under the program; authorizing the program to provide arrearage retirement assistance to certain customers under certain conditions; authorizing the Department of Human Resources to establish certain criteria for certain program assistance and to coordinate program benefits with certain other benefits; altering certain information that the Public Service Commission must report to the General Assembly; requiring the Office of Home Energy Programs to report certain information to the Commission and the General Assembly; altering the period within which certain funds may be retained for use in certain fiscal years; making a technical correction; and generally relating to low–income electric customers and the electric universal service program.

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–512.1

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

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 821 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Alcoholic Beverages – Corporate Training Center License
MC 902–09

FOR the purpose of establishing in Montgomery County a Special Class B – Corporate Training Center beer, wine and liquor license; authorizing the Board of License Commissioners to issue the license for use in a certain corporate headquarters support facility; specifying that sales of alcoholic beverages under the license are for on–premises consumption; setting a certain annual license fee; and generally relating to a Special Class B – Corporate Training Center beer, wine and liquor license in Montgomery County.

BY adding to
Article 2B – Alcoholic Beverages
Section 8–216.2
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 833 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Winery Special Event Permits – Montgomery County Agricultural Fair
MC 928–09

FOR the purpose of authorizing the Office of the Comptroller to issue a winery special event permit to certain limited wineries for use during the entire length of the Montgomery County Agricultural Fair; and generally relating to the use of winery special event permits in Montgomery County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–101(u)
Annotated Code of Maryland

(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 905 – Frederick County Delegation

AN ACT concerning

Frederick County – 10th Election District – Alcoholic Beverages Licenses – Fundraising Events for Nonprofit Organizations

FOR the purpose of authorizing a nonprofit organization in the 10th election district in Frederick County to obtain a one–day special beer and wine license for use at a fundraising event for the organization; and generally relating to alcoholic beverages licenses in Frederick County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 8–211(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 8–211(k)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 962 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Wine Festival License PG 322–09

FOR the purpose of authorizing the Prince George's County Board of License Commissioners to issue a wine festival license to certain persons for the sale of wine at the Prince George's County Wine Festival; establishing certain licensing requirements; requiring license holders to display and sell certain wine; providing for a license fee; requiring the Board to set the date and location for the Festival and to assure that the primary focus of the Festival is the promotion of Maryland wine; establishing certain requirements concerning the delivery and return of products displayed and sold at the Festival; requiring the

Board to adopt certain regulations; defining certain terms; and generally relating to an alcoholic beverages license issued for the Prince George's County Wine Festival.

BY adding to
Article 2B – Alcoholic Beverages
Section 8–310.2
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 964 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages Licenses – Application Requirements
PG 315–09

FOR the purpose of requiring, in Prince George's County, that an application for an alcoholic beverages license contain a statement, if the applicant is not a citizen of the United States, that the applicant is in legal status in accordance with federal law; requiring, in Prince George's County, that an applicant who is in legal status show proof of the applicant's legal status; and generally relating to applications for alcoholic beverages licenses in Prince George's County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 10–103(b)(3) and (6)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 10–103(b–1)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 969 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Bottle Clubs
PG 316–09

FOR the purpose of prohibiting certain bottle clubs in Prince George's County from evading certain laws relating to hours of operation and to the selling, giving, serving, dispensing, keeping, or allowing to be consumed alcoholic beverages and certain other beverages; repealing a provision rendered unnecessary by this Act; defining a certain term; and generally relating to bottle clubs in Prince George's County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 20–108.1
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 1022 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Class A/Class 4 Light Wine Licenses
PG 305–09

FOR the purpose of authorizing a Class A light wine license to be issued in Prince George's County; exempting a winery that applies for a certain license from certain quotas; and generally relating to alcoholic beverages licenses in Prince George's County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 4–201(a) and (c)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 1037 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages Licenses – Successor Corporations

PG 301–09

FOR the purpose of specifying that in Prince George's County, if a certain number of corporations with interests in certain alcoholic beverages licenses undergo a merger, consolidation, or share exchange that results in a single successor corporation, the total number of licenses that the successor corporation may hold is the greater of certain alternatives; specifying that an indirect interest in a license is evidenced by certain relationships; exempting this Act from a restriction on the number of licenses that may be issued to a person; and generally relating to alcoholic beverages licenses in Prince George's County.

BY adding to
Article 2B – Alcoholic Beverages
Section 8–217(e)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–102(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 1068 – Delegate Davis

AN ACT concerning

Commercial Law – Equipment Dealer Contract Act – Scope

FOR the purpose of altering the definitions of "dealer" and "inventory" for purposes of the Equipment Dealer Contract Act to clarify that it applies to persons engaged in the business of selling, on commission or at retail, commercial heating, ventilation, and air–conditioning equipment or repair parts; and generally relating to the scope of the Equipment Dealer Contract Act.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 19–101
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 1124 – Delegates Lee, Barkley, Bronrott, Dumais, Hecht, Hucker, Valderrama, and Waldstreicher

AN ACT concerning

Coordinating Emerging Nanobiotechnology Research in Maryland Program – Public–Private Partnerships

FOR the purpose of requiring the Maryland Technology Development Corporation to foster certain public–private partnerships as feasible to carry out the purpose of the Coordinating Emerging Nanobiotechnology Research in Maryland Program; and generally relating to the Coordinating Emerging Nanobiotechnology Research in Maryland Program.

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 10–447
Annotated Code of Maryland
(2008 Volume)

Read the first time and referred to the Committee on Finance.

House Bill 1193 – Delegates Hecht, Harrison, and Krysiak

AN ACT concerning

Maryland Not–For–Profit Development Center Program – Qualifying Not–For–Profit Entity Assistance

FOR the purpose of adding and amending certain defined terms under the Maryland Not–For–Profit Development Center Program; requiring the Program to provide certain support and assistance to qualifying not–for–profit entities; altering the requirements for a certain designee of the Program; and generally relating to the Maryland Not–For–Profit Development Center Program.

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 5–1201, 5–1202, 5–1203, and 5–1205
Annotated Code of Maryland
(2008 Volume)

Read the first time and referred to the Committee on Finance.

House Bill 1235 – Delegate Krysiak

AN ACT concerning

Injured Workers' Insurance Fund – Rate Filing

FOR the purpose of requiring the Injured Workers' Insurance Fund to file with the Maryland Insurance Commissioner all rates, supplementary rate information, policy forms, and endorsements that the Fund proposes to use; authorizing the Commissioner to approve or disapprove rates proposed by the Fund in a certain manner; subjecting the Fund to certain provisions of the Insurance Article relating to prior approval rate making; repealing a certain prohibition against the Commissioner issuing a certain order to the Fund; authorizing the Commissioner to suspend the authority of the Fund to write insurance under certain circumstances; authorizing the Commissioner to examine or review the Fund for compliance with certain provisions of law on setting premium rates; making a certain schedule of premium rates set by the Board for the Fund subject to approval of the Commissioner; providing for the application of this Act; making stylistic changes; and generally relating to the Injured Workers' Insurance Fund.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 1–101(k), 11–205(a) through (e), and 11–206(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 11–202(b)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 19–403
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 10–101(e)
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 10–125(a), (b), and (c) and 10–130(a)
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Finance.

House Bill 1271 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Alcoholic Beverages – Maximum Fine for Sales Violations

FOR the purpose of altering the maximum fine that the Alcohol Beverage Board of St. Mary's County may impose for a violation of the laws as to licensing the sale of alcoholic beverages; making certain stylistic and technical corrections; and generally relating to alcoholic beverages sales in St. Mary's County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 16–507(t)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #8

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 496 – Senators Robey, DeGrange, Garagiola, Glassman, Jacobs, Klausmeier, Madaleno, McFadden, Middleton, Munson, Muse, Peters, Pugh, Raskin, and Zirkin

AN ACT concerning

Law Enforcement Officers' Pension System – Membership – Retired Pilots with the Maryland State Police

SB0496/209832/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 496
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Zirkin" and substitute "Zirkin, Kittleman, and Stone".

AMENDMENT NO. 2

On page 5, strike beginning with "continues" in line 23 down through "2009" in line 24 and substitute "died on or after June 30, 2008, while reemployed as a Maryland State Police Aviation Command helicopter pilot:

(i) without willful negligence by the individual; and

(ii) with death arising out of or in the course of the actual performance of duty".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Senator Middleton moved, duly seconded, to make the Bill a Special Order for March 17, 2009.

The motion was adopted.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 711 – Senators Mooney, Brinkley, Dyson, and Robey

AN ACT concerning

Trooper Tobin Triebel Life Insurance Memorial Act

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 712 – Senators Mooney, Brinkley, Dyson, and Robey

AN ACT concerning

Trooper Tobin Triebel Benefits Memorial Act

SB0712/149535/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 712
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Robey" and substitute "Robey, Miller, Currie, DeGrange, Edwards, Jones, Kasemeyer, King, McFadden, Munson, Peters, Stoltzfus, and Zirkin"; strike beginning with "expanding" in line 3 down through "benefit;" in line 5 and substitute "authorizing the Secretary of State Police to award in a certain manner under certain circumstances a certain discretionary death benefit to a decedent who was a police employee of the Department of State Police or a civilian pilot employed by the Department of State Police;"; in line 7, after the first "of" insert "and civilian pilots employed by"; strike in their entirety lines 8 through 12, inclusive; in line 15, strike "1–202(c–1)" and substitute "1–202(f–1)"; and after line 17, insert:

"BY repealing and reenacting, with amendments,
Article – Public Safety
Section 1–202(g)
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 22 on page 1 through line 16 on page 2, inclusive, and substitute:

"**(F–1) ON A CASE–BY–CASE BASIS, THE SECRETARY OF STATE POLICE MAY AWARD A DEATH BENEFIT UNDER THIS SECTION IF:**

(1) AT THE TIME OF DEATH THE DECEDENT WAS:

(I) A POLICE EMPLOYEE IN GOOD STANDING OF THE DEPARTMENT OF STATE POLICE; OR

(II) A CIVILIAN PILOT EMPLOYED BY THE DEPARTMENT OF STATE POLICE; AND

(2) THE DECEDENT DIED WHILE PARTICIPATING IN OFF–DUTY TRAINING EXERCISES DIRECTLY RELATED TO MAINTAINING FITNESS FOR DUTY AS A POLICE EMPLOYEE OR CIVILIAN PILOT EMPLOYED BY THE DEPARTMENT OF STATE POLICE.

(g) If the Secretary of Public Safety and Correctional Services **OR THE SECRETARY OF STATE POLICE** determines that the benefits under this section are to be paid, the benefits shall be paid:

(1) to the decedent's surviving spouse;

(2) if no individual is eligible under item (1) of this subsection, to each surviving child of the decedent in equal shares;

(3) (i) for a death benefit under subsection (b) of this section, if no individual is eligible under item (1) or (2) of this subsection, to the decedent's surviving parent, if the parent was a dependent as defined in § 152 of the Internal Revenue Code; or

(ii) for any other benefit under this section, if no individual is eligible under item (1) or (2) of this subsection, to the decedent's surviving parent; or

(4) if no individual is eligible under item (1), (2), or (3) of this subsection, to the decedent's estate.".

AMENDMENT NO. 3

On page 2, in line 19, strike "who dies in the performance of duties" and substitute "or civilian pilot employed by the Department of State Police who dies while participating in off–duty training exercises".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 180 – Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Authority of Mayor to Remove Police Commissioner

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Senator Della moved, duly seconded, to make the Bill and Report a Special Order for March 19, 2009.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 395)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #32

Senate Bill 149 – Senators Kelley, Conway, Forehand, Glassman, Greenip, Jacobs, Jones, King, Klausmeier, Kramer, Lenett, Madaleno, and Pugh

AN ACT concerning

Maryland Commission for Women – Appointment of Members

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 396)

The Bill was then sent to the House of Delegates.

Senate Bill 168 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Department of Natural Resources – ~~Shellfish and~~ Crabs – Public Process

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 397)

The Bill was then sent to the House of Delegates.

Senate Bill 257 – The President (By Request – Administration) and Senators Astle, Colburn, Dyson, Edwards, Forehand, Garagiola, Lenett, Peters, Robey, Simonaire, and Stone

AN ACT concerning

Interstate Compact on Educational Opportunity for Military Children

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 398)

The Bill was then sent to the House of Delegates.

Senate Bill 273 – The President (By Request – Administration) and Senators Della, King, Klausmeier, Lenett, Madaleno, and Rosapepe

AN ACT concerning

Smart, Green, and Growing – Local Government Planning – Planning Visions

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 399)

The Bill was then sent to the House of Delegates.

Senate Bill 368 – Senators Raskin, Brochin, Frosh, Gladden, Harrington, King, Klausmeier, Kramer, Lenett, Madaleno, Muse, Peters, Pugh, Robey, Rosapepe, ~~and Zirkin~~ Zirkin, Jones, and Forehand

AN ACT concerning

Lilly Ledbetter ~~Fair Pay~~ Civil Rights Restoration Act of 2009

Read the third time and passed by yeas and nays as follows:

Affirmative – 31 Negative – 16 (See Roll Call No. 400)

The Bill was then sent to the House of Delegates.

Senate Bill 402 – Senators Conway, Currie, Dyson, Exum, Gladden, Harrington, Jones, Lenett, Madaleno, McFadden, Muse, Peters, Pinsky, and Pugh

AN ACT concerning

Maryland Higher Education Commission – Review of Duplicative Academic Programs

Read the third time and failed for want of a constitutional majority:

Affirmative – 17 Negative – 28 (See Roll Call No. 402)

Senate Bill 408 – Senators Simonaire, Brochin, Colburn, Forehand, Gladden, Harrington, Lenett, Raskin, Rosapepe, and Stone

AN ACT concerning

Environment – Water Pollution Control – ~~Incentives and~~ Penalties

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 403)

The Bill was then sent to the House of Delegates.

Senate Bill 652 – Senator Edwards

AN ACT concerning

Allegany and Garrett Counties – Deer Hunting on Private Property – Sundays

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 1 (See Roll Call No. 404)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF BILLS

Senator V. Jones moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1060 – Senator Jones (Chair, Joint Committee on the Management of Public Funds) and Senators Currie, Forehand, and Haines

AN ACT concerning

General Obligation Bonds – Method of Sale by Board of Public Works

FOR the purpose of stating that it is the policy of the State that the preferred method of sale of general obligation bonds of the State by the Board of Public Works is by public, competitive sale; authorizing the Board of Public Works to sell general obligation bonds by private, negotiated sale if the Board makes certain determinations; adding tax credit forms to the kinds of forms in which State bonds are to be issued; providing for the construction of this Act; and generally relating to the sale of general obligation bonds of the State.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 8–121(a) and 8–124
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senator Harris moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1061 – Senators Harris, Colburn, and Greenip

AN ACT concerning

Election Law – Gubernatorial Primary Election – Date

FOR the purpose of altering the date for the primary election in the year of the gubernatorial election; and generally relating to the date for primary elections.

BY repealing and reenacting, with amendments,
Article – Election Law

Section 8–201
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 405)

ADJOURNMENT

At 8:53 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Tuesday, March 17, 2009.

Annapolis, Maryland
Tuesday, March 17, 2009
10:00 A.M. Session

The Senate met at 10:09 A.M.

Prayer by Reverend Dr. Alvin C. Hathaway, Union Baptist Church, guest of Senator Kelley.

(See Exhibit A of Appendix III)

The Journal of March 16, 2009 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 407)

Presentation in honor of St. Patrick's Day

LETTERS OF REASSIGNMENT

ANNOUNCEMENT BY THE PRESIDENT

House Bill 736 – Delegates McHale, Davis, Haddaway, Krysiak, and Vaughn

AN ACT concerning

Electric Universal Service Program – Modifications

Reassigned to the Committee on Finance under Rule 33(d).

Read and ordered journalized.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 496 – Senators Robey, DeGrange, Garagiola, Glassman, Jacobs, Klausmeier, Madaleno, McFadden, Middleton, Munson, Muse, Peters, Pugh, Raskin, and Zirkin

AN ACT concerning

Law Enforcement Officers' Pension System – Membership – Retired Pilots with the Maryland State Police

STATUS OF BILL: BILL IS ON SECOND READING AND OPEN TO AMENDMENT.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 46 Members present.

(See Roll Call No. 408)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #33
CONSENT CALENDAR #3

BILL NO.	SPONSOR	CONTENT	COMMITTEE
SB 16	Sen. Conway	Baltimore City and Prince George's Co – Org of Parents and Teachers – Matching Fund	EHE
SB 434	Sen. Astle	Anne Arundel County – Alcoholic Beverages – Yacht Club License	EHE
SB 543	Sen. Brochin	Baltimore Co – Towson Commercial Revitalization District – Alc Bevs – Transf and Conv of Licenses	EHE
SB 608	Sen. Brinkley	Frederick County – Alcoholic Beverages – Part–Time Inspectors	EHE

SB 629	Sen. Glassman	Harford County – Board of Education – Selection of Members	EHE
SB 767	Sen. Astle	Fire, Resc, and Emer Med Servs in Anne Arundel Co – Agts with Fed Govt – Reimb	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 3 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 409)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #34

Senate Bill 98 – ~~Senator Stone~~ Senators Stone, Forehand, ~~and Raskin~~ Raskin, and Lenett

AN ACT concerning

~~Motor Vehicles – Use of Text Messaging Device While Driving – Prohibition~~ The Delegate John Arnick Electronic Communications Traffic Safety Act

Read the third time and passed by yeas and nays as follows:

Affirmative – 43 Negative – 4 (See Roll Call No. 410)

The Bill was then sent to the House of Delegates.

Senate Bill 350 – Senators Pinsky and Harrington

SECOND PRINTING

AN ACT concerning

Municipal Corporations – Annexations – Small Parcels

Senator Pipkin moved, duly seconded, to make the Bill a Special Order for March 18, 2009.

The motion was adopted.

Senate Bill 449 – Senator Edwards

AN ACT concerning

Allegany County and Garrett County – Exceptional Hauling Permits for Forestry Products – Sunset Repeal

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 411)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #20

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 5 – Senator Harrington

AN ACT concerning

Assisted Housing – Protected Actions – Extended Leases for Seniors

SB0005/904935/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 5
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "for Seniors"; strike beginning with "an" in line 5 down through "age" in line 6 and substitute "a certain individual"; strike beginning with "an" in line 8 down through "age" in line 9 and substitute "a certain individual"; in line 9, after "changes;" insert "providing for the application of this Act;"; and in line 10, strike "seniors" and substitute "certain individuals".

AMENDMENT NO. 2

On page 3, in lines 19 and 26, in each instance, strike "**§ 7–213(1)(I)**" and substitute "**§ 7–213(1)**".

AMENDMENT NO. 3

On page 4, after line 8, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed prospectively to apply only to an owner who takes title to an assisted project on or after the effective date of this Act.";

and in line 9, strike "2." and substitute "3.".

The preceding 3 amendments were read only.

Senator Brochin moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 187 – Senators Pugh, Conway, Exum, Glassman, Harrington, Lenett, McFadden, Muse, and Peters

AN ACT concerning

State Procurement – Structuring and Bundling of Procurements

SB0187/394037/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 187
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Structuring and"; in line 4, strike "structuring or"; in the same line, after the second "procurement" insert ", limiting the number of competitive bidders or offerors, or limiting certain participation to a predetermined group of bidders or offerors"; in line 6, after "circumstances;" insert "providing for the application of this Act; defining a certain term;"; and in lines 6 and 7, strike "structuring or".

AMENDMENT NO. 2

On page 2, in line 22, strike beginning with "**SUBSECTION**" through "**MEANS**" and substitute "**SUBSECTION, "BUNDLE" MEANS**"; in line 23, strike "**GOODS**" and substitute "**SUPPLIES**"; and in line 24, after "**SERVICES**" insert "**PREVIOUSLY PROVIDED OR PERFORMED UNDER SEPARATE CONTRACTS**".

AMENDMENT NO. 3

On page 2, after line 26, insert:

"**(2) THIS SUBSECTION DOES NOT APPLY IF A UNIT BUNDLES A PROCUREMENT FOR THE PURPOSE OF PARTICIPATING IN THE SMALL BUSINESS RESERVE PROGRAM IN ACCORDANCE WITH TITLE 14, SUBTITLE 5 OF THIS ARTICLE.**";

in line 27, strike "**(2)**" and substitute "**(3)**"; strike beginning with "**EXCEPT**" in line 27 down through "**OF**" in line 30 and substitute "**FOR THE PURPOSE OF PRECLUDING OR LIMITING PARTICIPATION BY A MINORITY BUSINESS ENTERPRISE AS DEFINED UNDER TITLE 14, SUBTITLE 3 OF THIS ARTICLE OR A SMALL BUSINESS AS DEFINED UNDER TITLE 14, SUBTITLE 2 OF THIS ARTICLE A UNIT SUBJECT TO THIS DIVISION II MAY NOT**"; and strike beginning with "**PRECLUDING**" in line 31 down through "**ARTICLE**" in line 33 and substitute "**BUNDLE A PROCUREMENT**".

On page 3, in lines 1 and 3, in each instance, strike "**LIMITING**" and substitute "**LIMIT**"; in line 2, after "**OFFERORS;**" insert "**OR**"; in line 4, strike "**; OR**" and substitute a period; and strike line 5 in its entirety.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 205 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Health and Mental Hygiene)

EMERGENCY BILL

AN ACT concerning

State Board of Nursing – Licensing – Licensure by Endorsement – Provisional Practice Permits

SB0205/794234/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 205
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "Provisional Practice Permits" and substitute "Temporary Limited Licenses"; in line 10, strike "education" and substitute "clinical experience"; in line 12 and lines 20 and 21, in each instance, strike "provisional practice program" and substitute "temporary limited license"; in line 13, after "with" insert "a"; in the same line, strike "qualifications" and substitute "qualification"; in lines 14, 15, 16, 17, 18, and 19, in each instance, strike "provisional practice permit" and substitute "temporary limited license"; strike beginning with "certain" in line 16 down through "areas" in line 17 and substitute "a certain area"; strike beginning with "provisional" in line 19 down through "practice" in line 20; in line 20, after "period" insert "of limited licensure"; in line 24, after "measure;" insert "defining a certain term;"; in line 29, after "Section" insert "8–101,"; and in the same line, after "8–302" insert a comma.

AMENDMENT NO. 2

On page 2, after line 10, insert:

"8–101.

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

(b) "Board" means the State Board of Nursing.

(c) "License" means, unless the context requires otherwise, a license issued by the Board to practice:

(1) Registered nursing; or

(2) Licensed practical nursing.

(d) "Licensed practical nurse" means, unless the context requires otherwise, an individual who is licensed by the Board to practice licensed practical nursing.

(E) "LICENSURE BY ENDORSEMENT" MEANS A LICENSE ISSUED BY THE BOARD, WITHOUT EXAMINATION, TO AN APPLICANT WHO IS ALREADY LICENSED IN ANOTHER STATE OR COUNTRY AND WHO THE BOARD HAS DETERMINED:

(1) MEETS THE QUALIFICATIONS REQUIRED OF LICENSED NURSES IN THE STATE AT THE TIME OF GRADUATION;

(2) HAS TAKEN AND PASSED AN EXAMINATION IN ANOTHER STATE OR COUNTRY THAT IS THE SAME AS, OR SUBSTANTIALLY EQUIVALENT TO, THE EXAMINATION REQUIRED UNDER THIS SUBTITLE; AND

(3) HAS AN ACTIVE, UNENCUMBERED LICENSE.

[(e)**] (F)** "Practice licensed practical nursing" means to perform in a team relationship an act that requires specialized knowledge, judgment, and skill based on principles of biological, physiological, behavioral, or sociological science to:

(1) Administer treatment or medication to an individual;

(2) Aid in the rehabilitation of an individual;

(3) Promote preventive measures in community health;

(4) Give counsel to an individual;

(5) Safeguard life and health;

(6) Teach or supervise; or

(7) Perform any additional acts authorized by the Board under § 8–205 of this title.

[(f)**] (G)** (1) "Practice registered nursing" means the performance of acts requiring substantial specialized knowledge, judgment and skill based on the biological, physiological, behavioral or sociological sciences as the basis for assessment, nursing diagnosis, planning, implementation and evaluation of the practice of nursing in order to:

(i) Maintain health;

(ii) Prevent illness; or

(iii) Care for or rehabilitate the ill, injured, or infirm.

(2) For these purposes, "practice registered nursing" includes:

(i) Administration;

(ii) Teaching;

(iii) Counseling;

(iv) Supervision, delegation and evaluation of nursing practice;

(v) Execution of therapeutic regimen, including the administration of medication and treatment;

(vi) Independent nursing functions and delegated medical functions; and

(vii) Performance of additional acts authorized by the Board under § 8–205 of this title.

[(g)**] (H)** "Registered nurse" means, unless the context requires otherwise, an individual who is licensed by the Board to practice registered nursing.".

AMENDMENT NO. 3

On page 5, in line 14, strike "**THE EDUCATION**" and substitute "**ANY CLINICAL EXPERIENCE**"; in line 15, strike "**SUBSECTION**" and substitute "**SUBTITLE**"; in line 28, strike "**PROVISIONAL PRACTICE PROGRAM**" and substitute "**TEMPORARY LIMITED LICENSE**"; in line 30, strike "**CLINICAL OR**" and substitute "**SINGLE**"; in

line 33, strike "**PROVISIONAL PRACTICE PERMIT**" and substitute "**TEMPORARY LIMITED LICENSE**"; after line 33, insert:

"**(C) A TEMPORARY LIMITED LICENSE SHALL BE SUBJECT TO THE PROVISIONS OF § 8–307(A) AND (B) OF THIS SUBTITLE AND THE QUALIFICATIONS OTHERWISE REQUIRED BY THIS TITLE.**";

in line 34, strike "**(C)**" and substitute "**(D)**"; and in the same line, strike "**THE PROVISIONAL PRACTICE PERMIT**" and substitute "**THE TEMPORARY LIMITED LICENSE**".

AMENDMENT NO. 4

On page 6, in lines 8, 13, 17, 19, 24, 29, and 31, strike "**(D)**", "**(E)**", "**(F)**", "**(G)**", "**(H)**", "**(I)**", and "**(J)**", respectively, and substitute "**(E)**", "**(F)**", "**(G)**", "**(H)**", "**(I)**", "**(J)**", and "**(K)**", respectively; in line 3, strike "**AREAS**" and substitute "**AREA**"; in lines 5 and 8, in each instance, strike "**PROVISIONAL PRACTICE PERMIT**" and substitute "**TEMPORARY LIMITED LICENSE**"; in line 6, strike "**CLINICAL OR**"; in line 10, strike "**18**" and substitute "**12**"; in line 11, strike "**PROVISIONAL**" and substitute "**DIDACTIC**"; in line 12, strike "**PERMANENT**"; in line 13, strike "**PROVISIONAL**" and substitute "**LIMITED**"; in lines 15, 17 and 18, and 28, in each instance, strike "**CLINICAL AND**"; in line 17, after "**SUBMIT**" insert "**TO THE BOARD**"; in the same line, strike "**PROVISIONAL**"; in the same line, strike "**OF**" and substitute "**TO COMPLETE THE**"; in line 18, strike "**FOR BOARD REVIEW**"; strike beginning with the first "**AN**" in line 20 down through "**WITH**" in line 22; in line 23, after "**NURSING**" insert "**TO COMPLETE THE DIDACTIC TRAINING**"; in line 24, strike "**PROVISIONAL**"; strike beginning with "**A**" in line 25 down through the second "**NURSE**" in line 26 and substitute "**WRITTEN PROOF**"; in line 28, strike "**EXPERIENCE**"; and in line 30, strike "**PROVISIONAL PRACTICE PROGRAM**" and substitute "**TEMPORARY LIMITED LICENSE**".

AMENDMENT NO. 5

On page 7, strike beginning with "**PROVISIONAL**" in line 1 down through "**SECTION**" in line 2 and substitute "**TEMPORARY LIMITED LICENSE**"; and in line 4, in each instance, strike "2013" and substitute "2014".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs and Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 329 – Senator Colburn

AN ACT concerning

Dorchester County – Bay Restoration Fee – Lien Against Property

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 373 – Senators Currie, Colburn, Conway, DeGrange, Greenip, Harrington, King, Madaleno, McFadden, Peters, and Robey

AN ACT concerning

Higher Education – Maryland National Guard Members – Nonresident Tuition Exemption

SB0373/174235/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 373
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Maryland National Guard Members" and substitute "Public Institutions of Higher Education"; in line 5, after "education;" insert "altering the type of individual who is exempt from paying nonresident tuition at public institutions of higher education;".

AMENDMENT NO. 2

On page 2, in line 7, strike "registers as an entering student in" and substitute "**ATTENDS**"; and in line 23, after "**GUARD**" insert "**AND JOINED OR SUBSEQUENTLY SERVES IN THE MARYLAND NATIONAL GUARD TO:**

(I) PROVIDE A CRITICAL MILITARY OCCUPATIONAL SKILL; OR

(II) BE A MEMBER OF THE AIR FORCE CRITICAL SPECIALTY CODE AS DETERMINED BY THE NATIONAL GUARD".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 568 – Senators Pugh, Currie, Exum, Gladden, Harrington, Jones, Madaleno, McFadden, Muse, Peters, and Raskin

AN ACT concerning

Minority Business Enterprise Program – Directory of Minority Business Enterprises

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #11

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 272 – The President (By Request – Administration) and Senators Conway, Frosh, Harrington, Lenett, Madaleno, Pinsky, Raskin, and Robey

AN ACT concerning

Maryland False Health Claims Act of 2009

SB0272/928173/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 272
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Robey" and substitute "Robey, and Forehand".

AMENDMENT NO. 2

On page 17, in line 1, strike "**MAY**" and substitute "**SHALL**".

The preceding 2 amendments were read only.

Senator Kittleman moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 497 – Senator Frosh

AN ACT concerning

Circuit Court Judgeships – Workforce Planning – Counties of Greatest Identified Need

SB0497/688971/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 497
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "circuits;" insert "making this Act subject to certain contingencies;".

AMENDMENT NO. 2

On page 2, in line 23, after "2009" insert ", contingent on the appropriation of funds in the State budget for fiscal year 2010 to implement this Act. If funds are not appropriated in the State budget for fiscal year 2010 to implement this Act, this Act shall take effect July 1, 2010, contingent on the appropriation of funds in the State budget for fiscal year 2011 to implement this Act. If funds are not appropriated in the State budget for fiscal year 2010 or fiscal year 2011 to implement this Act, this Act shall be null and void without the necessity of further action by the General Assembly".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Senator Exum moved, duly seconded, to make the Bill a Special Order for March 18, 2009.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 626 – Senators Forehand and Garagiola

AN ACT concerning

Corporations – Corporate Documents, Fractional Shares, and Redemption of Stock

SB0626/108774/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 626
(First Reading File Bill)

On page 3, in line 13, after "(c)" insert "**(1)**"; in line 16, strike "the following conditions are met"; in lines 17 and 19, strike "(1)" and "(2)", respectively, and substitute "**(I)**" and "**(II)**", respectively; in line 19, strike "is given"; in line 20, strike

"that"; in lines 21, 23, and 24, strike "(i)", "(ii)", and "(iii)", respectively, and substitute "**1.**", "**2.**", and "**3.**", respectively; in line 21, strike "shareholder's" and substitute "**STOCKHOLDER'S**"; and in lines 26 and 29, strike "(3)" and "(4)", respectively, and substitute "**(2)**" and "**(3)**", respectively.

On page 4, in line 4, strike "(5)" and substitute "**(4)**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 670 – Senators Raskin, Kelley, and Stone

AN ACT concerning

Discrimination in Employment – Expansion of Disability Rights

SB0670/458271/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 670
(First Reading File Bill)

On page 2, in lines 8 and 10, in each instance, strike "**DESCRIBED IN ITEM (I) OF THIS PARAGRAPH**" and substitute "**AS OTHERWISE DEFINED UNDER THIS SUBSECTION**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 720 – Senator Forehand

AN ACT concerning

Real Estate Investment Trusts – Declaration of Trust and Bylaws

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1049 – Senator Muse

AN ACT concerning

Domestic Violence – Tween/Teen Dating Violence Education and Awareness

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #12

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 259 – The President (By Request – Administration) (Task Force to Combat Driving Under the Influence of Drugs and Alcohol) and Senator Forehand

AN ACT concerning

Criminal Procedure – Drunk and Drugged Driving – Probation Before Judgment

SB0259/928477/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 259
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Forehand" and substitute "Senators Forehand, Frosh, Gladden, Brochin, Haines, Jacobs, Mooney, Muse, Raskin, Simonaire, and Stone"; and in line 7, after "judgment" insert ", or striking an entry of judgment".

AMENDMENT NO. 2

On page 3, in lines 11, 12, and 14, in each instance, after "Article" insert "**OR § 2–503, § 2–504, § 2–505, § 2–506, OR § 3–211 OF THE CRIMINAL LAW ARTICLE**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 447 – Senators Muse, Frosh, Haines, Mooney, Peters, Raskin, and Stone

AN ACT concerning

Public Safety – SWAT Team Activation and Deployment – Reports

SB0447/948577/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 447
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, Brochin, Forehand, Gladden, Jacobs, and Simonaire"; in lines 5 and 22, in each instance, strike "Office of the Attorney General" and substitute "Governor's Office of Crime Control and Prevention"; and in lines 6, 8, 11, 12, and 16, in each instance, strike "Office" and substitute "Governor's Office of Crime Control and Prevention".

AMENDMENT NO. 2

On page 2, in line 21, strike "**ON A MONTHLY BASIS**" and substitute "**EVERY 6 MONTHS**"; in line 26, strike "**MONTH**" and substitute "**6 MONTHS**"; and strike beginning with "**WITHOUT**" in line 27 down through "**ACTIVATION**" in line 30 and substitute "**THE NAME OF THE COUNTY OR COUNTY AND MUNICIPAL CORPORATION AND THE ZIP CODE OF THE LOCATION WHERE THE SWAT TEAM WAS DEPLOYED FOR EACH ACTIVATION**".

On page 3, in line 6, strike "**THE TYPE OF EVIDENCE SEIZED, IF ANY**" and substitute "**WHETHER PROPERTY WAS SEIZED**"; and in lines 19 and 22, in each instance, strike "**MONTH**" and substitute "**6–MONTH PERIOD**".

On page 4, in line 2, strike "**MONTHLY**".

AMENDMENT NO. 3

On page 2, in line 23, strike "**OFFICE OF THE ATTORNEY GENERAL**" and substitute "**GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION**".

On page 3, in lines 13, 15, and 23, in each instance, strike "**OFFICE OF THE ATTORNEY GENERAL**" and substitute "**GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION**".

On page 4, in lines 1, 4, 11 and 12, and 21, in each instance, strike "**OFFICE OF THE ATTORNEY GENERAL**" and substitute "**GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION**".

AMENDMENT NO. 4

On page 4, in line 26, strike "October" and substitute "July".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #9

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 66 – Chair, Budget and Taxation Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Supplemental Retirement Plans and Optional Retirement Program – Employing Institutions – Community Colleges

SB0066/789436/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 66
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "Program;" insert "requiring certain employing institutions to select one or more designated companies under certain circumstances that may offer supplemental retirement accounts to their employees and to administer the participation of those employees in the supplemental retirement plan under certain circumstances; requiring certain employing institutions to select one or more companies under certain circumstances that may offer supplemental retirement accounts to their employees and to administer the participation of those employees in the supplemental retirement plan under certain circumstances; requiring a certain company to provide indemnification under certain circumstances;"; and in line 12, after "30–101(a)" insert "and (c)".

AMENDMENT NO. 2

On page 2, after line 5, insert:

"(c) "Designated company" means an entity that:

(1) on or before March 1, 1993, was designated by the governing board of an employing institution to offer annuity contracts under the program; or

(2) is designated by the Board of Trustees.".

On page 4, in line 4, strike "**IF**" and substitute "**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF**"; in line 7, strike "**DESIGNATE THE**

COMPANIES" and substitute "**SELECT ONE OR MORE OF THE DESIGNATED COMPANIES UNDER § 30–202 OF THIS TITLE**"; after line 10, insert:

"**(2) WITH RESPECT TO A COMMUNITY OR REGIONAL COLLEGE ESTABLISHED UNDER TITLE 16 OF THE EDUCATION ARTICLE, OTHER THAN A COMMUNITY COLLEGE ESTABLISHED UNDER TITLE 16, SUBTITLE 5 OF THE EDUCATION ARTICLE, IF AN EMPLOYING INSTITUTION AUTHORIZES ITS EMPLOYEES OR THE EMPLOYEES OF AN INSTITUTION OVER WHICH IT HAS ADMINISTRATIVE AUTHORITY TO PARTICIPATE IN A SUPPLEMENTAL RETIREMENT PLAN, THE EMPLOYING INSTITUTION SHALL SELECT ONE OR MORE COMPANIES THAT MAY OFFER SUPPLEMENTAL RETIREMENT ACCOUNTS TO THOSE EMPLOYEES AND SHALL ADMINISTER THE PARTICIPATION OF THOSE EMPLOYEES IN THE SUPPLEMENTAL RETIREMENT PLAN.**";

and in line 11, strike "**SUBSECTION**" and substitute "**SECTION**".

AMENDMENT NO. 3

On page 4, after line 27, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that this Act may not be construed to limit, expand, or alter the eligibility of employees to participate in the supplemental plans offered by the Board of Trustees of the Maryland Teachers and State Employees Supplemental Retirement Plans established under the State Personnel and Pensions Article.";

in lines 28, 32, and 36, strike "2.", "3.", and "4.", respectively, and substitute "3.", "4.", and "5.", respectively; and in line 29, after "Act" insert "may".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 96 – Chair, Budget and Taxation Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Income Tax – Mandatory Income Tax Return Preparer Requirements

SB0096/149339/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 96
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after "Comptroller)" insert "and Senator Jones (Chair – Joint Committee on the Management of Public Funds)".

AMENDMENT NO. 2

On page 2, in line 15, strike "**200**" and substitute "**300**"; in line 16, strike "**AND**"; after line 16, insert:

"**(2) FOR A TAXABLE YEAR BEGINNING AFTER DECEMBER 31, 2009, BUT BEFORE JANUARY 1, 2011, THE INCOME TAX RETURN PREPARER HAS PREPARED MORE THAN 200 QUALIFIED RETURNS IN THE PRIOR TAXABLE YEAR; AND**";

in line 17, strike "**(2)**" and substitute "**(3)**"; and in line 18, strike "**2009**" and substitute "**2010**".

AMENDMENT NO. 3

On page 2, in line 28, strike "**(1)**"; in line 30, strike "**UP TO**"; and in line 31, strike "**12 MONTH**".

On page 3, strike in their entirety lines 1 through 3, inclusive; in line 5, before "**AN**" insert "**(A)**"; and after line 9, insert:

"**(B) THE TOTAL AMOUNT OF THE PENALTIES ASSESSED UNDER SUBSECTION (A) OF THIS SECTION MAY NOT EXCEED $500 FOR ALL RETURNS FILED BY AN INCOME TAX RETURN PREPARER FOR ANY TAXABLE YEAR.**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 178 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Investment Manager Service Fees

SB0178/509636/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 178
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Investment Manager Service Fees" and substitute "Investments"; in line 3, after the first "of" insert "authorizing the Chief Investment Officer for the State Retirement and Pension System to select and invest in certain investment vehicles on behalf of the State Retirement and Pension System; providing that certain external investment managers for the State Retirement System shall be selected by the Chief Investment Officer;"; strike beginning with the second "investment" in line 4 down through "fees" in line 5 and substitute "investments"; and in line 8, after "Section" insert "21–122(d), 21–123(g), and".

AMENDMENT NO. 2

On page 1, after line 13, insert:

"21–122.

(d) **[**The**]** **ON BEHALF OF THE SEVERAL SYSTEMS, THE** Chief Investment Officer:

(1) may hire external investment managers to invest the assets of the several systems; **[**and**]**

(2) **MAY SELECT AND INVEST IN SPECIFIC INVESTMENT VEHICLES, INCLUDING LIMITED PARTNERSHIPS, PRIVATE EQUITY FUND INVESTMENTS, AND PRIVATE REAL ESTATE FUND INVESTMENTS; AND**

(3) may terminate the appointment of an external investment manager.

21–123.

(g) Any direct owned real estate purchased as an investment by the State Retirement and Pension System shall be managed by an external investment manager selected by the **[**Board of Trustees**] CHIEF INVESTMENT OFFICER**.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 484 – Senators Pipkin and Jacobs

AN ACT concerning

Cecil County – Public Facilities Bond Bill

SB0484/809035/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 484
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "$5,000,000" and substitute "$13,600,000".

AMENDMENT NO. 2

On page 2, in line 5, strike "$5,000,000" and substitute "$13,600,000".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 556 – Senators Jones, Miller, Brinkley, Colburn, Conway, Currie, DeGrange, Exum, Forehand, Frosh, Garagiola, Gladden, Glassman, Greenip, Haines, Harrington, Harris, Jacobs, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Lenett, Madaleno, McFadden, Middleton, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Simonaire, Stoltzfus, Stone, and Zirkin

AN ACT concerning

State Funding Accountability Act

SB0556/319037/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 556
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "a report" and substitute "certain reports"; in the same line, strike "Budget and Management" and substitute "Information Technology"; in line 4, after "date;" insert "requiring certain nonpublic institutions of higher education to submit certain reports to a certain association; requiring a certain association to submit a certain report by a certain date;"; in line 5, strike "the report" and substitute "certain reports"; in line 6, after "Department" insert ", in consultation with the Department of Budget and Management,"; strike beginning with "that" in line 8 down through "year" in line 11; and strike in their entirety lines 19 through 23, inclusive.

AMENDMENT NO. 2

On page 2, strike beginning with "**BUDGET**" in line 7 down through "**MANAGEMENT**" in line 8 and substitute "**INFORMATION TECHNOLOGY**"; in line 13, after "**(4)**" insert "**(I)**"; in line 14, strike "**MONEY**" and substitute "**$50,000 OR MORE**"; after line 16, insert:

"**(II) "STATE AID" DOES NOT INCLUDE REIMBURSEMENTS TO PROVIDERS PARTICIPATING IN A STATE PROGRAM.**";

in line 17, after "**(1)**" insert "**(I)**"; and in lines 20, 21, 23, 25, and 28, strike "**(2)**", "**(I)**", "**(II)**", "**(III)**", and "**(IV)**", respectively, and substitute "**(II)**", "**1.**", "**2.**", "**3.**", and "**4.**", respectively.

AMENDMENT NO. 3

On page 3, in line 1, strike "**(V)**" and substitute "**5.**"; after line 2, insert:

"**(2) (I) A NONPUBLIC INSTITUTION OF HIGHER EDUCATION THAT RECEIVES STATE AID AS PROVIDED IN § 17–101 OF THE EDUCATION ARTICLE, OR A GRANT THROUGH THE STATE CAPITAL BUDGET, SHALL SUBMIT A REPORT TO THE MARYLAND INDEPENDENT COLLEGE AND UNIVERSITY ASSOCIATION ON OR BEFORE SEPTEMBER 1 AFTER THE CLOSE OF EACH FISCAL YEAR IN WHICH THE GRANTEE RECEIVES STATE AID.**

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

1. A SUMMARY OF THE PURPOSE FOR WHICH THE STATE AID WAS EXPENDED;

2. A DESCRIPTION OF HOW THE STATE AID SERVED THE CITIZENS OF THE STATE; AND

3. THE ALIGNMENT OF THE USES OF THE STATE AID WITH THE GOALS DEFINED IN THE MARYLAND STATE PLAN FOR POSTSECONDARY EDUCATION.

(III) THE MARYLAND INDEPENDENT COLLEGE AND UNIVERSITY ASSOCIATION SHALL SUBMIT A REPORT TO THE DEPARTMENT ON OR BEFORE OCTOBER 1 AFTER THE CLOSE OF EACH FISCAL YEAR, WHICH SHALL SUMMARIZE THE INFORMATION REPORTED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH.";

in line 3, strike "**REPORT**" and substitute "**REPORTS REQUIRED UNDER THIS SUBSECTION**"; in line 4, after "**DEPARTMENT**" insert "**, AFTER CONSULTATION WITH THE DEPARTMENT OF BUDGET AND MANAGEMENT,**"; and in line 5, after "**DEPARTMENT**" insert "**, IN CONSULTATION WITH THE DEPARTMENT OF BUDGET AND MANAGEMENT,**".

AMENDMENT NO. 4

On pages 3 and 4, strike in their entirety the lines beginning with line 12 on page 3 through line 6 on page 4, inclusive, and substitute:

"**(D) THE OFFICE OF LEGISLATIVE AUDITS MAY CONDUCT AN AUDIT OR REVIEW OF A GRANTEE IN ACCORDANCE WITH §§ 2–1221 THROUGH 2–1227 OF THE STATE GOVERNMENT ARTICLE.**".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 574 – Senators Stoltzfus and Colburn

AN ACT concerning

Wicomico County – Annual Financial Report – Filing Date

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 593 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Board of Trustees – Attendance and Educational Training

SB0593/739930/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 593
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 6 down through "Trustees" in line 8 and substitute "requiring certain trustees on the Board of Trustees of the State Retirement and Pension System to use certain leave when attending certain meetings of the Board of Trustees; requiring the Chairman of the Board of Trustees to approve certain training to satisfy a certain requirement".

AMENDMENT NO. 2

On page 2, after line 15, insert:

"**(4) AN ELECTED TRUSTEE REPRESENTING EMPLOYEES OF ANY OF THE SEVERAL SYSTEMS SHALL BE ON ADMINISTRATIVE LEAVE WHEN THE ELECTED TRUSTEE ATTENDS A MONTHLY MEETING OF THE BOARD OF TRUSTEES OR A COMMITTEE MEETING OF THE BOARD OF TRUSTEES.**";

and strike beginning with "conducted" in line 27 down through "**STATES**" in line 29 and substitute "**APPROVED BY THE CHAIRMAN OF THE BOARD OF TRUSTEES TO SATISFY THE 8–HOUR REQUIREMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 651 – Senator Edwards

AN ACT concerning

Garrett County – Code of Ordinances – Natural Gas

SB0651/889434/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 651
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first "of" insert "repealing certain taxes on the purchase, distribution, and collection of natural gas in Garrett County; repealing certain taxes on purchasing natural gas in the county; repealing certain exclusions to the county natural gas tax;"; in line 5, after "municipalities;" insert "repealing certain provisions to provide that the market value of natural gas in the county is the value at the mouth of the well; altering the day that certain taxes shall be paid; altering the frequency with which certain county taxes shall be paid; requiring a producer of natural gas in the county to make a certain report; requiring the Director of Finance to perform certain duties; repealing certain provisions relating to certain evidence in a judicial proceeding relating to failure to pay certain county taxes;"; and in line 6, after "Fund;" insert "repealing certain penalties that are applicable to purchasers of certain natural gas; making conforming changes; repealing certain definitions; altering certain definitions;".

In line 10, strike "51.02(A)" and substitute "51.01 through 51.07 and 51.99".

AMENDMENT NO. 2

On page 1, after line 20, insert:

"51.01.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS OF **[**COLLECTING, DISTRIBUTING OF PRODUCING GAS**]** **GAS PRODUCTION**. Applies to any person in the business of **[**purchasing or producing gas for resale to domestic and industrial consumers and includes any person who has voluntarily submitted to the regulations of the Federal Power Commission or the Public Service Commission regulations of the state**]** **PRODUCING GAS FOR SALE**.

[CARRIER. The owner, operator or manager of any means of transporting gas or any instrumentality that may now be used or come into use for such purpose.**]**

CASINGHEAD GAS. Any gas and/or vapor indigenous to an oil stratum and produced from such stratum with oil.

CUBIC FOOT OF GAS. The volume of gas expressed in cubic feet and computed at a base pressure of 6.28 ounces per square inch above the average barometric pressure of 14.4 pounds per square inch and a standard base and flowing temperature of 60°F, corrections to be made for pressure according to Boyle's law and for specific gravity according to tests made by the balance method.

[FIRST PURCHASER. Any person purchasing gas from the producer and includes any producer which is a utility retailing gas in Garrett County and any producer who does not sell his or her gas in Garrett County but transports it outside of the county before sale.**]**

GAS. Natural and casinghead gas or other gas taken from the earth or waters**[**.**],** regardless of whether produced from a gas well or from a well also productive of oil, distillate and/or condensate or other product.

[OPERATOR. The person having the active management and operation of the well.**]**

PERSON. Includes any person, firm, concern, receiver, trustee, executor, administrator, agent, institution, association, partnership, company, corporation**,** and persons acting under declarations of trust, as well as the trustees acting under such declarations of trust.

PRODUCER. Any person owning, controlling, managing or leasing any gas well and/or any person who produces in any manner any gas by taking it from the earth or

waters in Garrett County**[**, and includes any person owning any royalty or other interest in any gas or its value, whether produced by him or her or by some other person on his or her behalf, either by lease, contract or otherwise**]**.

PRODUCTION or TOTAL GAS PRODUCED. The total gross amount of gas produced**[**, including all royalty or other interest**]**. The amount for the purpose of the tax imposed by this chapter shall be measured or determined by meter readings showing 100% of the full volume expressed in cubic feet.

REPORT. Any report required to be furnished by this chapter or that may be required by the County Commissioners in the administration of this chapter.

[ROYALTY OWNERS. Includes all persons owning any mineral rights under any producing leasehold within Garrett County, other than the working interest, which working interest is that of the person having the management and operation of the well.

SUBSEQUENT PURCHASER. Any person who purchases gas for any purpose whatsoever when the gas is purchased from any person other than the producer.**]**

TAXPAYER. Any person subject to the tax herein levied.".

AMENDMENT NO. 3

On page 1, in line 22, strike "distribution and"; in line 23, strike "collecting, distributing and".

On page 2, in lines 1 and 2, strike "and save for commercial purposes"; in line 3, strike "thereof as and"; strike beginning with the comma in line 3 down through "feet" in line 4 and substitute "**AT THE WELLHEAD**"; strike beginning with "(2)" in line 5 down through "purpose." in line 11; in line 12, strike "**(3)**" and substitute "**(2)**"; after line 17, insert:

"(B) The market value of gas produced in Garrett County shall be the value thereof at the mouth of the well**[**; however, in case gas is sold for cash only, the tax shall be computed on the producer's gross cash receipts. In all cases where the whole or a part of the consideration for the sale of gas is a portion of the products extracted from the producer's gas or a portion of the residue gas, or both, the tax shall be computed on the gross value of all things of value received by the producer, including any bonus or premium, provided that, notwithstanding any other provision herein to

the contrary, where gas is processed for the liquid hydrocarbon content and the residue gas is returned by cycling methods, as distinguished from repressuring or pressure maintenance methods, to some gas–producing formation, the taxable value of such gas shall be 3/5 of the gross value of all liquids extracted, separated and saved from the gas, such value to be determined upon separation and extraction and prior to absorption, refining or procession of such hydrocarbons, and the quantity of the products shall be measured by the total yield of the processing plant from the gas.

(C) The tax hereby levied shall be the liability of the producer and purchaser of gas in the following proportions:

(1) The producer shall be liable for 60% of the tax hereby levied;

(2) The purchaser shall be liable for 40% of the tax hereby levied**]**.

[(D)**]** **(C)** The **[**first purchaser**]** **PRODUCER** of gas shall pay the total tax on all gas **[**purchased**]** **PRODUCED**, making the payments of tax to the County Commissioners of Garrett County by legal tender or cashier's check payable to the County Commissioners. **[**The first purchaser shall be entitled to deduct the proportionate amount of the tax chargeable to the producer and royalty owner from the amount due the producer from whom such gas is purchased, and the producer shall be entitled to deduct the proportionate amount of the tax chargeable to any other producer owning an interest in such gas from the amount due such other producer and shall be entitled to deduct the proportionate amount of the tax chargeable to any royalty owner from the amount due such royalty owner, and such moneys so deducted from payments due producers for the payment of this tax shall be held by the purchaser in trust for the use and benefit of Garrett County and shall not be commingled with any other funds held by the purchaser and shall be remitted to the County Commissioners, together with the purchaser's proportion of the tax, in accordance with the terms and provisions of this chapter.**]** It shall be the duty of each such **[**purchaser**]** **PRODUCER** to keep accurate records of all such gas **[**purchased**]** **PRODUCED**.

[(E)**]** **(D)** The tax herein levied shall be due and payable at the office of the County Commissioners of Garrett County **[**on the last day of April, July, October and January**]** **BY THE 15TH DAY OF EACH MONTH** of each calendar year, based on the amount of gas produced**[**, saved and collected during the calendar quarter ending on the last day of March, June, September and December, respectively, and on**]** **IN THE**

PRECEDING MONTH. ON or before such date each **[**purchaser**]** **PRODUCER** shall make and deliver to the County Commissioners a verified report, on forms prescribed by **[**them**]** **THE COUNTY**, showing the gross amount of gas produced **[**and collected, less the exclusions and at the pressure base set out herein**]**, upon which the tax herein levied accrues, together with details as to the amount of gas, from what leases the gas was produced **[**and collected**]**, the correct names and addresses of the producer **[**and purchaser**]** of the gas and such other information as the County Commissioners may require. In no event shall a producer **[**or purchaser**]** be relieved of responsibility for the tax until same shall have been paid**[**, and provided that in the event the amount of the tax herein levied as the producer's proportion thereof shall be withheld by a purchaser from payments due a producer and the purchaser fails to make payment of the tax to the County Commissioners as provided herein and the producer pays the tax himself or herself, the producer may bring legal action against such purchaser to recover the amount of tax so withheld, together with penalties and interest which may have accrued by failure to make such payment, and shall be entitled to reasonable attorney's fees and court costs incurred by legal action**]**.

[(F)**]** **(E)** Unless the payment of tax on all gas produced **[**and collected**]** during any **[**quarter**]** **MONTH** or fractional part thereof shall be made on or before the date due as hereinabove specified, such payment shall become delinquent and a penalty of 10% of the amount of the tax shall be added, and the tax and penalty shall bear interest at the rate of 6% per annum from the date due until the date paid.

[(G) The producer's proportion of the tax herein levied shall be borne ratably by all interested parties, including royalty interest, lessor's interest or any other interest. whether by lease, contract or otherwise, except the purchaser's interest, and the purchaser is authorized and required to withhold from any payment due any interested parties the proportionate tax due and remit the same as above provided.

(H) The operator of each well from which gas is produced, saved and collected in Garrett County shall also make and deliver to the County Commissioners of Garrett County, on or before the due date of the payments provided above, a report of all gas produced and sold from each well during the preceding quarter, together with details as to amounts of gas, the name or location of the wells, the correct names and addresses of the producer and purchaser of the gas and such other information as the County Commissioners may require.

(I) The tax imposed is in lieu of all other taxes upon the gas, the property rights attached thereto or inherent therein and the values created thereby, and upon all leases or rights to develop and operate any lands for gas, the values created thereby and the property right attached thereto or inherent therein.**]**

51.03.

[(A)**]** When it shall appear that a taxpayer to whom the provisions of this chapter shall apply has erroneously paid more taxes than were due during any taxpaying period on account of a mistake either of fact or of law, it shall be the duty of the **[**County Treasurer**]** **DIRECTOR OF FINANCE**, upon order of the County Commissioners, to credit the total amount of taxes due by the taxpayer for the current period with the total amount of taxes so erroneously paid or to make refund in a proper case.

[(B) The tax levied shall be paid by the first purchaser purchasing gas from the producer, who shall make deduction as aforesaid; provided, however, that the failure of the first purchaser to pay the tax shall not relieve any subsequent purchaser from the payment of same where the first purchaser does not account for and pay the tax, and it shall be the duty of every person purchasing gas produced in Garrett County to satisfy himself, herself or itself that the tax on the gas has been or will be paid by the persons primarily liable therefor.**]**

51.04.

The County Commissioners may, through the County Auditors or other auditors and/or other technical assistants employed for the purpose of verifying reports and investigating the affairs of producers **[**and/or purchasers**]**, determine whether the tax is being properly reported and paid. They shall have the power to enter upon the premises necessary in determining the correct tax liability and to examine or cause to be examined any books or records of any person subject to a tax under this chapter and to secure any other information directly or indirectly concerned in the enforcement of this chapter and to promulgate and enforce, according to law, rules and regulations pertinent to the enforcement of this chapter, which shall have full force and effect of law.

51.05.

If the County Commissioners are satisfied that the values used in computing the tax do not represent the **WHOLESALE** market value of the gas at the mouth of the well, they shall forthwith so notify the taxpayers concerned, and it shall be the duty of the County Commissioners to set a date for a hearing thereon, giving each taxpayer concerned not less than 10 days written notice thereof, and to call before them by proper process such persons as in their judgment may know the **WHOLESALE** market value of the gas at the mouth of the well, who shall testify under oath as to the **WHOLESALE** market value thereof. Each taxpayer shall have the right to be heard and present evidence. The County Commissioners, after hearing the evidence, shall fix the **WHOLESALE** market value of the gas at the mouth of the well by written findings in accordance with the evidence so introduced, and their findings in such case or cases shall be final, unless the taxpayer concerned shall pay the tax herein levied upon the **WHOLESALE** market value so fixed by the County Commissioners under protest within 60 days after the taxpayer has been notified in writing of the findings, or in the event the taxpayer does not pay the tax based on the values so determined by the County Commissioners within 60 days after having been notified of the findings. The findings of the County Commissioners shall be final, unless the taxpayer shall, within 60 days, appeal to the Circuit Court of Garrett County. Upon the appeal, the trial shall be de novo, but the findings of the County Commissioners shall be taken as prima facie evidence of the **WHOLESALE** market value of the gas at the mouth of the well, and the burden of proof shall rest upon the taxpayer to establish a lower **WHOLESALE** market value.

51.06.

In the event of any person engaged in the business of producing **[**or purchasing**]** any gas in Garrett County shall become delinquent in the payment of the proper taxes herein imposed or fails to file required reports with the County Commissioners, the County Commissioners shall have the right to enjoin any such person who is at fault from producing gas until the delinquent tax is paid or the reports are filed.

51.07.

[(A) (1) If any purchaser of natural and/or casinghead gas fails or refuses to pay any tax, penalty or interest within the time and manner provided by this chapter and it becomes necessary to bring suit or to intervene in any manner for the establishment or collection of the claim in any judicial proceedings, any report filed in the office of the County Commissioners by such purchaser or producer or

representative of the purchaser or producer or a copy thereof certified to by the County Commissioners showing the amount of gas produced on which tax, penalties or interest have not been paid or any audit made by the County Commissioners or their representatives from the books of the purchaser when filed and sworn to by such representative as being made from the records of the purchaser shall be admissible in evidence in the proceedings and shall be prima facie evidence of the contents thereof; provided, however, that the incorrectness of the report or audit may be shown, and provided further that the report or audit may be admitted in evidence only against the party by or from whom it was made.

(2) In the event the County Commissioners shall file suit or claim for taxes provided for in the foregoing and attach or file as an exhibit any report or audit of the purchaser or producer and an affidavit made by the County Commissioners or their representative that the taxes shown to be due by the report or audit are past due and unpaid and that all payments and credits have been allowed, then, unless the party resisting the same shall file an answer in the same form and manner as required by law, the audit or report shall be taken as prima facie evidence thereof.**]**

[(B)**]** **(A)** (1) On notice from the County Commissioners, it shall be unlawful for any person to produce or remove any natural **[**and/or casinghead**]** gas from any lease in Garrett County whenever the **[**owner or operator of the lease**]** **PRODUCER** has failed to file reports as required under the provisions of this chapter.

(2) Whenever any lease producing natural **[**and/or casinghead**]** gas changes hands **[**or any purchaser of gas transfers his or her interest**]**, it shall be the duty of the **[**owner or operator of the lease and any such purchaser of gas**]** **PRODUCER** to note on his or her last report that the lease or interest has been sold or transferred, showing the effective date of the change and the name and address of the individual, firm, association, joint–stock company, syndicate, copartnership, corporation, agency or receiver who will operate the lease or who bought the interest and will be responsible for the filing of reports provided for in this chapter. It further shall be the duty of the new **[**owner or operator of the lease or interest**]** **PRODUCER** to note on his or her first report that the lease or interest has been acquired, showing the effective date of the change and the name and address of the individual, firm, association, joint–stock company, syndicate, copartnership, corporation, agency or receiver formerly owning and/or operating the lease or interest.".

AMENDMENT NO. 4

On page 3, after line 5, insert:

"51.99.

(A) Any person, firm, association or corporation, whose failure, omission, default or violation it may be, shall be subject to a penalty of not less than $100 nor more than $1,000 for failure or omission to keep the records required herein or for the violation of any of the other provisions hereof, and each day's violation shall constitute a separate offense. Garrett County shall have a prior lien for all delinquent taxes, penalties and interests on all property and equipment used by the **[**purchaser**]** **PRODUCER** of gas in the business of **[**purchasing**]** **PRODUCING** gas, and if any **[**purchaser**]** **PRODUCER** of gas shall fail to remit the proper taxes, penalties and interest due, or any of them, the County Commissioners may employ auditors or other persons to ascertain the correct amount due, and the **[**purchaser**]** **PRODUCER** of gas shall be liable, as additional penalty, for the reasonable expenses of the reasonable value of such services of representatives of the County Commissioners incurred in such investigation and audit**[**, provided that all funds collected for audits and examinations shall be placed in a Natural Gas Audit Fund of Garrett County and shall constitute a revolving fund which may be used from time to time by the County Commissioners in making such audits in addition to the general appropriation made for such purposes, and all of the funds to be placed in the Fund are appropriated for such purpose**]**. The County Commissioners of Garrett County are authorized to collect all delinquent taxes, penalties and other amounts due and to enforce all liens under this law by civil suit.

(B) (1) Whoever shall, as a producer **[**or purchaser**]** or as agent or representative of a producer **[**or purchaser**]**, knowingly make any false entries or fail to make any proper entries in the books required by this chapter with the intent to defraud Garrett County, or whoever, as such, shall knowingly make a false or incomplete report as required by the provisions of this chapter, or whoever, as such, shall knowingly fail or refuse to make the report required to be made, or whoever, as such, shall destroy, mutilate or secrete any of the records required to be kept by the provisions of this chapter, or whoever, as such, shall hide or secrete with the intent to defraud any of the property upon which a lien is created hereunder, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum of not less than $100 nor more than $1,000, or be confined in the county jail for not more than 12 months, or be punishable by both such fine and imprisonment.

(2) In addition thereto, the producer **[**or purchaser**]** or agent thereof shall forfeit to Garrett County, for any offense or the violation of any of the provisions hereof or any rule or regulation, a penalty of $1,000 for each such offense, to be recovered by Garrett County in a civil suit. The penalties prescribed in this section, both criminal and civil, are in addition to any and all other penalties prescribed in this chapter.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 779 – Carroll County Senators

AN ACT concerning

Carroll County – Public Facilities Bonds

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #14

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 173 – Senators Kelley, Conway, Currie, Della, Exum, Forehand, Frosh, Klausmeier, Kramer, Madaleno, Munson, Peters, Pugh, Raskin, and Robey

AN ACT concerning

Health Insurance – Mandated Benefits – Hospitalization and Home Visits Following a Mastectomy

SB0173/547775/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 173
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Robey" and substitute "Robey, Garagiola, Glassman, and Middleton"; strike beginning with "imposing" in line 16 down through "or" in line 17; in line 18, strike "except under certain circumstances"; and in line 20, strike "certain terms" and substitute "a certain term".

AMENDMENT NO. 2

On page 3, in line 6, strike "**(1)**"; and strike beginning with the first "**THE**" in line 6 down through "**MEANS**" in line 12 and substitute "**, "MASTECTOMY" MEANS**".

AMENDMENT NO. 3

On page 4, strike beginning with "**(1)**" in line 22 down through "**(II)**" in line 27 and substitute "**AN ENTITY SUBJECT TO THIS SECTION MAY NOT**".

On pages 4 and 5, strike in their entirety the lines beginning with line 30 on page 4 through line 2 on page 5, inclusive.

The preceding 3 amendments were read only.

Senator Harris moved, duly seconded, to make the Bill and Amendments a Special Order for March 19, 2009.

The motion was adopted.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 269 – The President (By Request – Administration) and Senators Kelley and Middleton

AN ACT concerning

Financial Institutions – Mortgage Lenders and Mortgage Loan Originators

SB0269/617273/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 269
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "2009" and substitute "2008"; in line 12, strike "sources" and substitute "governmental agencies and state licensing entities"; and in line 27, after "employer;" insert "establishing an affiliated insurance producer–mortgage loan originator license; specifying the circumstances under which the license will be issued; exempting an affiliated insurance producer–mortgage loan originator from certain provisions of law applicable to mortgage loan originator licensees;".

On page 2, in line 17, after "definitions;" insert "providing that certain licensing requirements shall apply to retail sellers of manufactured homes under certain circumstances; establishing the circumstances under which certain prelicensing testing requirements shall be effective for certain licensees; requiring the Commissioner to notify certain licensees under certain circumstances;"; in line 21, strike "11–505(d) and (e), 11–506(c)" and substitute "11–505(e)"; in line 22, strike "11–508(b) and (d)" and substitute "11–508(d)(2)"; strike beginning with "11–513(a)" in line 22 down through "(c)" in line 23 and substitute "11–517(c)"; in line 23, strike "11–523(b),"; in line 25, strike "11–613(a)" and substitute "11–613"; and in line 30, after "11–513.1" insert ", 11–603.1".

AMENDMENT NO. 2

On page 3 in lines 16 and 26, on page 4 in lines 12, 18, and 24, on page 5 in lines 7, 8, and 13, on page 6 in lines 2 and 4, on page 7 in lines 7, 9, 18, 20, 25, and 29, on page 8 in lines 8 and 19, on page 10 in line 32, on page 20 in lines 12, 16, 19, 20, and 21, on page 23 in lines 1 and 28, on page 25 in lines 22, 25, and 28, on page 27 in line 26, on page 32 in line 16, on page 33 in line 16, on page 40 in lines 5 and 19, and on page 41 in line 32, in each instance, strike "**RESIDENTIAL**".

On page 3, in line 14, after "**(C)**" insert "**(1)**"; and after line 14, insert:

"**(2) "DWELLING" DOES NOT INCLUDE A RESIDENTIAL STRUCTURE OR MOBILE HOME UNLESS THE RESIDENTIAL STRUCTURE OR MOBILE HOME, OR AT LEAST ONE UNIT CONTAINED IN THE RESIDENTIAL STRUCTURE OR MOBILE HOME, IS OWNER–OCCUPIED.**".

On page 5, in line 5, strike "or"; in line 8, after "purchases" insert "**; OR**

(VI) AN AFFILIATED INSURANCE PRODUCER–MORTGAGE LOAN ORIGINATOR LICENSED UNDER § 11–603.1 OF THIS SUBTITLE";

in line 10, strike "(i)" and substitute "**(J)**"; in line 14, in each instance, strike the bracket; in the same line, strike "**WITHIN**"; after line 28, insert:

"**(L) "MORTGAGE LOAN" MEANS ANY LOAN PRIMARILY FOR PERSONAL, FAMILY, OR HOUSEHOLD USE THAT IS SECURED BY A MORTGAGE, DEED OF TRUST, OR OTHER EQUIVALENT CONSENSUAL SECURITY INTEREST ON A DWELLING OR RESIDENTIAL REAL ESTATE ON WHICH A DWELLING IS CONSTRUCTED OR INTENDED TO BE CONSTRUCTED.**";

and in lines 29 and 31, strike "**(L)**" and "**(M)**", respectively, and substitute "**(M)**" and "**(N)**", respectively.

On page 6, in lines 6 and 12, strike "**(N)**" and "**(O)**", respectively, and substitute "**(O)**" and "**(P)**", respectively; in line 15, after "**PARTNERSHIP**" insert "**, BUSINESS TRUST**"; and strike in their entirety lines 16 through 20, inclusive.

On page 8, strike in their entirety lines 24 through 29, inclusive.

On pages 9 through 11, strike in their entirety the lines beginning with line 15 on page 9 through line 10 on page 11, inclusive.

On page 12 in line 17, and on page 30 in line 2, in each instance, strike "**, AND ANY OTHER SOURCE AS DIRECTED BY THE COMMISSIONER**" and substitute "**WITH SUBJECT MATTER JURISDICTION, AND ANY OTHER STATE LICENSING ENTITY THAT HAS LOAN ORIGINATORS REGISTERED WITH THE NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY**".

On page 14, strike in their entirety lines 12 through 22, inclusive; and strike beginning with "(1)" in line 23 down through "filed." in line 30.

On page 15, strike in their entirety lines 4 through 13, inclusive.

On page 17, in line 3, strike "**IN**" and substitute "**UNDER**"; and strike in their entirety lines 13 through 21, inclusive.

On pages 17 and 18, strike in their entirety the lines beginning with line 27 on page 17 through line 20 on page 18, inclusive.

On pages 18 and 19, strike in their entirety the lines beginning with line 22 on page 18 through line 10 on page 19, inclusive.

On page 19, in lines 20 and 24, in each instance, strike "**$10,000**" and substitute "**$5,000**"; in lines 29, 30, and 32, in each instance, strike the bracket; in line 30, strike "**SECURED**"; and in line 31, strike "**[**;" and substitute a semicolon.

On page 20, strike in their entirety lines 1 through 6, inclusive.

AMENDMENT NO. 3

On page 21, after line 6, insert:

"**(J) "INDIVIDUAL LOAN SERVICER" MEANS AN INDIVIDUAL WHO ON BEHALF OF A NOTE HOLDER OR MORTGAGE LOAN SERVICER:**

(1) COLLECTS OR RECEIVES PAYMENTS, INCLUDING PAYMENTS OF PRINCIPAL, INTEREST, ESCROW AMOUNTS, AND OTHER AMOUNTS DUE ON EXISTING MORTGAGE LOAN OBLIGATIONS OWED TO THE NOTE HOLDER OR MORTGAGE LOAN SERVICER, AT A TIME WHEN THE BORROWER IS IN DEFAULT, OR IN REASONABLY FORESEEABLE LIKELIHOOD OF DEFAULT; AND

(2) WORKING WITH THE BORROWER AND THE NOTE HOLDER OR MORTGAGE LOAN SERVICER, COLLECTS DATA AND MAKES DECISIONS TO MODIFY, EITHER TEMPORARILY OR PERMANENTLY, THE TERMS OF THE MORTGAGE LOAN OBLIGATIONS DESCRIBED IN ITEM (1) OF THIS SUBSECTION OR TO PROCEED WITH COLLECTION EFFORTS THROUGH FORECLOSURE OR OTHER PROCESSES.";

in line 16, in each instance, strike the bracket; and in the same line, strike "(j)" and substitute "**(P)**".

On page 21 in lines 7, 9, 11, 12, and 14, on page 22 in line 29, on page 23 in lines 16 and 31, and on page 24 in lines 1, 3, 4, 7, 22, and 24, strike "**(J)**", "**(K)**", "**(L)**", "**(M)**",

"**(N)**", "**(O)**", "**(P)**", "**(Q)**", "**(R)**", "**(S)**", "**(T)**", "**(U)**", "**(W)**", and "**(X)**", respectively, and substitute "**(K)**", "**(L)**", "**(M)**", "**(N)**", "**(O)**", "**(Q)**", "**(R)**", "**(S)**", "**(T)**", "**(U)**", "**(V)**", "**(W)**", "**(X)**", and "**(Y)**", respectively.

On page 24, strike lines 20 and 21 in their entirety.

On page 25, in line 20, strike "**§ 11–601(U)**" and substitute "**§ 11–601(W)**"; in line 26, strike "**AND**"; in line 31, after the second "**A**" insert "**MORTGAGE**"; in line 32, after "**ORIGINATOR**" insert "**; AND**

(5) SUBJECT TO SUBSECTION (E) OF THIS SECTION, AN INDIVIDUAL LOAN SERVICER.

(E) THE EXEMPTION UNDER SUBSECTION (D)(5) OF THIS SECTION IS SUBJECT TO MODIFICATION BY REGULATIONS THAT ARE ADOPTED BY THE COMMISSIONER AND CONSISTENT WITH ANY APPLICABLE WRITTEN INTERPRETATIONS OF THE FEDERAL SECURE AND FAIR ENFORCEMENT FOR MORTGAGE LICENSING ACT OF 2008 BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PRESENTED THROUGH COMMENTARIES, GUIDELINES, RULES, REGULATIONS, OR INTERPRETIVE LETTERS";

and in line 33, strike "**(E)**" and substitute "**(F)**".

On page 27, after line 30, insert:

"**(F) THIS SECTION DOES NOT APPLY TO AN AFFILIATED INSURANCE PRODUCER–MORTGAGE LOAN ORIGINATOR LICENSED UNDER § 11–603.1 OF THIS SUBTITLE.**

11–603.1.

(A) IN THIS SECTION, "AFFILIATED INSURANCE PRODUCER–MORTGAGE LOAN ORIGINATOR" MEANS AN INDIVIDUAL WHO:

(1) ORIGINATES MORTGAGE LOANS ONLY ON BEHALF OF A SINGLE FINANCIAL INSTITUTION THAT IS:

(I) DESCRIBED IN § 11–502(B)(1) OF THIS TITLE; AND

(II) APPROVED BY THE COMMISSIONER UNDER SUBSECTION (B) OF THIS SECTION;

(2) IS A LICENSED INSURANCE PRODUCER IN GOOD STANDING UNDER § 10–103 OF THE INSURANCE ARTICLE; AND

(3) HOLDS AN APPOINTMENT AS AN INSURANCE PRODUCER FOR AN INSURER THAT CONTROLS, IS CONTROLLED BY, OR IS UNDER COMMON CONTROL WITH:

(I) THE FINANCIAL INSTITUTION DESCRIBED IN ITEM (1) OF THIS SUBSECTION; OR

(II) A MORTGAGE LENDER LICENSEE THAT:

1. IS APPROVED BY THE COMMISSIONER UNDER SUBSECTION (C) OF THIS SECTION; AND

2. ORIGINATES LOANS ONLY ON BEHALF OF THE FINANCIAL INSTITUTION DESCRIBED IN ITEM (1) OF THIS SUBSECTION UNDER AN EXCLUSIVE CONTRACT WITH THE FINANCIAL INSTITUTION.

(B) THE COMMISSIONER SHALL APPROVE A FINANCIAL INSTITUTION DESCRIBED IN SUBSECTION (A)(1) OF THIS SECTION BASED ON THE FOLLOWING CRITERIA:

(1) THE FINANCIAL INSTITUTION IS IN GOOD STANDING WITH ITS PRIMARY STATE OR FEDERAL REGULATOR; AND

(2) THE FINANCIAL INSTITUTION IS IN MATERIAL COMPLIANCE WITH APPLICABLE STATE AND FEDERAL LAW.

(C) THE COMMISSIONER SHALL APPROVE A MORTGAGE LENDER LICENSEE DESCRIBED IN SUBSECTION (A)(3)(II) OF THIS SECTION BASED ON THE FOLLOWING CRITERIA:

(1) THE MORTGAGE LENDER LICENSEE IS IN GOOD STANDING WITH THE COMMISSIONER AND ANY OTHER REGULATOR TO WHICH IT IS SUBJECT; AND

(2) THE MORTGAGE LENDER LICENSEE IS IN MATERIAL COMPLIANCE WITH APPLICABLE STATE AND FEDERAL LAW.

(D) APPROVAL BY THE COMMISSIONER OF A FINANCIAL INSTITUTION UNDER SUBSECTION (B) OF THIS SECTION AND A MORTGAGE LENDER LICENSEE UNDER SUBSECTION (C) OF THIS SECTION SHALL BE IN WRITING.

(E) (1) AN APPLICATION FOR A LICENSE UNDER THIS SECTION SHALL BE IN THE FORM APPROVED BY THE COMMISSIONER.

(2) THE APPLICATION SHALL REQUIRE THE IDENTIFICATION OF:

(I) THE FINANCIAL INSTITUTION DESCRIBED IN SUBSECTION (A)(1) OF THIS SECTION;

(II) IF APPLICABLE, THE MORTGAGE LENDER LICENSEE DESCRIBED IN SUBSECTION (A)(3)(II) OF THIS SECTION; AND

(III) THE INSURER WITH WHICH THE APPLICANT HOLDS AN APPOINTMENT.

(3) AN APPLICATION FOR A LICENSE UNDER THIS SECTION SHALL BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF:

(I) THE FINANCIAL INSTITUTION IDENTIFIED IN THE APPLICATION; OR

(II) IF A MORTGAGE LENDER LICENSEE IS IDENTIFIED IN THE APPLICATION, THE MORTGAGE LENDER LICENSEE.

(F) NOTWITHSTANDING §§ 11–602(A) AND 11–603 OF THIS SUBTITLE, AND SUBJECT TO THE PROVISIONS OF THIS SECTION, A LICENSE ISSUED UNDER THIS SECTION AUTHORIZES THE LICENSEE TO ACT AS A MORTGAGE LOAN ORIGINATOR.

(G) AN APPLICANT FOR A LICENSE UNDER THIS SECTION AND A LICENSEE UNDER THIS SECTION SHALL COMPLY WITH ALL OTHER REQUIREMENTS FOR LICENSURE AS A MORTGAGE LOAN ORIGINATOR UNDER THIS SUBTITLE.

(H) A LICENSEE UNDER THIS SECTION SHALL LIMIT THE LICENSEE'S ACTIVITIES TO ORIGINATING MORTGAGE LOANS ONLY ON BEHALF OF A SINGLE FINANCIAL INSTITUTION APPROVED BY THE COMMISSIONER UNDER SUBSECTION (B) OF THIS SECTION.

(I) THE FINANCIAL INSTITUTION IDENTIFIED IN A LICENSEE'S LICENSE APPLICATION OR, IF A MORTGAGE LENDER LICENSEE IS IDENTIFIED IN A LICENSEE'S LICENSE APPLICATION, THE MORTGAGE LENDER LICENSEE SHALL:

(1) SUPERVISE THE LICENSEE, INCLUDING PROVIDING DIRECTION THROUGH WRITTEN INSTRUCTIONS OR ELECTRONIC MEANS AND BY PERIODICALLY EXAMINING THE LICENSEE'S BOOKS, RECORDS, AND OTHER ASPECTS OF THE LICENSEE'S BUSINESS;

(2) BE HELD JOINTLY AND SEVERALLY LIABLE WITH THE LICENSEE FOR CLAIMS ARISING OUT OF THE LICENSEE'S MORTGAGE LOAN ORIGINATION ACTIVITIES; AND

(3) MEET, OR CAUSE THE LICENSEE TO MEET, THE SURETY BOND REQUIREMENTS UNDER § 11–619(C) OF THIS SUBTITLE.

(J) EXCEPT AS PROVIDED IN SUBSECTION (K) OF THIS SECTION, A LICENSEE UNDER THIS SECTION MAY NOT:

(1) AID OR ASSIST A BORROWER TO OBTAIN A MORTGAGE LOAN FROM A FINANCIAL INSTITUTION OTHER THAN THE FINANCIAL INSTITUTION IDENTIFIED IN THE LICENSEE'S LICENSE APPLICATION;

(2) EXCEPT FOR COMPENSATION BASED ON THE PRINCIPAL BALANCE OF A MORTGAGE LOAN, BE COMPENSATED BY ANY PERSON FOR MORTGAGE LOAN ORIGINATION ACTIVITIES ON A BASIS THAT DEPENDS ON THE TERMS OF THE MORTGAGE LOAN, INCLUDING INTEREST RATE OR FEES;

(3) RECEIVE A FINDER'S FEE, AS DEFINED IN § 12–801 OF THE COMMERCIAL LAW ARTICLE;

(4) HANDLE BORROWER OR OTHER THIRD PARTY FUNDS IN CONNECTION WITH THE ORIGINATION OR CLOSING OF A MORTGAGE LOAN;

(5) REFER A BORROWER TO ANY OTHER LICENSEE UNDER SUBTITLE 5 OF THIS TITLE; OR

(6) MAKE OR SERVICE A MORTGAGE LOAN.

(K) A LICENSEE UNDER THIS SECTION MAY FORWARD A CHECK TO THE FINANCIAL INSTITUTION IDENTIFIED IN THE LICENSEE'S LICENSE APPLICATION IF THE CHECK IS:

(1) MADE PAYABLE TO THE FINANCIAL INSTITUTION;

(2) FROM AN APPLICANT FOR A MORTGAGE LOAN; AND

(3) IN CONNECTION WITH AN APPLICATION FOR A MORTGAGE LOAN TO COVER COSTS FOR:

(I) AN APPRAISAL;

(II) A CREDIT REPORT; OR

(III) PROCESSING THE APPLICATION.

(L) AN AFFILIATED INSURANCE PRODUCER–MORTGAGE LOAN ORIGINATOR WHO HOLDS A MORTGAGE LENDER LICENSE UNDER § 11–506(C) OF THIS TITLE ON JULY 1, 2009, MAY CONTINUE TO ORIGINATE MORTGAGES UNDER A VALID MORTGAGE LENDER LICENSE UNTIL DECEMBER 31, 2009, PROVIDED THAT THE AFFILIATED INSURANCE PRODUCER–MORTGAGE LOAN ORIGINATOR TAKES THE ACTIONS NECESSARY TO PARTICIPATE IN THE NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY, AS REQUIRED BY THE COMMISSIONER.".

On page 29, in line 27, strike "**FEDERAL**" and substitute "**FEDERAL**".

On page 31, in line 5, strike the period and substitute a semicolon; in line 31, strike "**HAS SHOWN A LACK OF**" and substitute "**DOES NOT MEET THE REQUIREMENTS FOR**"; in line 32, strike "**FOR PURPOSES OF**" and substitute "**UNDER**"; and in line 33, strike "**INCLUDE**" and substitute "**NOT BE BASED SOLELY ON**".

On page 32, strike beginning with "**CURRENT**" in line 1 down through "**OF**" in line 2 and substitute "**DEBTS ARISING FROM**"; in line 2, after "**EXPENSES**" insert "**, INCLUDING JUDGMENTS**"; strike beginning with "**CURRENT**" in line 3 down through "**FILINGS**" in line 4 and substitute "**EXCEPT FOR DELINQUENT CHILD SUPPORT PAYMENTS, DEBTS, INCLUDING JUDGMENTS, ARISING FROM DIVORCE PROCEEDINGS OR DIVORCE SETTLEMENTS**"; in line 5, strike "**WITHIN THE PAST 3 YEARS; AND**" and substitute "**ON THE APPLICANT'S PRINCIPAL RESIDENCE;**"; and strike beginning with "**A**" in line 6 down through "**YEARS**" in line 7 and substitute "**THE APPLICANT'S CREDIT SCORE AS REPORTED BY ANY CONSUMER REPORTING AGENCY, AS DEFINED IN 15 U.S.C. § 1681A; OR**

(5) THE APPLICANT'S INVOLVEMENT IN A BANKRUPTCY PROCEEDING UNDER TITLE 11 OF THE UNITED STATES CODE".

On page 34, in line 22, after "**STANDARDS**" insert "**AND LOAN TERMS**"; in line 23, strike "**THE**"; and in the same line, strike "**PRODUCT MARKETPLACE**" and substitute "**PRODUCTS**".

On page 38, in line 1, strike "**A**" and substitute "**NOTWITHSTANDING ANYTHING TO THE CONTRARY IN THIS SECTION OR § 11–605 OF THIS SUBTITLE, AN**"; in the same line, strike "**LICENSEE HOLDING A LICENSE THAT EXPIRES BETWEEN**" and substitute "**APPLICANT FOR RENEWAL OF A LICENSE WHO IS DULY LICENSED UNDER THIS SUBTITLE ON**"; in line 2, strike "**AND DECEMBER 31, 2010, MAY**" and substitute "**:**

(1) MAY";

in line 3, after "**REQUIREMENTS**" insert "**FOR RENEWAL OF THE LICENSE**"; in lines 4, 6, and 8, strike "**(1)**", "**(2)**", and "**(3)**", respectively, and substitute "**(I)**", "**(II)**", and "**(III)**", respectively; in line 9, after "**SUBTITLE**" insert "**; AND**

(2) IS DEEMED TO HAVE SATISFIED THE PRELICENSING EDUCATIONAL COURSE REQUIREMENT UNDER § 11–606 OF THIS SUBTITLE IF THE APPLICANT COMPLETED 20 HOURS OF CONTINUING EDUCATION COURSES APPROVED BY THE COMMISSIONER WITHIN 5 YEARS PRIOR TO THE EXPIRATION DATE OF THE APPLICANT'S CURRENT LICENSE";

strike in their entirety lines 10 through 15; and in line 16, strike "**(G)**" and substitute "**(F)**".

On page 40, after line 10, insert:

"**(B) IN ADDITION TO THE REQUIREMENTS OF THIS SECTION, AN AFFILIATED INSURANCE PRODUCER–MORTGAGE LOAN ORIGINATOR LICENSED UNDER § 11–603.1 OF THIS SUBTITLE SHALL BE SUBJECT TO THE PROVISIONS OF §§ 11–513 AND 11–515 OF THIS TITLE:**

(1) TO THE EXTENT THE COMMISSIONER DETERMINES IS NECESSARY TO ENABLE THE COMMISSIONER TO INVESTIGATE AND EXAMINE THE MORTGAGE LOAN ORIGINATION ACTIVITIES OF THE AFFILIATED INSURANCE PRODUCER–MORTGAGE LOAN ORIGINATOR; AND

(2) AS SPECIFIED IN REGULATIONS ADOPTED BY THE COMMISSIONER.

[(b)**](C)** A licensee shall pay to the Commissioner a per–day fee set by the Commissioner for each of the Commissioner's employees engaged in any investigation conducted under this section that the Commissioner reasonably considers necessary.

[(c)**](D)** In connection with an investigation made under this section, the Commissioner may:

(1) Examine the books and records of a licensee or of any other person that the Commissioner believes has violated a provision of this subtitle, any rule or regulation adopted under this subtitle, or any other law regulating mortgage lending or mortgage origination in the State;

(2) Subpoena documents or other evidence; and

(3) Summon and examine under oath any person whose testimony the Commissioner requires.

[(d)**] (E)** (1) If a person fails to comply with a subpoena or summons of the Commissioner under this subtitle or to testify concerning any matter about which the person may be interrogated under this subtitle, the Commissioner may file a petition for enforcement with the circuit court for a county.

(2) On petition by the Commissioner, the court may order the person to attend and testify or produce evidence.".

On page 41, in lines 7 and 11, in each instance, strike "**$10,000**" and substitute "**$5,000**"; and after line 33, insert:

"**(C) A LICENSEE WHO IS AN AFFILIATED INSURANCE PRODUCER–MORTGAGE LOAN ORIGINATOR SHALL BE DEEMED IN COMPLIANCE WITH THIS SECTION IF THE LICENSEE:**

(1) HOLDS A SURETY BOND THAT WOULD SATISFY THE SURETY BOND REQUIREMENTS UNDER § 11–508 OF THIS TITLE IF THE AFFILIATED INSURANCE PRODUCER–MORTGAGE LOAN ORIGINATOR WERE A LICENSEE UNDER SUBTITLE 5 OF THIS TITLE; OR

(2) IS COVERED UNDER A BLANKET SURETY BOND HELD BY THE FINANCIAL INSTITUTION OR MORTGAGE LENDER LICENSEE IDENTIFIED IN § 11–603.1(A)(3) OF THIS SUBTITLE IF THE BLANKET SURETY BOND:

(I) COVERS ALL AFFILIATED INSURANCE PRODUCER–MORTGAGE LOAN ORIGINATORS; AND

(II) IS IN THE AMOUNT OF $1,000,000 OR ANOTHER AMOUNT AS REQUIRED BY THE COMMISSIONER BY REGULATION.".

On page 43, in line 25, strike "**AS THE COMMISSIONER REQUIRES BY REGULATION, THE**" and substitute "**THE**"; strike beginning with "**ON**" in line 27 down through "**SPECIFIED**" in line 28 and substitute "**AS REQUIRED**"; and in line 29, after "**COMMISSIONER**" insert "**BY REGULATION**".

AMENDMENT NO. 4

On page 43, after line 29, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That licensing required under § 11–602 of the Financial Institutions Article, as enacted by Section 1 of this Act, shall apply to retail sellers of manufactured homes based on interpretations of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008 by the United States Department of Housing and Urban Development presented through commentaries, guidelines, rules, regulations, or interpretive letters.

SECTION 3. AND BE IT FURTHER ENACTED, That the prelicensing testing requirement under § 11–609(e)(1)(iii) of the Financial Institutions Article, as enacted by Section 1 of this Act, for licensees described in § 11–609(e)(1) of the Financial Institutions Article, as enacted by Section 1 of this Act, shall be effective when and if the United States Department of Housing and Urban Development determines through commentaries, guidelines, rules, regulations, or interpretive letters that the requirement is applicable to those licensees. If it is determined that the prelicensing testing requirement is applicable to the licensees, the Commissioner of Financial Regulation shall notify the licensees of the necessity for compliance.";

and in line 30, strike "2." and substitute "4.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 341 – Senators Pugh, Astle, Della, Exum, Gladden, Glassman, Harrington, Jones, Kelley, Klausmeier, Lenett, Madaleno, McFadden, Raskin, and Rosapepe

AN ACT concerning

Prosthetic Parity Act

SB0341/317477/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 341
(First Reading File Bill)

On page 1, in the sponsor line, strike "Astle,"; and in the same line, strike "and Rosapepe" and substitute "Rosapepe, Garagiola, and Middleton".

The preceding amendment was read only.

Senator Mooney moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

INTRODUCTION OF BILLS

Senator Exum moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1062 – Senator Exum

AN ACT concerning

Prince George's County – Issuance of Alcoholic Beverages Licenses and Park Permits – Notice to Police Department

FOR the purpose of requiring the Prince George's County Board of License Commissioners to notify the county police department of certain information when the Board issues a special Class C beer, wine and liquor license; requiring the Maryland–National Capital Park and Planning Commission to notify the Prince George's County Police Department of certain information when the Commission issues a park permit for holding a party in a park or facility in the county; making certain stylistic changes; and generally relating to alcoholic beverages licenses and park permits in Prince George's County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 7–101(d)(1)(i)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 7–101(d)(11)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article 28 – Maryland–National Capital Park and Planning Commission
Section 5–110
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 412)

ADJOURNMENT

At 12:06 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Wednesday, March 18, 2009.

Annapolis, Maryland
Wednesday, March 18, 2009
10:00 A.M. Session

The Senate met at 10:14 A.M.

Prayer by Reverend Dr. Delman Coates, Mt. Ennon Baptist Church, guest of Senator Miller.

(See Exhibit A of Appendix III)

The Journal of March 17, 2009 was read and approved.

On motion of Senator Kasemeyer it was ordered that Senators Della, Jones and Robey be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 414)

THE COMMITTEE ON FINANCE REPORT #14

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 347 – Senator McFadden (By Request – Baltimore City Administration)

EMERGENCY BILL

AN ACT concerning

Baltimore City – Foreign Trade Zones

SB0347/397778/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 347
(First Reading File Bill)

On page 1, in line 2, strike "Baltimore City"; in the same line, after "Zones" insert "– Application and Process"; in line 3, after "of" insert "requiring certain persons to apply for designation approval to a certain foreign trade zone grantee before applying to another grantee for designation approval;"; in lines 7 and 8, strike "Baltimore Foreign Trade Zone" and substitute "foreign trade zones"; after line 8, insert:

"BY adding to
Article – Economic Development
Section 5–804
Annotated Code of Maryland
(2008 Replacement Volume)";

and after line 15, insert:

"Article – Economic Development

5–804.

A PERSON THAT WISHES TO HAVE A SITE IN THE STATE DESIGNATED AS A FOREIGN TRADE ZONE SHALL APPLY FOR DESIGNATION APPROVAL TO THE FOREIGN TRADE ZONE GRANTEE IN THE STATE THAT IS CLOSEST TO THE SITE BEFORE APPLYING TO ANOTHER FOREIGN TRADE ZONE GRANTEE IN THE STATE FOR DESIGNATION APPROVAL.".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 470 – Senators Kittleman, Kasemeyer, Pipkin, and Robey

AN ACT concerning

Unemployment Insurance – Recreational Sports Officials – Coverage

SB0470/347776/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 470
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Robey" and substitute "Robey, Middleton, Astle, Della, Exum, Garagiola, Glassman, Kelley, Klausmeier, and Pugh".

AMENDMENT NO. 2

On page 2, in line 26, after "**INDIVIDUAL**" insert "**WHO PERFORMS OFFICIATING SERVICES IN COVERED EMPLOYMENT UNDER § 8–208(A) OR § 8–212(C) OF THIS SUBTITLE.**".

On pages 2 and 3, strike beginning with "**EMPLOYED**" in line 26 on page 2 down through "**HOURS.**" in line 2 on page 3.

On page 3, in line 3, after "**WORK**" insert "**THAT CONSISTS OF OFFICIATING SERVICES PERFORMED BY A RECREATIONAL SPORTS OFFICIAL**"; strike beginning with "**WHEN**" in line 3 down through "**EMPLOYMENT**" in line 21; and in line 23, strike "October" and substitute "June".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 614 – Senator Gladden

AN ACT concerning

Transportation – Baltimore Corridor Transit Study – Red Line Area

SB0614/557376/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 614
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Gladden" and substitute "Senators Gladden, Jones, and Kelley"; and in line 3, after "Administration" insert ", under certain circumstances,".

AMENDMENT NO. 2

On page 2 in line 22, and on page 3 in line 22, in each instance, after "**IN**" insert "**INVOLUNTARY**".

The preceding 2 amendments were read only.

Senator Madaleno moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 616 – Senator Glassman

AN ACT concerning

Insurance Producers – Continuing Education – Exemption for Funeral Directors and Morticians

SB0616/297979/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 616
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Glassman" and substitute "Senators Glassman, Middleton, Exum, Garagiola, Kelley, Klausmeier, and Pugh"; in line 2, strike "Exemption for"; in line 4, strike "exempting" and substitute "prohibiting the Maryland Insurance Commissioner from requiring an insurance producer to receive more than a certain number of hours of continuing education in a certain period if the insurance producer is also a"; in the same line, in each instance, strike "certain"; in the same line, strike "directors and" and substitute "director or"; in line 5, strike "morticians" and substitute "mortician"; in the same line, strike "sell" and substitute "sells"; and strike beginning with "from" in line 6 down through "producers" in line 7 and substitute "and is not a viatical settlement broker".

AMENDMENT NO. 2

On page 2, in line 8, after "(iv)" insert "**THE COMMISSIONER MAY NOT REQUIRE AN INSURANCE PRODUCER TO RECEIVE MORE THAN 16 HOURS OF CONTINUING EDUCATION IN A RENEWAL PERIOD IF THE INSURANCE PRODUCER IS ALSO A LICENSED FUNERAL DIRECTOR OR LICENSED MORTICIAN WHO:**

1. SELLS ONLY LIFE INSURANCE POLICIES OR ANNUITY CONTRACTS THAT FUND A PRE–NEED CONTRACT AS DEFINED IN § 7–101 OF THE HEALTH OCCUPATIONS ARTICLE; AND

2. IS NOT A VIATICAL SETTLEMENT BROKER AS DEFINED IN § 8–601 OF THIS ARTICLE.

(V)";

and in line 9, strike "and (iii)" and substitute "**(III), AND (IV)**".

On page 3, in line 10, strike the brackets; and strike beginning with the semicolon in line 12 down through "**INDIVIDUAL**" in line 18.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 751 – Senator Gladden

AN ACT concerning

Insurance – Slavery Era Insurance Policies – Reporting

SB0751/547172/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 751
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Gladden" and substitute "Senators Gladden, Middleton, Astle, Della, Exum, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Pipkin, and Pugh"; in line 4, after "report" insert ", on or before a certain date,"; in line 5, after "era" insert ", and a copy of certain documents that relate to the information"; in line 9, in each instance, after "report" insert "on or before a certain date"; in line 10, after "names" insert "and include copies of certain documents"; and in line 13, after "Assembly;" insert "requiring a copy of a certain report to be maintained at a certain location;".

AMENDMENT NO. 2

On page 3, in line 1, strike "**AN**" and substitute "**ON OR BEFORE OCTOBER 1, 2011, AN**"; in line 2, after "**WITH**" insert "**:**

(1)";

in line 5, after "**ERA**" insert "**; AND**

(2) A COPY OF EACH DOCUMENT IN THE INSURER'S RECORDS THAT RELATES TO THE INFORMATION PROVIDED UNDER ITEM (1) OF THIS SUBSECTION";

in line 9, strike "**THE**" and substitute "**ON OR BEFORE JANUARY 1, 2010, THE**"; and in line 12, strike "**THE**" and substitute "**ON OR BEFORE APRIL 1, 2012, THE**"; in line 15, after "**SHALL**" insert "**:**

(I)";

in line 17, after "**TITLE**" insert "**; AND**

(II) INCLUDE A COPY OF EACH DOCUMENT PROVIDED TO THE COMMISSIONER UNDER § 30–102 OF THIS TITLE";

and after line 25, insert:

"**(D) A COPY OF THE REPORT SHALL BE MAINTAINED AT THE THURGOOD MARSHALL LAW LIBRARY AT THE UNIVERSITY OF MARYLAND SCHOOL OF LAW.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0751/923924/2

BY: Senator Gladden

AMENDMENT TO SENATE BILL 751, AS AMENDED

On page 1 of the Finance Committee Amendments (SB0751/547172/1), in line 3 of Amendment No. 1, strike "and Pugh" and substitute "Pugh, Currie, Jones, Raskin, Conway, Muse, McFadden, and Harrington".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 768 – Senator Astle

AN ACT concerning

Commercial Insurance and Workers' Compensation Insurance – Renewals of Policies – Transfers of Policyholders Between Insurers

SB0768/717977/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 768
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after "circumstances;" insert "making certain notice requirements applicable to all premium increases for policies of commercial insurance and policies of workers' compensation insurance, with a certain exception; establishing certain methods for satisfying a certain notice requirement;"; in line 17, after "Act;" insert "providing for a delayed effective date for certain provisions of this Act;"; and in line 27, strike "and 27–601.1" and substitute ", 27–601.1, and 27–608".

AMENDMENT NO. 2

On page 3, in line 10, after "**INSURER**" insert "**PROVIDING THE NEW POLICY**"; and in line 11, after "**POLICYHOLDER**" insert "**AT LEAST 45 DAYS IN ADVANCE OF THE TRANSFER**".

AMENDMENT NO. 3

On page 3, before line 12, insert:

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

Article – Insurance

27–608.

(a) **(1)** This section applies to:

[(1)**]** **(I)** policies of commercial insurance; and

[(2)**]** **(II)** policies of workers' compensation insurance.

(2) THIS SECTION DOES NOT APPLY TO POLICIES ISSUED TO EXEMPT COMMERCIAL POLICYHOLDERS, AS DEFINED IN § 11–206(J) OF THIS ARTICLE.

(b) Unless an insurer has given notice of its intention not to renew a policy subject to this section, if the insurer seeks to increase the renewal policy premium **[**by 20% or more**]**, the insurer shall send a notice to the named insured and insurance producer, if any, not less than 45 days prior to the renewal date of the policy.

(c) **[**A**] SUBJECT TO SUBSECTION (D) OF THIS SECTION, A** notice under this section shall include:

(1) both the expiring policy premium and the renewal policy premium; and

(2) the telephone number for the insurer or insurance producer, if any, together with a statement that the insured may call to request additional information about the premium increase.

(d) (1) If an **INSURER SEEKS TO INCREASE THE RENEWAL POLICY PREMIUM AND THE** insurer's rating methodology requires the insured to provide information to calculate the renewal policy premium, an insurer shall provide a reasonable estimate of the renewal policy premium if:

(i) the insurer has requested the required information from the insured; and

(ii) the insurer has not received the requested information.

(2) A reasonable estimate under this subsection shall be based upon the information available to the insurer at the time the notice is sent.

(e) **[**In determining the amount of a premium increase under this section, the insurer is not required to include premium resulting**] THE REQUIREMENTS OF THIS SECTION DO NOT APPLY TO THE EXTENT THAT THE PREMIUM INCREASE RESULTS** from:

(1) an increase in the units of exposure;

(2) the application of an experience rating plan;

(3) the application of a retrospective rating plan;

(4) a change made by the insured that increases the insurer's exposure; or

(5) an audit of the insured.

(f) A notice required by this section shall be sent by first–class mail and may be sent together with the renewal policy.

(G) AN INSURER SHALL BE CONSIDERED TO HAVE MET THE NOTICE REQUIREMENT OF THIS SECTION IF, NOT LESS THAN 45 DAYS BEFORE THE EFFECTIVE DATE OF THE RENEWAL POLICY, THE INSURER HAS SENT:

(1) TO THE NAMED INSURED, A RENEWAL POLICY THAT INCLUDES THE RENEWAL POLICY PREMIUM;

(2) TO THE NAMED INSURED AND INSURANCE PRODUCER, IF ANY, A WRITTEN NOTICE OF RENEWAL OR CONTINUATION OF COVERAGE THAT INCLUDES THE RENEWAL OR CONTINUATION PREMIUM; OR

(3) TO THE NAMED INSURED AND INSURANCE PRODUCER, IF ANY, A RENEWAL OFFER THAT INCLUDES A REASONABLE ESTIMATE OF THE RENEWAL POLICY PREMIUM.";

in line 12, strike "2." and substitute "3."; in the same line, after "That" insert "Section 1 of"; after line 14, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect January 1, 2010.";

in line 15, strike "3." and substitute "5."; and in the same line, after "That" insert ", except as provided in Section 4 of this Act,".

The preceding 3 amendments were withdrawn.

SB0768/717977/2

BY: Finance Committee

SUBSTITUTE AMENDMENTS TO SENATE BILL 768
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after "circumstances;" insert "making certain notice requirements applicable to all premium increases for policies of commercial insurance and policies of workers' compensation insurance, with a certain exception; establishing certain methods for satisfying a certain notice requirement;"; in line 17, after "Act;" insert "providing for a delayed effective date for certain provisions of this Act;"; and in line 27, strike "and 27–601.1" and substitute ", 27–601.1, and 27–608".

AMENDMENT NO. 2

On page 3, in line 8, after "**(B)**" insert "**(1)**"; in line 10, after "**INSURER**" insert "**PROVIDING THE NEW POLICY**"; and after line 11, insert:

"**(2) AN INSURER SHALL BE CONSIDERED TO HAVE MET THE NOTICE REQUIREMENT OF THIS SECTION IF THE INSURER HAS SENT TO THE NAMED INSURED A RENEWAL POLICY THAT INCLUDES A NOTICE OF TRANSFER, OR A NOTICE ON THE DECLARATION PAGE OF THE RENEWAL POLICY, NOTIFYING THE INSURED THAT THE POLICY HAS BEEN TRANSFERRED FROM THE PRIOR NAMED INSURER TO THE NEW OR RENEWING NAMED INSURER.**".

AMENDMENT NO. 3

On page 3, before line 12, insert:

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

Article – Insurance

27–608.

(a) **(1)** This section applies to:

[(1)**]** **(I)** policies of commercial insurance; and

[(2)**]** **(II)** policies of workers' compensation insurance.

(2) THIS SECTION DOES NOT APPLY TO POLICIES ISSUED TO EXEMPT COMMERCIAL POLICYHOLDERS, AS DEFINED IN § 11–206(J) OF THIS ARTICLE.

(b) Unless an insurer has given notice of its intention not to renew a policy subject to this section, if the insurer seeks to increase the renewal policy premium **[**by 20% or more**]**, the insurer shall send a notice to the named insured and insurance producer, if any, not less than 45 days prior to the renewal date of the policy.

(c) **[**A**]** **SUBJECT TO SUBSECTION (D) OF THIS SECTION, A** notice under this section shall include:

(1) both the expiring policy premium and the renewal policy premium; and

(2) the telephone number for the insurer or insurance producer, if any, together with a statement that the insured may call to request additional information about the premium increase.

(d) (1) If an **INSURER SEEKS TO INCREASE THE RENEWAL POLICY PREMIUM AND THE** insurer's rating methodology requires the insured to provide information to calculate the renewal policy premium, an insurer shall provide a reasonable estimate of the renewal policy premium if:

(i) the insurer has requested the required information from the insured; and

(ii) the insurer has not received the requested information.

(2) A reasonable estimate under this subsection shall be based upon the information available to the insurer at the time the notice is sent.

(e) **[**In determining the amount of a premium increase under this section, the insurer is not required to include premium resulting**]** **THE REQUIREMENTS OF THIS SECTION DO NOT APPLY TO THE EXTENT THAT THE PREMIUM INCREASE RESULTS** from:

(1) an increase in the units of exposure;

(2) the application of an experience rating plan;

(3) the application of a retrospective rating plan;

(4) a change made by the insured that increases the insurer's exposure; or

(5) an audit of the insured.

(f) A notice required by this section shall be sent by first–class mail and may be sent together with the renewal policy.

(G) AN INSURER SHALL BE CONSIDERED TO HAVE MET THE NOTICE REQUIREMENT OF THIS SECTION IF, NOT LESS THAN 45 DAYS BEFORE THE EFFECTIVE DATE OF THE RENEWAL POLICY, THE INSURER HAS SENT:

(1) TO THE NAMED INSURED, A RENEWAL POLICY THAT INCLUDES THE RENEWAL POLICY PREMIUM;

(2) TO THE NAMED INSURED AND INSURANCE PRODUCER, IF ANY, A WRITTEN NOTICE OF RENEWAL OR CONTINUATION OF COVERAGE THAT INCLUDES THE RENEWAL OR CONTINUATION PREMIUM; OR

(3) TO THE NAMED INSURED AND INSURANCE PRODUCER, IF ANY, A RENEWAL OFFER THAT INCLUDES A REASONABLE ESTIMATE OF THE RENEWAL POLICY PREMIUM.";

in line 12, strike "2." and substitute "3."; in the same line, after "That" insert "Section 1 of"; after line 14, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall take effect January 1, 2010.";

in line 15, strike "3." and substitute "5."; and in the same line, after "That" insert ", except as provided in Section 4 of this Act,".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 774 – Senator Edwards

AN ACT concerning

Medical Malpractice Liability Insurance – Garrett County Memorial Hospital – Subsidy for Practitioners Who Perform Obstetrical Services – Extension

SB0774/627178/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 774
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after "regulation;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 2, in line 25, strike "**75%**" and substitute "**70%**"; in line 26, strike the first "**YEAR**" and substitute "**YEARS**"; and in the same line, strike "**AND FOR EACH SUBSEQUENT CALENDAR YEAR**" and substitute "**, 2011, AND 2012**".

On page 4, in line 32, after "2009." insert "It shall remain effective for a period of 4 years and, at the end of June 30, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 856 – Senators Pugh, Astle, Exum, Gladden, Lenett, McFadden, and Rosapepe

AN ACT concerning

Maryland Energy Administration – Green Jobs Workforce Training Program

SB0856/157372/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 856
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Rosapepe" and substitute "Rosapepe, Garagiola, Glassman, Kelley, Klausmeier, and Middleton"; in lines 2 and 4, in each instance, strike "Maryland Energy Administration" and substitute "Department of Labor, Licensing, and Regulation"; in lines 5, 9, 10, and 13, in each instance, strike "Administration" and substitute "Department"; and strike beginning with "Governor's" in line 5 down through "Board" in line 6 and substitute "Maryland Energy Administration".

AMENDMENT NO. 2

On page 2, strike lines 17 and 18 in their entirety and substitute:

"**(B) "DEPARTMENT" MEANS THE DEPARTMENT OF LABOR, LICENSING, AND REGULATION.**";

and in line 29, strike "**GOVERNOR'S WORKFORCE INVESTMENT BOARD**" and substitute "**MARYLAND ENERGY ADMINISTRATION**".

On page 2, in lines 21, 27, and 28 and on page 3 in lines 8, 12, and 20, in each instance, strike "**ADMINISTRATION**" and substitute "**DEPARTMENT**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 296 – The Speaker (By Request – Administration) and Delegates Barnes, Bronrott, Doory, Dumais, Frick, Guzzone, Lee, Rosenberg, and Vaughn

AN ACT concerning

Family Law – Protective Orders – Surrender of Firearms

FOR the purpose of ~~making it mandatory, rather than discretionary, for~~ requiring a final protective order to order the respondent to surrender certain firearms to law enforcement authorities and to refrain from possessing any firearm for a certain duration; requiring a law enforcement officer to provide certain information to a respondent when a firearm is surrendered and to transport and store the firearm in a certain manner; providing for the retaking of surrendered firearms by the respondent except under certain circumstances; making certain technical changes; and generally relating to ~~the issuance and contents of~~ protective orders and surrender of firearms.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–506, 4–507(a), and 4–509(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Family Law
Section 4–506.1
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 302 – The Speaker (By Request – Administration) and Delegates Barnes, Bronrott, Doory, Dumais, Frick, Guzzone, Lee, Levi, Rosenberg, ~~and Vaughn~~ Vaughn, and Hecht

AN ACT concerning

Family Law – Temporary Protective Orders – Surrender of Firearms

FOR the purpose of authorizing a judge in entering a temporary protective order to order a certain person to surrender to law enforcement authorities any firearm in the person's possession and to refrain from possessing any firearm for a certain period of time under certain circumstances; requiring a law enforcement officer to provide certain information to a respondent when a firearm is surrendered and to ~~provide for the safe storage of the firearm~~ transport and store the firearm in a certain manner; providing for the retaking of surrendered firearms by the respondent except under certain circumstances; making it a misdemeanor subject to certain penalties to fail to comply with a certain order to surrender firearms; and generally relating to protective orders and surrender of firearms.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–505 and 4–509
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Family Law
Section 4–506.1
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 377 – Delegate Feldman

AN ACT concerning

Business Regulation – Registration of Retail Service Station Dealers and Sale of Gasoline Products

FOR the purpose of ~~extending~~ eliminating the expiration date of the conditional prohibition against the Comptroller on the issuance of a certificate of registration to a retail service station dealer who markets motor fuel through a

retail service station that has been altered, enlarged, or structurally modified; ~~altering the date after which~~ repealing a certain provision of law that requires a producer, refiner, or wholesaler of motor fuel ~~is required~~, after a certain date, to extend voluntary allowances uniformly to all retail service station dealers that are supplied by the producer, refiner, or wholesaler; and generally relating to certificates of registration for retail service station dealers and the sale of gasoline products.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 10–304 and 10–312
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 402 – Delegates Robinson, Conaway, and Tarrant

AN ACT concerning

Education – Baltimore City Community College – Academic Facility Bonds

FOR the purpose of increasing the amount of available bond debt for Baltimore City Community College; authorizing Baltimore City Community College to issue bonds for academic facilities; requiring the Capital Debt Affordability Committee to estimate in a certain annual report the amount of new bonds for academic facilities that may be authorized in the aggregate for the next fiscal year by the Baltimore City Community College; and generally relating to bonding authority and Baltimore City Community College.

BY repealing and reenacting, with amendments,
Article – Education
Section 19–102
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 8–112(e)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 464 – Delegate Dumais

AN ACT concerning

Domestic Violence – ~~Interim and Temporary~~ Protective Orders – Custody of Minor Child

FOR the purpose of authorizing a District Court Commissioner to order a law enforcement officer to use all reasonable and necessary force to enforce a temporary custody provision of an interim protective order; authorizing a judge to order a law enforcement officer to use all reasonable and necessary force to enforce a temporary custody provision of ~~an interim or~~ a temporary protective order; requiring that enforcement of a temporary custody provision of an interim, temporary, or final protective order occur after service of the protective order; and generally relating to domestic violence protective orders.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–504.1 ~~and~~ , 4–505(a), and 4–506(e)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 466 – Delegate Griffith (Chair, Joint Committee on Pensions) and Delegates Aumann, Bates, Branch, Conway, Heller, James, ~~and Levy~~ Levy, Bohanan, Eckardt, Gutierrez, Haynes, Jones, Mizeur, Robinson, and Schuh

AN ACT concerning

State Retirement Agency – Monitoring of Telephone Calls – Quality Assurance

FOR the purpose of authorizing the Board of Trustees of the State Retirement and Pension System to adopt regulations to manage, for a certain purpose, the monitoring and recording of certain telephone calls by the State Retirement Agency; and generally relating to the monitoring of telephone calls by the State Retirement Agency for quality assurance purposes.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–110(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 471 – Delegates Pena–Melnyk, Robinson, Walker, Weir, Barnes, Braveboy, Ivey, Levi, V. Turner, Valderrama~~, and Walker~~, Benson,

Donoghue, Hubbard, Kullen, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Reznik, and Tarrant

AN ACT concerning

Minority Business Enterprise Certification – Cap on Personal Net Worth

FOR the purpose of altering the amount of the cap on the personal net worth requirement for certification as a minority business enterprise; and generally relating to requirements for certification as minority business enterprises.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14–301(i)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 489 – Allegany County Delegation

AN ACT concerning

Allegany County – Upper Potomac River Commission – Savage River Dam – Borrowing Authority

FOR the purpose of repealing a certain limitation on the amount the County Commissioners of Allegany County may borrow for a capital outlay on behalf of the Upper Potomac River Commission; repealing a requirement that certain voters approve the capital outlay; authorizing the County Commissioners to borrow certain money~~, by resolution,~~ for the capital outlay as authorized under certain provisions of law; repealing a requirement that the sale of certain bonds be advertised in a certain manner; repealing a requirement that the bonds be issued in a certain manner; repealing a requirement that certain bonds bear a certain interest rate, contain interest coupons, be in a certain denomination, and mature within a certain number of years; ~~requiring the County Commissioners to determine the form of certain bonds, including any interest coupons, the date of maturity, the denomination of the bonds, and the date for payment of principal and interest; authorizing the bonds to be redeemable before their maturity at certain prices;~~ authorizing the County Commissioners to issue certain bonds under certain code home rule powers; repealing a requirement that the voters of Allegany County approve borrowing certain money; repealing a requirement that the County Commissioners make a certain tax levy; making stylistic changes and technical corrections; and generally relating to the authority of the County Commissioners of Allegany County to borrow certain money on behalf of the Upper Potomac River Commission.

BY repealing and reenacting, with amendments,
The Public Local Laws of Allegany County
Section 76–7
Article 1 – Public Local Laws of Maryland
(1983 Edition and July 2008 Supplement, as amended)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 745 – Delegate Krebs

AN ACT concerning

Town of Sykesville Employees – Participation in the Employees' Pension System

FOR the purpose of requiring certain employees of the Town of Sykesville to participate in the Employees' Pension System of the State of Maryland as of a certain date; providing for certain employees of the Town of Sykesville to receive service credit for certain prior service; providing that certain employees of the Town of Sykesville who become members of the Employees' Pension System after a certain date may not receive certain service credit; and generally relating to employees of the Town of Sykesville participating in the Employees' Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 23–201(a), 23–204(b), and 31–111
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 31–111.5
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 975 – Delegate Griffith (Chair, Joint Committee on Pensions) and Delegates Aumann, Bates, Branch, Conway, Haynes, Heller, James, and Levy

AN ACT concerning

State Retirement and Pension System – Military Service Credit – Clarification and Simplification

FOR the purpose of altering the definition of "military service" as it relates to service credit for members of State or local retirement or pension systems to include active and inactive duty for training; providing certain death and disability benefits to certain individuals who are members of a State or local retirement or pension system who die or becomes disabled on or after a certain date while performing certain military service; requiring a State or local retirement or pension system to provide certain benefits to certain individuals depending on certain choices the State or local retirement system may make with regard to the distribution of certain benefits; clarifying that certain members of the Maryland National Guard who are on active or inactive duty for training that interrupts the member's service may receive a certain amount of service credit under certain circumstances; repealing certain obsolete language; and generally relating to clarifying and simplifying the military service credit provisions for the State or local retirement or pension systems.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 38–101(d), 38–102, and 38–103(d)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 977 – Delegate Griffith (Chair, Joint Committee on Pensions) and Delegates Aumann, Bates, Branch, Conway, Haynes, Heller, James, and Levy

AN ACT concerning

State Retirement and Pension System – Compliance with Federal Tax Provisions

FOR the purpose of prohibiting the Board of Trustees for the State Retirement and Pension System from using certain forfeitures of benefits for certain purposes; requiring that certain forfeitures of benefits be used for certain purposes; providing that the State Retirement Agency may make certain payments to certain eligible retirement plans specified by certain designated beneficiaries of a member of the State Retirement and Pension System; allowing certain members of the State Retirement and Pension System to make direct rollovers of certain distributions on or after a certain date; providing that an eligible rollover distribution includes certain distributions to certain spouses or former spouses of members of the State Retirement and Pension System; providing that distributions totaling less than a certain amount are not eligible rollover distributions; clarifying that certain portions of distributions remain eligible rollover distributions even if these portions consist of certain employee contributions; limiting the investment options that may be used for transfers of

certain portions of eligible rollover distributions; providing that certain investment options be considered in a certain manner; altering certain definitions; altering the application of a certain Act to apply to certain members or retirees of the State Retirement and Pension System who request certain beneficiary changes on or after a certain date; and generally relating to conforming the State Retirement and Pension System to certain federal tax legislation.

BY adding to
Article – State Personnel and Pensions
Section 20–209
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 21–601 and 21–602
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Chapter 500 of the Acts of the General Assembly of 2005
Section 2

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 1048 – Delegates Frick, Barkley, Braveboy, Bronrott, Feldman, Hecht, Kirk, Krysiak, Lee, Manno, Mathias, McDonough, Miller, Mizeur, Ross, Stifler, and Taylor

AN ACT concerning

Commercial Law – Consumer Contracts – Prohibited Provisions

FOR the purpose of prohibiting a person from including certain provisions in certain consumer contracts; prohibiting a consumer contract from waiving certain rights or protections; providing that a provision included in a consumer contract in violation of this Act is void and unenforceable; providing that a violation of this Act is an unfair or deceptive trade practice within the meaning of the Maryland Consumer Protection Act and is subject to certain enforcement and penalty provisions; defining certain terms; and generally relating to consumer contracts.

BY adding to
Article – Commercial Law
Section 14–1322
Annotated Code of Maryland

(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 1051 – Delegate Griffith

AN ACT concerning

Employees' Pension System – Service Retirement Allowance – Creditable Service

FOR the purpose of providing that certain individuals who were employed by the City of Annapolis as contractual employees for a certain period of time may receive a certain amount of creditable service in the Employees' Pension System; providing for the termination of this Act; and generally relating to service credit in the Employees' Pension System for contractual employees.

Read the first time and referred to the Committee on Budget and Taxation.

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 341 – Senators Pugh, Astle, Della, Exum, Gladden, Glassman, Harrington, Jones, Kelley, Klausmeier, Lenett, Madaleno, McFadden, Raskin, and Rosapepe

AN ACT concerning

Prosthetic Parity Act

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENT (1) AND THE FAVORABLE REPORT.

SB0341/317477/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 341
(First Reading File Bill)

On page 1, in the sponsor line, strike "Astle,"; and in the same line, strike "and Rosapepe" and substitute "Rosapepe, Garagiola, and Middleton".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 5 – Senator Harrington

AN ACT concerning

Assisted Housing – Protected Actions – Extended Leases for Seniors

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0005/904935/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 5
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "for Seniors"; strike beginning with "an" in line 5 down through "age" in line 6 and substitute "a certain individual"; strike beginning with "an" in line 8 down through "age" in line 9 and substitute "a certain individual"; in line 9, after "changes;" insert "providing for the application of this Act;"; and in line 10, strike "seniors" and substitute "certain individuals".

AMENDMENT NO. 2

On page 3, in lines 19 and 26, in each instance, strike "**§ 7–213(1)(I)**" and substitute "**§ 7–213(1)**".

AMENDMENT NO. 3

On page 4, after line 8, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed prospectively to apply only to an owner who takes title to an assisted project on or after the effective date of this Act.";

and in line 9, strike "2." and substitute "3.".

The preceding 3 amendments were read only.

Senator Kramer moved, duly seconded, to make the Bill and Amendments a Special Order for March 19, 2009.

The motion was adopted.

Senate Bill 272 – The President (By Request – Administration) and Senators Conway, Frosh, Harrington, Lenett, Madaleno, Pinsky, Raskin, and Robey

AN ACT concerning

Maryland False Health Claims Act of 2009

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0272/928173/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 272
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Robey" and substitute "Robey, and Forehand".

AMENDMENT NO. 2

On page 17, in line 1, strike "**MAY**" and substitute "**SHALL**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0272/613427/1

BY: Senator Conway

AMENDMENT TO SENATE BILL 272
(First Reading File Bill)

On page 1, in the sponsor line, strike "Conway,".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0272/833722/1

BY: Senator Middleton

AMENDMENTS TO SENATE BILL 272
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 29, after the semicolon, insert "requiring certain persons to report certain information annually to the General Assembly;".

On page 2, in line 5, strike "2–610" and substitute "2–611".

AMENDMENT NO. 2

On page 21, after line 27, insert:

"**2–611.**

(A) BEGINNING OCTOBER 1, 2010, THE INSPECTOR GENERAL OF THE DEPARTMENT AND THE DIRECTOR OF THE MEDICAID FRAUD CONTROL UNIT IN THE OFFICE OF THE ATTORNEY GENERAL SHALL REPORT ANNUALLY TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE FOLLOWING INFORMATION FOR THE PREVIOUS FISCAL YEAR:

(1) THE NUMBER OF CIVIL ACTIONS FILED UNDER THIS SUBTITLE;

(2) THE NUMBER OF CIVIL ACTIONS UNDER THIS SUBTITLE IN WHICH A JUDGMENT WAS ENTERED, WHETHER BY SETTLEMENT OR ADJUDICATION; AND

(3) THE NUMBER OF CLAIMS MADE BY THE STATE BASED ON ALLEGED VIOLATIONS OF § 2–602(A) OF THIS SUBTITLE THAT ARE SETTLED WITHOUT THE FILING OF A CIVIL ACTION UNDER THIS SUBTITLE.

(B) UNLESS THE ACTION IS UNDER SEAL IN ACCORDANCE WITH § 2–604 OF THIS SUBTITLE, FOR EACH CIVIL ACTION REPORTED UNDER SUBSECTION (A)(1) OR (2) OF THIS SECTION, THE REPORT SHALL STATE:

(1) WHETHER THE ACTION WAS FILED BY THE STATE OR BY A PERSON ON BEHALF OF THE STATE AND, IF FILED BY A PERSON, WHETHER THE STATE INTERVENED AND PROCEEDED WITH THE ACTION;

(2) THE NAME OF THE DEFENDANT;

(3) A DESCRIPTION OF THE VIOLATION OR ALLEGED VIOLATION OF § 2–602 OF THIS SUBTITLE; AND

(4) THE AMOUNT SOUGHT IN THE ACTION AND, IF APPLICABLE, THE AMOUNT FOR WHICH THE DEFENDANT IS LIABLE UNDER A SETTLEMENT AGREEMENT OR COURT ORDER.

(C) FOR EACH CLAIM REPORTED UNDER SUBSECTION (A)(3) OF THIS SECTION, THE REPORT SHALL STATE:

(1) A DESCRIPTION OF THE VIOLATION OR ALLEGED VIOLATION OF § 2–602 OF THIS SUBTITLE;

(2) THE RESOLUTION OF THE CLAIM;

(3) THE AMOUNT, IF ANY, THE PERSON AGAINST WHOM THE CLAIM WAS MADE AGREED TO PAY IN SETTLEMENT OF THE CLAIM; AND

(4) THE AMOUNT, IF ANY, COLLECTED BY THE STATE.".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #21

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 362 – Senator Haines

AN ACT concerning

Agricultural Land Preservation Easements – Residential Uses

SB0362/534030/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 362
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after the second "a" insert "replacement"; in line 7, after "landowner's" insert "own"; in the same line, after "use" insert "under certain circumstances"; and strike beginning with "providing" in line 7 down through "restrictions" in line 8 and substitute "requiring the Foundation to adopt certain regulations".

AMENDMENT NO. 2

On page 4, in line 26, after "Foundation," insert "**AND BASED ON A SHOWING OF A CURRENT COMPELLING NEED,**"; strike beginning with "for" in line 33 down through "houses" in line 34 and substitute "**TO:**

1. ESTABLISH CRITERIA FOR A LANDOWNER TO SHOW THE BASIS OF A CURRENT COMPELLING NEED TO CONSTRUCT A TENANT HOUSE; AND

2. ESTABLISH THE SIZE AND LOCATION OF TENANT HOUSES".

AMENDMENT NO. 3

On page 5, strike beginning with "**SUBJECT**" in line 1 down through "**USE**" in line 5 and substitute "**AFTER OBTAINING APPROVAL FOR THE CONSTRUCTION OF A TENANT HOUSE UNDER PARAGRAPH (4) OF THIS SUBSECTION, A LANDOWNER MAY, INSTEAD OF CONSTRUCTING A NEW TENANT HOUSE, CONVERT AN EXISTING DWELLING HOUSE INTO A TENANT HOUSE AND CONSTRUCT ONE REPLACEMENT DWELLING HOUSE RESTRICTED TO THE LANDOWNER'S OWN USE, SUBJECT TO THE CONDITIONS PROVIDED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH**".

AMENDMENT NO. 4

On page 5, strike beginning with "**A**" in line 6 down through "**SUBSECTION**" in line 9 and substitute "**1. BEFORE A REPLACEMENT DWELLING HOUSE MAY BE CONSTRUCTED UNDER THIS SUBSECTION, THE LANDOWNER SHALL:**

A. OBTAIN THE FOUNDATION'S APPROVAL; AND

B. EXECUTE AN AGREEMENT WITH THE FOUNDATION TO PROHIBIT THE REPLACEMENT DWELLING HOUSE FROM BEING SEPARATELY CONVEYED FROM THE ORIGINAL PARCEL.

2. THE AGREEMENT REQUIRED UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH SHALL BE RECORDED AMONG THE LAND RECORDS IN THE COUNTY WHERE THE LAND UPON WHICH THE REPLACEMENT DWELLING HOUSE IS TO BE LOCATED AND SHALL BIND FUTURE OWNERS OF THE LAND.

3. THE SIZE AND LOCATION OF A REPLACEMENT DWELLING HOUSE CONSTRUCTED IN ACCORDANCE WITH THIS PARAGRAPH SHALL BE SUBJECT TO THE FOUNDATION'S APPROVAL.

4. A REPLACEMENT DWELLING HOUSE CONSTRUCTED IN ACCORDANCE WITH THIS PARAGRAPH SHALL BE TREATED AS A RELOCATED EXISTING DWELLING HOUSE AS DESCRIBED IN PARAGRAPH (8) OF THIS SUBSECTION, BUT IS EXEMPT FROM THE REQUIREMENTS UNDER PARAGRAPH (8)(II) OF THIS SUBSECTION.

(III) THE FOUNDATION SHALL ADOPT REGULATIONS TO ESTABLISH THE SIZE AND LOCATION OF REPLACEMENT DWELLING HOUSES".

AMENDMENT NO. 5

On page 6, in line 18, strike "October" and substitute "July".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 473 – Senators Lenett, Garagiola, Harrington, Jones, Madaleno, Pinsky, Pugh, Raskin, and Rosapepe

AN ACT concerning

Environment – Recycling – Public School Plans

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 516 – Senators Middleton, Colburn, and Glassman

AN ACT concerning

Maryland Organic Transition Investment Pilot Program (MO–TIPP)

SB0516/304333/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 516
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Glassman" and substitute "Glassman, Conway, Dyson, Pinsky, Rosapepe, Lenett, Harrington, Greenip, and Harris".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 553 – Senators Lenett, Brinkley, Colburn, Conway, Currie, Forehand, Frosh, Garagiola, Gladden, Harrington, Harris, Jacobs, Jones, Kasemeyer, Kelley, King, Madaleno, McFadden, Middleton, Miller, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Stoltzfus, Stone, and Zirkin

AN ACT concerning

Chesapeake Bay Phosphorous Reduction Act of 2009

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 554 – Senators Lenett, Conway, Currie, Della, Forehand, Frosh, Garagiola, Gladden, Harrington, Jones, Kasemeyer, Kelley, Klausmeier, Madaleno, McFadden, Miller, Muse, Pinsky, Pugh, Raskin, and Robey

AN ACT concerning

Chesapeake Bay Nitrogen Reduction Act of 2009

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 554
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "system" insert "to service a newly constructed building"; in line 4, after "technology;" insert "prohibiting the repair or replacement of an on–site sewage disposal system in the Chesapeake and Atlantic Coastal Bays Critical Area unless the repaired or replacement on–site sewage disposal system utilizes nitrogen removal technology;"; in line 6, after "costs" insert "under certain circumstances"; in the same line, strike "a"; in the same line, strike "penalty" and substitute "penalties and enforcement mechanisms"; and in the same line, after "violation;" insert "requiring the Department to adopt certain regulations;".

AMENDMENT NO. 2

On page 2, in line 4, strike "**INSTALL**" and substitute "**:**

(1) INSTALL, OR HAVE INSTALLED, ON PROPERTY A PERSON OWNS IN THE STATE,";

in line 5, strike "**IN THE STATE**" and substitute "**TO SERVICE A NEWLY CONSTRUCTED BUILDING,**"; in line 6, after "**TECHNOLOGY**" insert "**; OR**

(2) REPAIR OR REPLACE, OR HAVE REPAIRED OR REPLACED, AN EXISTING ON–SITE SEWAGE DISPOSAL SYSTEM ON PROPERTY A PERSON OWNS IN THE STATE IN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA, UNLESS THE REPAIRED OR REPLACEMENT ON–SITE SEWAGE DISPOSAL SYSTEM UTILIZES NITROGEN REMOVAL TECHNOLOGY".

AMENDMENT NO. 3

On page 2, in line 11, after "**FUND**" insert "**, IF SUFFICIENT FUNDS ARE AVAILABLE**"; in line 12, after "**(D)**" insert "**(1)**"; in the same line, strike "**A**" and substitute "**SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A**"; and strike in their entirety lines 13 and 14 and substitute "**SUBJECT TO THE CIVIL AND ADMINISTRATIVE PENALTIES AND THE ENFORCEMENT MECHANISMS PROVIDED IN §§ 9–334 THROUGH 9–342 OF THIS TITLE.**

(2) THE PENALTIES IMPOSED UNDER THIS SECTION MAY NOT EXCEED $1,000 PER DAY.

(3) EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE UNDER THIS SECTION.

(E) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

(2) THE REGULATIONS ADOPTED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE PROVISIONS TO ENSURE THAT APPROPRIATE MANAGEMENT MEASURES ARE PROVIDED FOR THE OPERATION AND MAINTENANCE OF NITROGEN REMOVAL TECHNOLOGY.".

The preceding 3 amendments were read only.

Senator Stoltzfus moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #13

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 171 – Senators Lenett and Kittleman

AN ACT concerning

Maryland Condominium Act – Closed Meetings of Board of Directors

SB0171/898271/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 171
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "session;" insert "altering certain conditions on which a meeting of a board of directors may be held in closed session; authorizing a board of directors to hold a meeting in closed session in order to discuss an individual owner assessment account;".

AMENDMENT NO. 2

On page 1, in line 21, after "counsel" insert "**ON LEGAL MATTERS**".

AMENDMENT NO. 3

On page 2, in line 1, after "attorneys," insert "**BOARD MEMBERS,**"; in line 2, after "litigation" insert "**OR OTHER LEGAL MATTERS**"; in line 4, strike "**OR**"; and in line 10, strike the period and substitute "**; OR**

(7) DISCUSSION OF INDIVIDUAL OWNER ASSESSMENT ACCOUNTS.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 172 – Senators Lenett and Kittleman

AN ACT concerning

Maryland Homeowners Association Act – Closed Meetings of Homeowners Association

SB0172/228579/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 172
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "session;" insert "altering certain conditions on which a meeting of a governing body or committee of a homeowners association may be held in closed session; authorizing a governing body or committee of a homeowners association to hold a meeting in closed session in order to discuss an individual owner assessment account;".

AMENDMENT NO. 2

On page 2, in line 13, after "counsel" insert "**ON LEGAL MATTERS**"; in line 14, after "attorneys," insert "**BOARD MEMBERS,**"; in line 15, after "litigation" insert "**OR OTHER LEGAL MATTERS**"; in line 20, strike "**OR**"; and in line 26, strike "and" and substitute "**OR**

(VIII) DISCUSSION OF INDIVIDUAL OWNER ASSESSMENT ACCOUNTS; AND".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 541 – Senator Kelley

AN ACT concerning

Common Ownership Communities – Fidelity Insurance

SB0541/438977/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 541
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike "certain governing bodies of".

AMENDMENT NO. 2

On page 2 in line 32, on page 4 in line 4, and on page 5 in line 6, in each instance, strike "**$5,000,000**" and substitute "**$3,000,000**".

AMENDMENT NO. 3

On page 2, in line 7, strike "**CONVEYANCE OF**" and substitute "**SALE OF A COOPERATIVE INTEREST WITH RESPECT TO**"; and in line 12, strike "**BOARD OF DIRECTORS OR OTHER GOVERNING BODY OF A**".

On page 3, in line 9, strike "**5–6B–12(C)**" and substitute "**5–6B–12**"; and in line 19, strike "**COUNCIL OF UNIT OWNERS OR OTHER GOVERNING BODY OF THE**".

On page 4, in line 12, strike "**11–130(C)**" and substitute "**11–130**".

On page 5, in line 15, strike "**11B–115(C)**" and substitute "**11B–115**".

On page 2 in line 15, on page 3 in line 22, and on page 4 in line 24, in each instance, after "**OTHER**" insert "**AGENT OR**".

On page 3 in line 7, on page 4 in line 11, and on page 5 in line 13, in each instance, strike "**FOR ADJUDICATION**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 657 – Senator Peters

AN ACT concerning

Real Property – New Home Sales Contracts – Financing Contingency Clauses

SB0657/658273/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 657

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "include" in line 3 down through "is" in line 4 and substitute "be"; in line 5, after "condition" insert "unless the contract expressly states otherwise"; in line 8, strike "with" and substitute "without"; and after line 12, insert:

"BY adding to
Article – Real Property
Section 14–117(j–1)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 2

On page 2, in line 9, strike the brackets; and strike beginning with the semicolon in line 11 down through "**ACCEPT**" in line 19.

On page 3, after line 9, insert:

"**(J–1) (1) A CONTRACT FOR THE INITIAL SALE OF A NEW HOME, AS DEFINED IN THE MARYLAND HOME BUILDER REGISTRATION ACT, SHALL BE CONTINGENT ON THE PURCHASER OBTAINING A WRITTEN COMMITMENT FOR A LOAN SECURED BY THE PROPERTY, UNLESS THE CONTRACT CONTAINS A PROVISION EXPRESSLY STATING THAT IT IS NOT CONTINGENT.**

(2) IF THE CONTRACT IS CONTINGENT ON THE PURCHASER OBTAINING A WRITTEN COMMITMENT FOR A LOAN SECURED BY THE PROPERTY, THE CONTRACT SHALL STATE THE MAXIMUM LOAN INTEREST RATE THE PURCHASER IS OBLIGATED TO ACCEPT.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 742 – Senator Kelley

AN ACT concerning

Condominiums and Homeowners Associations – Transition of Control

SB0742/728373/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 742
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "time;" insert "requiring a developer before the date of a certain meeting to deliver to each unit owner a certain notice;"; and in line 16, after "time;" insert "requiring a declarant before the date of a certain meeting to deliver to each lot owner a certain notice;".

AMENDMENT NO. 2

On page 2, after line 27, insert:

"**(II) 1. BEFORE THE DATE OF THE MEETING HELD UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE DEVELOPER SHALL DELIVER TO EACH UNIT OWNER NOTICE THAT THE REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH HAVE BEEN MET.**

2. THE NOTICE SHALL INCLUDE THE DATE, TIME, AND PLACE OF THE MEETING TO ELECT THE BOARD OF DIRECTORS FOR THE COUNCIL OF UNIT OWNERS.";

and in lines 28 and 32, strike "**(II)**" and "**(III)**", respectively, and substitute "**(III)**" and "**(IV)**", respectively.

On page 3, in lines 9 and 24, strike "**(IV)**" and "**(V)**", respectively, and substitute "**(V)**" and "**(VI)**", respectively.

On page 6, after line 12, insert:

"**(B) (1) BEFORE THE DATE OF THE MEETING HELD UNDER SUBSECTION (A) OF THIS SECTION, THE DECLARANT SHALL DELIVER TO EACH LOT OWNER NOTICE THAT THE REQUIREMENTS OF SUBSECTION (A) OF THIS SECTION HAVE BEEN MET.**

(2) THE NOTICE SHALL INCLUDE THE DATE, TIME, AND PLACE OF THE MEETING TO ELECT THE GOVERNING BODY OF THE HOMEOWNERS ASSOCIATION.";

and in lines 13 and 17, strike "**(B)**" and "**(C)**", respectively, and substitute "**(C)**" and "**(D)**", respectively.

On page 7, in line 28, strike "**(D)**" and substitute "**(E)**".

On page 8, in line 10, strike "**(E)**" and substitute "**(F)**".

AMENDMENT NO. 3

On page 3 in line 3 and on page 7 in line 19, in each instance, after "**FUNDS**" insert "**, INCLUDING OPERATING FUNDS, REPLACEMENT RESERVES, INVESTMENT ACCOUNTS, AND WORKING CAPITAL**".

On page 3 in line 13 and on page 7 in line 32, in each instance, strike "**OF**" and substitute "**FOR**".

On page 5 in line 22 and on page 7 in line 18, in each instance, after "**EFFECT**" insert "**AND ALL PRIOR INSURANCE POLICIES**".

On page 6, in line 20, strike "**DEED**" and substitute "**DEEDS**"; in line 23, strike the first "**AND**"; in the same line, after "**RESTRICTIONS**" insert "**, AND ANY OTHER RECORDS**".

On page 7, in line 1, after "**POLICIES**" insert "**, RULES,**"; in line 24, strike "**AND**"; and in line 27, after "**VIOLATIONS**" insert "**; AND**

(17) DRAWINGS, ARCHITECTURAL PLANS, OR OTHER SUITABLE DOCUMENTS SETTING FORTH THE NECESSARY INFORMATION FOR LOCATION, MAINTENANCE, AND REPAIRS OF ALL COMMON AREAS".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 806 – Senators Colburn and Brinkley

AN ACT concerning

Business Regulation – Charitable Organizations – Audits and Reviews

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #15

Senator Middleton, Chair, for the Committee on Finance reported favorably:

Senate Bill 123 – Senator Kelley

AN ACT concerning

Unemployment Insurance Benefits – Determination Based on Severance or Dismissal Payments

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 576 – Senators Middleton, Exum, Kelley, Della, and Pugh

AN ACT concerning

Unemployment Insurance – Maximum Benefit – Increase

SB0576/477174/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 576
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Pugh" and substitute "Pugh, and Garagiola".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 590 – Senators Pipkin and Della

AN ACT concerning

Business Regulation – State Amusement Ride Safety Advisory Board – Membership

SB0590/987875/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 590
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after the first "of" insert "altering the membership of the State Amusement Ride Safety Advisory Board;"; and in lines 4 and 5, strike "State Amusement Ride Safety Advisory".

AMENDMENT NO. 2

On page 2, after line 1, insert:

"**(IV) 1 SHALL REPRESENT THE AMUSEMENT RENTAL INDUSTRY;**";

in lines 2 and 3, strike "(iv)" and "(v)", respectively, and substitute "**(V)**" and "**(VI)**", respectively; and in line 3, strike "4" and substitute "**3**".

The preceding 2 amendments were read only.

Senator DeGrange moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 716 – Senators Kelley, Exum, Klausmeier, and Pugh

AN ACT concerning

Long–Term Care Insurance – Qualified State Long–Term Care Insurance Partnership – Revisions

SB0716/797076/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 716
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Insurance –" insert "Annuity Contracts and"; in line 3, strike "– Revisions"; in line 4, after the first "of" insert "authorizing an annuity contract to include a rider or supplemental contract provision that offers a contract holder reimbursement or payment for certain long–term care, under certain circumstances;"; in line 8, after "insurance;" insert "altering a certain definition;"; in line 9, strike "insurance" and substitute "insurance, annuity contracts,"; and after line 10, insert:

"BY repealing and reenacting, without amendments,
Article – Insurance
Section 1–101(a)
Annotated Code of Maryland

(2003 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 1–101(d)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY adding to
Article – Insurance
Section 16–409
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 2
On page 1, after line 19, insert:

"1–101.

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

(d) (1) "Annuity" means an agreement to make periodic payments for which the making or continuance of all or some of a series of the payments, or the amount of a payment, depends on the continuance of a human life.

(2) "Annuity" includes**:**

(I) an additional benefit that operates to safeguard the contract from lapse or to provide a special surrender value, special benefit, or annuity in the event of the total and permanent disability of the holder**; AND**

(II) BENEFITS THAT PROVIDE PAYMENT OR REIMBURSEMENT FOR LONG–TERM HOME HEALTH CARE OR LONG–TERM CARE IN A NURSING HOME OR OTHER RELATED INSTITUTION.

(3) "Annuity" does not include life insurance.

16–409.

AN ANNUITY CONTRACT MAY INCLUDE A RIDER OR SUPPLEMENTAL CONTRACT PROVISION THAT OFFERS A CONTRACT HOLDER REIMBURSEMENT OR PAYMENT FOR LONG–TERM HOME HEALTH CARE OR LONG–TERM CARE IN A NURSING HOME OR OTHER RELATED INSTITUTION:

(1) INSTEAD OF OR IN ADDITION TO THE ANNUITY BENEFITS PAYABLE UNDER THE CONTRACT; OR

(2) INSTEAD OF ALL OR PART OF THE CASH SURRENDER OR OTHER NONFORFEITURE VALUE OF THE CONTRACT.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #16

Senator Middleton, Chair, for the Committee on Finance recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs and the Committee on Finance:

Senate Bill 993 – Senator Klausmeier

AN ACT concerning

Physicians – Outpatient Surgical Services – Hospital Privileges

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs and the Committee on Finance.

THE COMMITTEE ON RULES REPORT #12

Senator Klausmeier, Chair, for the Committee on Rules reported favorably:

House Bill 71 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

Department of Legislative Services – Technical Changes

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 1059 – Chair, Finance Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Cigarette Business Licenses – Cigarette Manufacturers – Definitions and Scope of License

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1060 – Senator Jones (Chair, Joint Committee on the Management of Public Funds) and Senators Currie, Forehand, and Haines

AN ACT concerning

General Obligation Bonds – Method of Sale by Board of Public Works

The bill was re–referred to the Committee on Budget and Taxation.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 350 – Senators Pinsky and Harrington

AN ACT concerning

Municipal Corporations – Annexations – Small Parcels

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

Senator Pinsky moved, duly seconded, to place **Senate Bill 350** back on second reading for the purpose of adding amendments.

The motion was adopted.

STATUS OF BILL: BILL IS ON SECOND READING AND OPEN TO AMENDMENT.

FLOOR AMENDMENT

SB0350/633829/1

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 350
(Bill as Printed for Third Reading)

AMENDMENT NO. 1

On page 1, in line 7, after "Act;" insert "providing that this Act does not apply to land zoned for agricultural use;".

AMENDMENT NO. 2

On page 2, in line 24, after "**(1)**" insert "**THIS SUBSECTION DOES NOT APPLY TO LAND THAT IS ZONED FOR AGRICULTURAL USE.**

(2)".

On page 3, in line 1, strike "**(2)**" and substitute "**(3)**".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 497 – Senator Frosh

AN ACT concerning

Circuit Court Judgeships – Workforce Planning – Counties of Greatest Identified Need

STATUS OF BILL: BILL IS ON SECOND READING AND OPEN TO AMENDMENT.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 42 Members present.

(See Roll Call No. 415)

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 416)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #35

Senate Bill 711 – Senators Mooney, Brinkley, Dyson, and Robey

AN ACT concerning

Trooper Tobin Triebel Life Insurance Memorial Act

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 417)

The Bill was then sent to the House of Delegates.

Senate Bill 712 – Senators Mooney, Brinkley, Dyson, ~~and Robey~~ Robey, Miller, Currie, DeGrange, Edwards, Jones, Kasemeyer, King, McFadden, Munson, Peters, Stoltzfus, and Zirkin

AN ACT concerning

Trooper Tobin Triebel Benefits Memorial Act

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 418)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF BILLS

Senator Pugh moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1063 – Senator Pugh

EMERGENCY BILL

AN ACT concerning

Joint Emergency Medical Services Oversight Committee

FOR the purpose of establishing the Joint Emergency Medical Services Oversight Committee; providing for the composition, terms, and staffing of the Committee; providing for the appointment of alternating chairs of the Committee; specifying the duties of the Committee; requiring the Committee to submit a certain report to the General Assembly on or before a certain date each year; making this Act an emergency measure; providing for the termination of this Act; and generally relating to the Joint Emergency Medical Services Oversight Committee.

BY adding to
Article – State Government
Section 2–10A–13
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

QUORUM CALL

The presiding officer announced a quorum call, showing 45 Members present.

(See Roll Call No. 419)

ADJOURNMENT

At 11:58 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Thursday, March 19, 2009.

Annapolis, Maryland
Thursday, March 19, 2009
10:00 A.M. Session

The Senate met at 10:14 A.M.

Prayer by Pastor Phil Ayers, Covenant United Methodist Church, guest of Senator King.

(See Exhibit A of Appendix III)

The Journal of March 18, 2009 was read and approved.

On motion of Senator Kasemeyer it was ordered that Senators Greenip, Jones and Robey be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 421)

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 614 – Senator Gladden

AN ACT concerning

Transportation – Baltimore Corridor Transit Study – Red Line Area

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0614/557376/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 614
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Gladden" and substitute "Senators Gladden, Jones, and Kelley"; and in line 3, after "Administration" insert ", under certain circumstances,".

AMENDMENT NO. 2

On page 2 in line 22, and on page 3 in line 22, in each instance, after "**IN**" insert "**INVOLUNTARY**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 554 – Senators Lenett, Conway, Currie, Della, Forehand, Frosh, Garagiola, Gladden, Harrington, Jones, Kasemeyer, Kelley, Klausmeier, Madaleno, McFadden, Miller, Muse, Pinsky, Pugh, Raskin, and Robey

AN ACT concerning

Chesapeake Bay Nitrogen Reduction Act of 2009

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0554/324537/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 554
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "system" insert "to service a newly constructed building"; in line 4, after "technology;" insert "prohibiting the repair or replacement of an on–site sewage disposal system in the Chesapeake and Atlantic Coastal Bays Critical Area unless the repaired or replacement on–site sewage disposal system utilizes nitrogen removal technology;"; in line 6, after "costs" insert "under certain circumstances"; in the same line, strike "a"; in the same line, strike "penalty" and

substitute "penalties and enforcement mechanisms"; and in the same line, after "violation;" insert "requiring the Department to adopt certain regulations;".

AMENDMENT NO. 2

On page 2, in line 4, strike "**INSTALL**" and substitute "**:**

(1) INSTALL, OR HAVE INSTALLED, ON PROPERTY A PERSON OWNS IN THE STATE,";

in line 5, strike "**IN THE STATE**" and substitute "**TO SERVICE A NEWLY CONSTRUCTED BUILDING,**"; in line 6, after "**TECHNOLOGY**" insert "**; OR**

(2) REPAIR OR REPLACE, OR HAVE REPAIRED OR REPLACED, AN EXISTING ON–SITE SEWAGE DISPOSAL SYSTEM ON PROPERTY A PERSON OWNS IN THE STATE IN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA, UNLESS THE REPAIRED OR REPLACEMENT ON–SITE SEWAGE DISPOSAL SYSTEM UTILIZES NITROGEN REMOVAL TECHNOLOGY".

AMENDMENT NO. 3

On page 2, in line 11, after "**FUND**" insert "**, IF SUFFICIENT FUNDS ARE AVAILABLE**"; in line 12, after "**(D)**" insert "**(1)**"; in the same line, strike "**A**" and substitute "**SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A**"; and strike in their entirety lines 13 and 14 and substitute "**SUBJECT TO THE CIVIL AND ADMINISTRATIVE PENALTIES AND THE ENFORCEMENT MECHANISMS PROVIDED IN §§ 9–334 THROUGH 9–342 OF THIS TITLE.**

(2) THE PENALTIES IMPOSED UNDER THIS SECTION MAY NOT EXCEED $1,000 PER DAY.

(3) EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE UNDER THIS SECTION.

(E) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

(2) THE REGULATIONS ADOPTED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE PROVISIONS TO ENSURE

THAT APPROPRIATE MANAGEMENT MEASURES ARE PROVIDED FOR THE OPERATION AND MAINTENANCE OF NITROGEN REMOVAL TECHNOLOGY.".

The preceding 3 amendments were read only.

Senator Stoltzfus moved, duly seconded, to make the Bill and Amendments a Special Order for March 24, 2009.

The motion was adopted.

Senate Bill 590 – Senators Pipkin and Della

AN ACT concerning

Business Regulation – State Amusement Ride Safety Advisory Board – Membership

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0590/987875/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 590
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after the first "of" insert "altering the membership of the State Amusement Ride Safety Advisory Board;"; and in lines 4 and 5, strike "State Amusement Ride Safety Advisory".

AMENDMENT NO. 2

On page 2, after line 1, insert:

"**(IV) 1 SHALL REPRESENT THE AMUSEMENT RENTAL INDUSTRY;**";

in lines 2 and 3, strike "(iv)" and "(v)", respectively, and substitute "**(V)**" and "**(VI)**", respectively; and in line 3, strike "4" and substitute "**3**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0590/383526/1

BY: Senator DeGrange

AMENDMENTS TO SENATE BILL 590
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "prohibiting" in line 6 down through "terms;" in line 7.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 18 and 19.

The preceding 2 amendments were read only.

Senator Middleton moved, duly seconded, to make the Bill and Amendments a Special Order for March 20, 2009.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 422)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #36

Senate Bill 187 – Senators Pugh, Conway, Exum, Glassman, Harrington, Lenett, McFadden, Muse, and Peters

AN ACT concerning

State Procurement – ~~Structuring and~~ Bundling of Procurements

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 423)

The Bill was then sent to the House of Delegates.

Senate Bill 205 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Health and Mental Hygiene)

EMERGENCY BILL

AN ACT concerning

State Board of Nursing – Licensing – Licensure by Endorsement – ~~Provisional Practice Permits~~ Temporary Limited Licenses

Read the third time and passed by yeas and nays as follows:

Affirmative – 43 Negative – 0 (See Roll Call No. 424)

The Bill was then sent to the House of Delegates.

Senate Bill 259 – The President (By Request – Administration) (Task Force to Combat Driving Under the Influence of Drugs and Alcohol) and ~~Senator Forehand~~ Senators Forehand, Frosh, Gladden, Brochin, Haines, Jacobs, Mooney, Muse, Raskin, Simonaire, and Stone

AN ACT concerning

Criminal Procedure – Drunk and Drugged Driving – Probation Before Judgment

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 425)

The Bill was then sent to the House of Delegates.

Senate Bill 329 – Senator Colburn

AN ACT concerning

Dorchester County – Bay Restoration Fee – Lien Against Property

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 426)

The Bill was then sent to the House of Delegates.

Senate Bill 373 – Senators Currie, Colburn, Conway, DeGrange, Greenip, Harrington, King, Madaleno, McFadden, Peters, and Robey

AN ACT concerning

Higher Education – ~~Maryland National Guard Members~~ Public Institutions of Higher Education – Nonresident Tuition Exemption

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 427)

The Bill was then sent to the House of Delegates.

Senate Bill 447 – Senators Muse, Frosh, Haines, Mooney, Peters, Raskin, ~~and Stone~~ Stone, Brochin, Forehand, Gladden, Jacobs, and Simonaire

AN ACT concerning

Public Safety – SWAT Team Activation and Deployment – Reports

Read the third time and passed by yeas and nays as follows:

Affirmative – 43 Negative – 0 (See Roll Call No. 428)

The Bill was then sent to the House of Delegates.

Senate Bill 496 – Senators Robey, DeGrange, Garagiola, Glassman, Jacobs, Klausmeier, Madaleno, McFadden, Middleton, Munson, Muse, Peters, Pugh, Raskin, ~~and Zirkin~~ Zirkin, Kittleman, and Stone

AN ACT concerning

Law Enforcement Officers' Pension System – Membership – Retired Pilots with the Maryland State Police

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 429)

The Bill was then sent to the House of Delegates.

Senate Bill 568 – Senators Pugh, Currie, Exum, Gladden, Harrington, Jones, Madaleno, McFadden, Muse, Peters, and Raskin

AN ACT concerning

Minority Business Enterprise Program – Directory of Minority Business Enterprises

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 430)

The Bill was then sent to the House of Delegates.

Senate Bill 626 – Senators Forehand and Garagiola

AN ACT concerning

Corporations – Corporate Documents, Fractional Shares, and Redemption of Stock

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 431)

The Bill was then sent to the House of Delegates.

Senate Bill 670 – Senators Raskin, Kelley, and Stone

AN ACT concerning

Discrimination in Employment – Expansion of Disability Rights

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 432)

The Bill was then sent to the House of Delegates.

Senate Bill 720 – Senator Forehand

AN ACT concerning

Real Estate Investment Trusts – Declaration of Trust and Bylaws

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 433)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #37

Senate Bill 66 – Chair, Budget and Taxation Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Supplemental Retirement Plans and Optional Retirement Program – Employing Institutions – Community Colleges

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 434)

The Bill was then sent to the House of Delegates.

Senate Bill 96 – Chair, Budget and Taxation Committee (By Request – Departmental – Comptroller) and Senator Jones (Chair, Joint Committee on the Management of Public Funds)

AN ACT concerning

Income Tax – Mandatory Income Tax Return Preparer Requirements

Read the third time and passed by yeas and nays as follows:

Affirmative – 36 Negative – 8 (See Roll Call No. 435)

The Bill was then sent to the House of Delegates.

Senate Bill 178 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – ~~Investment Manager Service Fees~~ Investments

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 436)

The Bill was then sent to the House of Delegates.

Senate Bill 269 – The President (By Request – Administration) and Senators Kelley and Middleton

AN ACT concerning

Financial Institutions – Mortgage Lenders and Mortgage Loan Originators

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 437)

The Bill was then sent to the House of Delegates.

Senate Bill 484 – Senators Pipkin and Jacobs

AN ACT concerning

Cecil County – Public Facilities Bond Bill

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 438)

The Bill was then sent to the House of Delegates.

Senate Bill 556 – Senators Jones, Miller, Brinkley, Colburn, Conway, Currie, DeGrange, Exum, Forehand, Frosh, Garagiola, Gladden, Glassman, Greenip, Haines, Harrington, Harris, Jacobs, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Lenett, Madaleno, McFadden, Middleton, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Simonaire, Stoltzfus, Stone, and Zirkin

AN ACT concerning

State Funding Accountability Act

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 439)

The Bill was then sent to the House of Delegates.

Senate Bill 574 – Senators Stoltzfus and Colburn

AN ACT concerning

Wicomico County – Annual Financial Report – Filing Date

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 440)

The Bill was then sent to the House of Delegates.

Senate Bill 593 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Board of Trustees – Attendance and Educational Training

Read the third time and passed by yeas and nays as follows:

Affirmative – 42 Negative – 2 (See Roll Call No. 441)

The Bill was then sent to the House of Delegates.

Senate Bill 651 – Senator Edwards

AN ACT concerning

Garrett County – Code of Ordinances – Natural Gas

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 442)

The Bill was then sent to the House of Delegates.

Senate Bill 779 – Carroll County Senators

AN ACT concerning

Carroll County – Public Facilities Bonds

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 443)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #14

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 299 – Senator Simonaire

AN ACT concerning

Child Custody and Visitation – Relocation of Child – Consent and Court Approval

SB0299/528274/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 299
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 4 down through "requirements" in line 10 and substitute "increasing the period of time, for purposes of a certain condition of certain custody or visitation orders, during which a notice of an intent to relocate must be provided; requiring a court to set, on an expedited basis, a hearing on a petition regarding a proposed relocation that is filed within a certain period of time of a certain notice".

AMENDMENT NO. 2

On pages 1 and 2, strike the lines beginning with line 21 on page 1 down through line 33 on page 2, inclusive, and substitute:

"(a) (1) Except as provided in subsection (b) of this section, in any custody or visitation proceeding the court may include as a condition of a custody or visitation order a requirement that either party provide advance written notice of at least **[**45**]** **90** days to the court, the other party, or both, of the intent to relocate the permanent residence of the party or the child either within or outside the State.

(2) The court may prescribe the form and content of the notice requirement.

(3) If the court orders that notice be given to the other party, a mailing of the notice by certified mail, return receipt requested, to the last known address of the other party shall be deemed sufficient to comply with the notice requirement.

(4) IF EITHER PARTY FILES A PETITION REGARDING A PROPOSED RELOCATION WITHIN 20 DAYS OF THE WRITTEN NOTICE OF THE RELOCATION REQUIRED BY PARAGRAPH (1) OF THIS SUBSECTION, THE COURT SHALL SET A HEARING ON THE PETITION ON AN EXPEDITED BASIS.

(b) On a showing that notice would expose the child or either party to abuse as defined in § 4–501 of this article or for any other good cause the court shall waive the notice required by this section.

(c) If either party is required to relocate in less than the **[**45–day**]** **90–DAY** period specified in the notice requirement, the court may consider as a defense to any action brought for a violation of **[**such**]** **THE** notice requirement that:

(1) relocation was necessary due to financial or other extenuating circumstances; and

(2) the required notice was given within a reasonable time after learning of the necessity to relocate.

(d) The court may consider any violation of the notice requirement as a factor in determining the merits of any subsequent proceeding involving custody or visitation.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0299/553821/1

BY: Senator Simonaire

AMENDMENT TO SENATE BILL 299
(First Reading File Bill)

On page 1, in lines 2 and 3, strike "– Consent and Court Approval".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 468 – Senators Stone and Zirkin

AN ACT concerning

Courts – Jury Trials in Civil Actions – Amount in Controversy

SB0468/138673/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 468
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Zirkin" and substitute ", Zirkin, Forehand, Frosh, Garagiola, and Gladden".

The preceding amendment was read only.

Senator Harris moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 469 – Senators Stone and Zirkin

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Civil Jury Trials – Amount in Controversy

SB0469/628472/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 469
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Zirkin" and substitute ", Zirkin, Forehand, Frosh, Garagiola, and Gladden".

The preceding amendment was read only.

Senator Harris moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 634 – Senators Pugh, Glassman, Haines, Klausmeier, and Stone

AN ACT concerning

Professional Corporations – Professional Services – Multiple Professions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 643 – Senators Brochin, Klausmeier, and Simonaire

AN ACT concerning

Estates – Disqualification of Persons Convicted of Unlawfully Obtaining Property from Vulnerable Adults

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE FROM THE EXECUTIVE

The Secretary of State appeared and delivered a Message from the Executive.

March 18, 2009

The Honorable Thomas V. Mike Miller, Jr.
President
Maryland State Senate
State House
Annapolis, Maryland 21401

Dear Mr. President:

I am pleased to submit the following appointment nominations for confirmation by the Maryland State Senate. These individuals bring exceptional knowledge and ability to the offices for which they have been nominated. I am confident they will provide the strength of experience and leadership to instill confidence among our citizens, and ensure we succeed in our goals for Marylanders.

I look forward to your favorable approval of these nominees. Thank you for your assistance and support.

Sincerely,

Governor

GUBERNATORIAL APPOINTMENTS TO STATEWIDE BOARDS
REQUIRING CONFIRMATION
2009 SESSION OF THE MARYLAND GENERAL ASSEMBLY

CRIMINAL INJURIES COMPENSATION BOARD	
Sandy A. Roberts 12605 Pleasant Prospect Road Mitchellville, Maryland 20721 Prince George's/23	Reappointment Chair Term of 5 years from July 1, 2008
Steven J. Kelly 14004 Fox Land Road Phoenix, Maryland 21131 Baltimore County/07	Appointment Member Remainder of a term of 5 years from July 1, 2004 and a term of 5 years from July 1, 2009

John W. Derr 4601 Deer Spring Road P.O. Box 759 Braddock Heights, Maryland 21714 Frederick/03	Reappointment Member Term of 5 years from July 1, 2007
FORESTERS, STATE BOARD OF	
Daniel R. Rider 2051 Old Field Road Church Creek, Maryland 21622 Dorchester/37	Appointment Forester Term of 5 years from July 1, 2008
Wade R. Dorsey, Jr. 117 Mary Court La Vale, Maryland 21502 Allegany/01	Reappointment Forester Term of 5 years from July 1, 2009
REAL ESTATE APPRAISERS AND HOME INSPECTORS, STATE COMMISSION OF	
Nathaniel W. Hauser 3729 Chatham Road Ellicott City, Maryland 21042 Howard/09	Appointment General Appraiser Remainder of a term of 3 years from January 1, 2008
SOCIAL WORK EXAMINERS, STATE BOARD OF	
Stephanie Andrews 8013 Mapleville Road Boonsboro, Maryland 21713 Washington/02	Appointment LSW – DHR Remainder of a term of 4 years from July 1, 2005 and a term of 4 years from July 1, 2009

GUBERNATORIAL APPOINTMENTS TO LOCAL BOARDS
REQUIRING CONFIRMATION
2009 SESSION OF THE MARYLAND GENERAL ASSEMBLY

HOWARD COMMUNITY COLLEGE BOARD OF TRUSTEES	
Mary Speake Esmond 15000 Scottswood Court Woodbine, Maryland 21797 Howard/09	Appointment Member Term of 6 years from July 1, 2009

The Message from the Executive, being of an Executive nature, was referred to the Committee on Executive Nominations.

MOTION

Senator Kelley moved, duly seconded, that the Senate receive in Open Session the following Report from the Committee on Executive Nominations.

The motion was adopted.

The Senate Executive Nominations Committee reports favorably on the attached gubernatorial appointments and recommends that the Senate of Maryland advise and consent to these appointments.

Delores G. Kelley
Chair

Senate Executive Nominations Committee
Report #6
March 19, 2009

Apprenticeship and Training Council

1. Michelle L. Butt — District 9
11464 Old Frederick Road
Marriottsville, MD 21104

Member of the Apprenticeship and Training Council; reappointed to serve a term of four years from July 1, 2007

Aviation Commission, Maryland

2. Michele Ryan — District 33
910 Boom Way
Annapolis, MD 21401

Member of the Maryland Aviation Commission; appointed to serve remainder of a term of three years from October 1, 2006 and a term of three years from October 1, 2009

Chesapeake and Atlantic Coastal Bays, Critical Area Commission for the

3. Judith M. Cox — District 34
P.O. Box 460
Rising Sun, MD 21911

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; reappointed to serve a term of four years from July 1, 2006

Education, State Board of

4. Sylvester J. Gates, Jr. — District 25
11527 Lottsford Terrace
Mitchellville, MD 20721

Member of the State Board of Education; appointed to serve a term of four years from July 1, 2009

5. Madhu Sidhu — District 36
105 Cedar Street
Chestertown, MD 21620

Member of the State Board of Education; appointed to serve a term of four years from July 1, 2009

6. Guffrie M. Smith, Jr. — District 29
100 David Gray Road, P.O.Box 43
St. Leonard, MD 20685

Member of the State Board of Education; appointed to serve a term of four years from July 1, 2009

Emergency Number Systems Board

7. David H. Balthis — District 12
5100 Durham Road West
Columbia, MD 21044

Member of the Emergency Number Systems Board; reappointed to serve a term of four years from July 1, 2009

8. Andrew M. Johnston — District 3
6735 Springhill Drive
Frederick, MD 21702

Member of the Emergency Number Systems Board; reappointed to serve a term of four years from July 1, 2009

9. Brian Josef — District 16
2 Magic Mountain Court
Bethesda, MD 20852

Member of the Emergency Number Systems Board; appointed to serve remainder of a term of four years from July 1, 2008

10. William M. Pallozzi — District 9
4309 College Avenue
Ellicott City, MD 21043

Member of the Emergency Number Systems Board; appointed to serve a term of four years from July 1, 2009

Handgun Roster Board

11. Jonathan Gray Newell District 36
15218 Westbridge Court
Henderson, MD 21640

Member of the Handgun Roster Board; appointed to serve a term of four years from December 8, 2008

Health Care Commission, Maryland

12. John E. Fleig, Jr. District 27
1120 Jewell Road
Dunkirk, MD 20754

Member of the Maryland Health Care Commission; appointed to serve a term of four years from October 1, 2008

13. Kenny W. Kan District 13
12823 Macbeth Farm Lane
Clarksville, MD 21029

Member of the Maryland Health Care Commission; appointed to serve a term of four years from October 1, 2008

Historical Trust, Board of Trustees of the Maryland

14. Martin Peter Azola District 42
1097 West Lake Avenue
Baltimore, MD 21210

Member of the Board of Trustees of the Maryland Historical Trust; reappointed to serve a term of four years from July 1, 2009

15. Howard A. Buchanan District 1
1014 Dent Lane
Cumberland, MD 21502

Member of the Board of Trustees of the Maryland Historical Trust; reappointed to serve a term of four years from July 1, 2009

16. Monica Wharton Szollos District 12
4905 Lee Farm Court
Ellicott City, MD 21043

Member of the Board of Trustees of the Maryland Historical Trust; appointed to serve remainder of a term of four years from July 1, 2008

Infants and Toddlers, Interagency Coordinating Council for

17. Erin Stauder District 12
303 Oak Forest Avenue
Catonsville, MD 21228

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve remainder of a term of three years from July 1, 2007

Judicial Disabilities, Commission on

18. Susan J. Matlick District 13
6896 Mink Hollow Road
Highland, MD 20777

Member of the Commission on Judicial Disabilities; appointed to serve remainder of a term of four years from January 1, 2008

Land Reclamation Committee

19. James C. Ashby District 1
1236 E. State Street
Oakland, MD 21550

Member of the Land Reclamation Committee; appointed to serve remainder of a term of three years from July 1, 2008

20. Timothy B. Schwinabart District 1
664 Pine Tree Point Road
Swanton, MD 21561

Member of the Land Reclamation Committee; reappointed to serve a term of three years from July 1, 2008

Maryland Affordable Housing Trust, Board of Trustees

21. Alice G. Pinderhughes, Esq. District 40
3521 Hilton Road
Baltimore, MD 21215

Member of the Maryland Affordable Housing Trust Board of Trustees; reappointed to serve a term of four years from October 1, 2008

Maryland Legal Services Corporation Board of Directors

22. Robert B. Kershaw — District 40
1314 Bolton Street
Baltimore, MD 21217

Member of the Maryland Legal Services Corporation Board of Directors; reappointed to serve a term of three years from July 1, 2009

Parole Commission, Maryland

23. Thomas E. Riggin — District 32
8000 Nolcrest Road
Glen Burnie, MD 21061

Member of the Maryland Parole Commission; appointed to serve a term of six years from January 1, 2009

Physicians, State Board of

24. Susan T. Strahan, M.D. — District 41
5512 Woodlawn Road
Baltimore, MD 21210

Member of the State Board of Physicians; reappointed to serve a term of four years from July 1, 2008

Professional Land Surveyors, State Board for

25. Thomas M. Orisich — District 5
1 Collingwood Garth
Phoenix, MD 21131

Member of the State Board for Professional Land Surveyors; reappointed to serve a term of five years from July 1, 2009

Real Estate Appraisers and Home Inspectors, State Commission of

26. Christopher M. Pirtle — District 20
1020 Heartfields Drive
Silver Spring, MD 20904

Member of the State Commission of Real Estate Appraisers and Home Inspectors; appointed to serve a term of three years from January 1, 2009

Real Estate Commission, State

27. Robin L. Pirtle — District 20
1020 Heartsfields Drive
Silver Spring, MD 20904

Member of the State Real Estate Commission; appointed to serve remainder of a term of four years from June 1, 2008

28. Nancy Rothwell Simpers — District 36
584 Kirk Road
Elkton, MD 21921

Member of the State Real Estate Commission; reappointed to serve a term of four years from June 1, 2009

Statewide Nominees

Please Note: Statewide nominees who, in accordance with the policies adopted by the Senate Executive Nominations Committee, are not required to appear before the committee.

Community Health Resources Commission, Maryland

S–1. Judith Lea Boyer–Patrick, M.D. — District 9
12118 Mount Albert Road
Ellicott City, MD 21042

Member of the Maryland Community Health Resources Commission; reappointed to serve a term to expire June 30, 2011

S–2. Kendall D. Hunter — District 16
8220 Coach Street
Potomac, MD 20854

Member of the Maryland Community Health Resources Commission; reappointed to serve a term to expire June 30, 2010

S–3. John Adams Hurson, Esquire — District 18
3221 Farmington Drive
Chevy Chase, MD 20815

Member of the Maryland Community Health Resources Commission; reappointed to serve a term to expire June 30, 2013

S–4. Paula Brooks McClellan — District 9
4533 Doncaster Drive
Ellicott City, MD 21043

Member of the Maryland Community Health Resources Commission; reappointed to serve a term to expire June 30, 2012

S–5. Margaret A. Murray District 33
739 Governor Bridge Road
Davidsonville, MD 21035

Member of the Maryland Community Health Resources Commission; reappointed to serve a term to expire June 30, 2012

S–6. Karla Ruhe Roskos District 21
8608 Wandering Fox Trail #201
Odenton, MD 21113

Member of the Maryland Community Health Resources Commission; reappointed to serve a term to expire June 30, 2013

S–7. Maria Harris Tildon District 41
5616 Cross Country Boulevard
Baltimore, MD 21209

Member of the Maryland Community Health Resources Commission; reappointed to serve a term to expire June 30, 2011

S–8. Douglas H. Wilson, Ph.D. District 37
28131 Pathfinder Court
Salisbury, MD 21801

Member of the Maryland Community Health Resources Commission; reappointed to serve a term to expire June 30, 2012

S–9. John L. Young, M.D. District 15
10410 Willowbrook Drive
Potomac, MD 20854

Member of the Maryland Community Health Resources Commission; reappointed to serve a term to expire June 30, 2010

Emergency Number Systems Board

S–10. Susan Elaine Greentree District 30
257 Overleaf Drive
Arnold, MD 21012

Member of the Emergency Number Systems Board; reappointed to serve a term of four years from July 1, 2009

Environmental Sanitarian Registration, State Board of

S–11. Gail Lynn Kelley District 36
8217 Detour Road
Denton, MD 21629

Member of the State Board of Environmental Sanitarian Registration; reappointed to serve a term of five years from July 1, 2009

S–12. Robert W. Sheesley District 9
8354 Chestnut Farm Lane
Ellicott City, MD 21043

Member of the State Board of Environmental Sanitarian Registration; reappointed to serve a term of five years from July 1, 2009

Health Care Commission, Maryland

S–13. Roscoe M. Moore, Jr., D.V.M. District 19
14315 Arctic Avenue
Rockville, MD 20853

Member of the Maryland Health Care Commission; reappointed to serve a term of four years from October 1, 2008

Maryland Legal Services Corporation Board of Directors

S–14. F. Vernon Boozer District 5
1106 Lower Glencoe Road
Sparks, MD 21152

Member of the Maryland Legal Services Corporation Board of Directors; reappointed to serve a term of three years from July 1, 2009

S–15. Derrick L. Richardson District 24
5268 Marlboro Pike, #404
Capitol Heights, MD 20743

Member of the Maryland Legal Services Corporation Board of Directors; reappointed to serve a term of three years from July 1, 2009

Master Electricians, State Board of

S–16. Frank M. Mancini District 36
24296 E. Cherry Lane
Goldsboro, MD 21636

Member of the State Board of Master Electricians; reappointed to serve a term of three years from July 1, 2009

Nursing Home Administrators, State Board of Examiners of

S–17. ChanSu Chong District 12
7635–B Stony Creek Lane
Ellicott City, MD 21043

Member of the State Board of Examiners of Nursing Home Administrators; reappointed to serve a term of four years from April 22, 2009

Professional Land Surveyors, State Board for

S–18. Joan G. Dunne District 11
8516 Valley Road West
Lutherville, MD 21093

Member of the State Board for Professional Land Surveyors; reappointed to serve a term of five years from July 1, 2009

Stationary Engineers, State Board of

S–19. Andrew A. Howard District 34
1200 Oreganum Court
Belcamp, MD 21017

Member of the State Board of Stationary Engineers; reappointed to serve a term of three years from July 1, 2009

S–20. Gregory A. Restivo District 13
8228 Styers Court
Laurel, MD 20723

Member of the State Board of Stationary Engineers; reappointed to serve a term of three years from July 1, 2009

Local Nominees

Please Note: Local Nominees are not required to appear before the Senate Executive Nominations Committee.

Somerset County Board of County Commissioners

L–1. James E. East District 38
33123 Costen Road
Pocomoke, MD 21851

Member of the Somerset County Board of County Commissioners; appointed to serve remainder of a term of four years from the General Election of November, 2006

Senator Kelley moved, duly seconded, to make the Report a Special Order for March 20, 2009.

The motion was adopted.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 180 – Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Authority of Mayor to Remove Police Commissioner

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 173 – Senators Kelley, Conway, Currie, Della, Exum, Forehand, Frosh, Klausmeier, Kramer, Madaleno, Munson, Peters, Pugh, Raskin, and Robey

AN ACT concerning

Health Insurance – Mandated Benefits – Hospitalization and Home Visits Following a Mastectomy

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0173/547775/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 173
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Robey" and substitute "Robey, Garagiola, Glassman, and Middleton"; strike beginning with "imposing" in line 16 down through "or" in line 17; in line 18, strike "except under certain circumstances"; and in line 20, strike "certain terms" and substitute "a certain term".

AMENDMENT NO. 2

On page 3, in line 6, strike "**(1)**"; and strike beginning with the first "**THE**" in line 6 down through "**MEANS**" in line 12 and substitute "**, "MASTECTOMY" MEANS**".

AMENDMENT NO. 3

On page 4, strike beginning with "**(1)**" in line 22 down through "**(II)**" in line 27 and substitute "**AN ENTITY SUBJECT TO THIS SECTION MAY NOT**".

On pages 4 and 5, strike in their entirety the lines beginning with line 30 on page 4 through line 2 on page 5, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0173/633220/1

BY: Senator Harris

AMENDMENT TO SENATE BILL 173, AS AMENDED

In the Finance Committee Amendments (SB0173/547775/1), in line 2 of Amendment No. 1, strike "and Middleton" and substitute "Middleton, and Harris".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 5 – Senator Harrington

AN ACT concerning

Assisted Housing – Protected Actions – Extended Leases for Seniors

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0005/904935/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 5
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "for Seniors"; strike beginning with "an" in line 5 down through "age" in line 6 and substitute "a certain individual"; strike beginning with "an" in line 8 down through "age" in line 9 and substitute "a certain individual"; in line 9, after "changes;" insert "providing for the application of this Act;"; and in line 10, strike "seniors" and substitute "certain individuals".

AMENDMENT NO. 2

On page 3, in lines 19 and 26, in each instance, strike "**§ 7–213(1)(I)**" and substitute "**§ 7–213(1)**".

AMENDMENT NO. 3

On page 4, after line 8, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed prospectively to apply only to an owner who takes title to an assisted project on or after the effective date of this Act.";

and in line 9, strike "2." and substitute "3.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted by a roll call vote as follows:

Affirmative – 22 Negative – 20 (See Roll Call No. 444)

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF BILLS

Senator Middleton moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1064 – Chair, Finance Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Medicaid State Plan Amendments – Medical Assistance Program Reimbursements

FOR the purpose of clarifying the circumstances under which Maryland Medical Assistance Program providers and recipients may seek payment for invoices and other claims within a certain period of time; specifying procedures for seeking reimbursement of certain recipient claims; establishing the effective date of Medicaid State Plan Amendments; reaffirming the Program's continuing immunity with respect to certain retroactive recipient claims for which no payment may be made; establishing procedures for securing consideration of certain deductions relating to medical expenses incurred by a recipient; providing that the failure to adhere to certain procedures gives rise to a waiver of certain claims and deductions; providing for the application of this Act; and generally relating to the implementation of Medicaid State Plan Amendments and permitted reimbursements under the Medical Assistance Program.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–105(b) and (c)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Health – General
Section 15–134(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article – Health – General

Section 5–134(d) and (e)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Senator Middleton moved to suspend the rules to allow **Senate Bill 1064** to be referred immediately.

The motion was adopted.

Read the first time and referred to the Committee on Finance.

Senator Frosh moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1065 – Senator Frosh

AN ACT concerning

Standing – Miscellaneous Environmental Protection Proceedings and Judicial Review

FOR the purpose of repealing certain contested case hearing provisions related to permitting decisions by the Department of the Environment; authorizing judicial review of certain permitting and license decisions by the Department at the request of certain persons who meet certain federal standing requirements and participate in a certain public participation process; establishing that under certain circumstances judicial review is available and a contested case hearing is prohibited; providing for the scope of judicial review; requiring a certain petition for judicial review to be filed with a certain circuit court; establishing procedures for filing a petition for judicial review; altering certain temporary stay provisions; establishing the contents of a certain record; requiring a certain extension of certain public comment periods on a certain request; authorizing certain persons who meet certain federal standing requirements to participate in a certain proceeding and certain judicial actions regarding variances to certain Critical Area requirements; providing for the application of this Act; making the provisions of this Act severable; providing for a delayed effective date; making conforming changes; and generally relating to standing in certain environmental protection proceedings and certain judicial actions.

BY repealing and reenacting, without amendments,
Article – Environment
Section 1–101(b) and 16–202(a), (b), and (c)(1)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 1–601, 1–603(d)(1), 1–605, 5–204, 14–105(b), 15–810(e), 15–813(g), 16–204, and 16–307(d)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY repealing
Article – Environment
Section 1–606
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY adding to
Article – Environment
Section 1–606
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 8–1808(d)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

Senator DeGrange moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1066 – Senators DeGrange and Kasemeyer

AN ACT concerning

Public–Private Partnerships – Authorization and Oversight

FOR the purpose of authorizing the Department of General Services, the State Department of Transportation, and the Maryland Transportation Authority to enter into certain agreements related to soliciting and entering into certain public–private partnerships after providing certain notice and opportunity for review and comment; requiring certain contracting agencies to submit to certain budget committees, at least a certain number of days before entering into a solicitation of a public–private partnership, a certain preliminary project plan; requiring certain contracting agencies to submit certain information and a certain pro forma analysis to certain budget committees at least a certain

number of days before entering into a master development agreement for a public–private partnership; requiring the pro forma analysis, containing certain information, to be submitted to the Department of Legislative Services in certain formats; requiring certain contracting agencies to report to certain budget committees of the General Assembly each year on or before a certain date; altering the authority of the Maryland Transportation Authority to enter into certain public–private partnerships; prohibiting the Board of Public Works from approving a certain master development agreement for certain State facilities located in Baltimore City; requiring the Department of General Services to report to the General Assembly on or before a certain date; defining certain terms; and generally relating to the authority to solicit and enter into and oversee certain public–private partnerships.

BY adding to
Article – State Finance and Procurement
Section 10A–101 to be under the new title "Title 10A. Public–Private Partnerships"
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 4–205(c)(1)
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing
Article – Transportation
Section 4–205(c)(3)
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Rules.

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 445)

ADJOURNMENT

At 11:34 A.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 11:00 A.M. on Friday, March 20, 2009.

Annapolis, Maryland
Friday, March 20, 2009
11:00 A.M. Session

The Senate met at 11:09 A.M.

Prayer by Rabbi Philip Pohl, Congregation Kol Shalom, guest of Senator Astle.

(See Exhibit A of Appendix III)

The Journal of March 19, 2009 was read and approved.

On motion of Senator Kasemeyer it was ordered that Senators Mr. President, Forehand and Robey be excused from today's session.

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 447)

INTRODUCTION OF RESOLUTIONS

(See Exhibit B of Appendix III)

Recipient	Sponsor	Resolution No.
College of Southern Maryland	Senator Thomas M. Middleton	467

Read and adopted by a roll call vote as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 448)

Recipient	Sponsor	Resolution No.
Joseph F. Shannon Jr.	Senator Thomas M. Middleton	468

Read and adopted by a roll call vote as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 449)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 43 – Delegates Haddaway and Eckardt

AN ACT concerning

Talbot County – School Buses – Length of Operation

FOR the purpose of altering the length of time a school bus may be operated in Talbot County; and generally relating to school bus operation in Talbot County.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–804
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 110 – Delegates Eckardt, Cane, and Haddaway

AN ACT concerning

Dorchester County – School Bus Length of Operation – Sunset Repeal

FOR the purpose of repealing the termination date for a provision of law that alters the length of time a school bus may be operated in Dorchester County; and generally relating to school buses in Dorchester County.

BY repealing and reenacting, with amendments,
Chapter 637 of the Acts of the General Assembly of 2008
Section 2

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 112 – Delegates Eckardt, Cane, and Haddaway

AN ACT concerning

Dorchester County Board of Education – Annual Election of Board Officers

FOR the purpose of altering the date of the annual election of officers of the Dorchester County Board of Education; and generally relating to the date of the annual election of officers of the Dorchester County Board of Education.

BY repealing and reenacting, without amendments,
Article – Education
Section 3–5A–01(a) through (d)
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Education
Section 3–5A–03
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 193 – Delegates Love and Kullen

AN ACT concerning

Gaming – Instant Bingo – Extension of Sunset

FOR the purpose of extending the termination date for the authority for the operation of certain instant bingo games using electronic machines; ~~repealing a certain obsolete requirement;~~ and generally relating to instant bingo operations.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 12–301
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Chapter 474 of the Acts of the General Assembly of 2008
Section 2

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 317 – The Speaker (By Request – Administration) and Delegates Kramer, Ali, Barkley, Barnes, Bobo, Bronrott, Conaway, Dumais, Dwyer, Frank, Heller, Hucker, Jennings, Kaiser, Kelly, Lee, Levi, Manno, McComas, McConkey, McDonough, Miller, Niemann, Ramirez, Reznik, Rice, Rosenberg, Rudolph, Schuler, Shewell, Simmons, Smigiel, Sophocleus, Taylor, Valderrama, ~~and Waldstreicher~~ Waldstreicher,

Aumann, Bartlett, Beidle, Boteler, Carr, DeBoy, George, Glenn, Hecht, Jameson, Kach, Krebs, Levy, Love, Minnick, Nathan–Pulliam, Norman, Riley, Robinson, Serafini, Shank, Stocksdale, Stull, F. Turner, Walkup, and Weir

AN ACT concerning

Silver Alert Program – Establishment

FOR the purpose of requiring the Department of State Police to establish a Silver Alert Program to disseminate information to assist in locating certain missing persons who suffer certain impairments; requiring the Department to adopt guidelines and develop procedures for issuing a Silver Alert for a certain missing person; requiring the Department to provide training to local law enforcement agencies on the guidelines and procedures to be used to handle a report of a certain missing person; requiring the Department to provide assistance to a local law enforcement agency as necessary to assist in the safe recovery of certain missing persons; requiring the Department to recruit certain persons to assist in developing and implementing the Silver Alert Program; requiring the Department to consult with the State Highway Administration to establish a certain plan for providing information to the public; requiring the Department to consult with the State ~~Board~~ Department of Education to develop a program ~~to allow high school students to assist in the search for a missing person and receive student service credit~~ that meets certain requirements; requiring a certain person to notify a certain local law enforcement agency and the Department regarding certain information under certain circumstances; defining certain terms; making this Act subject to a certain contingency; and generally relating to the establishment of a Silver Alert Program.

BY adding to
Article – Public Safety
Section 3–604
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 493 – Delegates Doory, Barve, Cardin, and Feldman

AN ACT concerning

Biotechnology Investment Incentive Tax Credit

FOR the purpose of altering the definition of "qualified investor" under a certain tax credit allowed for certain investments in certain biotechnology companies; clarifying the taxable year for which the credit may be claimed; repealing

certain obsolete language; altering a certain applicability provision; clarifying certain provisions requiring the recapture of the credit under certain circumstances; and generally relating to a certain tax credit allowed for certain investments in certain biotechnology companies.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–725(a)(6)(i), (b)(1), and (f)(1) and (2)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing
Article – Tax – General
Section 10–725(e)(3)(vii)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Chapter 518 of the Acts of the General Assembly of 2008
Section 2

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 542 – Delegates Simmons and Waldstreicher

AN ACT concerning

Criminal Law – Human Trafficking – Inducing or Enticing

FOR the purpose of altering a provision of law prohibiting a person from knowingly persuading or encouraging another by threat or promise to be taken to or placed in any place for prostitution to prohibit a person from knowingly persuading, inducing, enticing, or encouraging another to be taken to or placed in any place for prostitution; applying certain penalties; and generally relating to human trafficking.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 11–303
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 549 – Delegate Bromwell (By Request – Baltimore County Administration) and Delegates Aumann, Boteler, Cardin, DeBoy,

Frank, Impallaria, Jones, Lafferty, Malone, McDonough, Minnick, Olszewski, Stein, and Weir

AN ACT concerning

Baltimore County – Prospective Employees and Volunteers – Criminal History Records Check

FOR the purpose of authorizing the County Administrative Officer of Baltimore County or a certain designee of the officer to request from the Central Repository a State and national criminal history records check for a prospective ~~or current~~ employee or volunteer of Baltimore County; requiring that the officer or designee of the officer submit certain sets of fingerprints and fees to the Central Repository as part of the application for a criminal history records check; requiring the Central Repository to forward to the prospective ~~or current~~ employee or volunteer and the officer or designee of the officer the prospective ~~or current~~ employee's or volunteer's criminal history record information under certain circumstances; establishing that information obtained from the Central Repository under this Act is confidential, may not be redisseminated, and may be used only for certain purposes; authorizing the subjects of a criminal history records check under this Act to contest the contents of a certain printed statement issued by the Central Repository; requiring the governing body of Baltimore County to adopt guidelines to carry out this Act; defining a certain term; and generally relating to criminal history records checks in Baltimore County.

BY adding to
Article – Criminal Procedure
Section 10–231.1
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 550 – Delegates Kelly, Simmons, and Smigiel

AN ACT concerning

Special Police Commissions – Recommended Denial of Application – Appeals

FOR the purpose of requiring the Secretary of State Police, on completion of a certain investigation of an applicant for a special police commission, to notify the applicant of the final decision of the Secretary on whether to recommend the denial or the granting of the application to the Governor; authorizing any person aggrieved by a final decision of the Secretary to take an appeal as a contested case in accordance with the Administrative Procedures Act; requiring the Secretary to transmit to the Governor the final disposition of any appeal

made by a person aggrieved by a certain decision; and generally relating to special police commissions.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–305
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 3–306
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 10–202(a) and (d)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 582 – Delegates Carter, McComas, McConkey, and Vallario

AN ACT concerning

Estates and Trusts – Real and Leasehold Property – Valuation

FOR the purpose of allowing real and leasehold property included in an estate to be valued at the contract sales price for the property under certain circumstances; making technical changes; and generally relating to valuation of real and leasehold property included in an estate.

BY repealing and reenacting, without amendments,
Article – Estates and Trusts
Section 7–202(a) and (b)
Annotated Code of Maryland
(2001 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 7–202(c)
Annotated Code of Maryland
(2001 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 583 – Delegates Kramer, Ali, Barkley, Heller, Kelly, Levi, Manno, McComas, Ramirez, Reznik, Rice, Shank, Simmons, Smigiel, and Valderrama

AN ACT concerning

Crimes – Financial Exploitation of Elderly – Penalty

FOR the purpose of prohibiting a person from knowingly and willfully obtaining by deception, intimidation, or undue influence the property of an individual that the person knows or reasonably should know is of at least a certain age, with intent to deprive the individual of the individual's property; altering a certain definition of "undue influence" to include the exercise, under certain circumstances, of certain dominion and influence over an individual of at least a certain age; applying certain penalties; making conforming changes; and generally relating to the financial exploitation of the elderly.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 8–801
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 587 – Delegates Kaiser, Barkley, Cardin, Manno, Olszewski, Schuh, and V. Turner

AN ACT concerning

Education – Teacher Identification Number

FOR the purpose of authorizing the State Department of Education to assign a unique identification number to each teacher employed in the public schools in the State; requiring that the identification number meet certain requirements; limiting the use of the teacher identification number to certain educational purposes; and generally relating to assigning an identification number to school teachers.

BY adding to
Article – Education
Section 6–115
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 588 – Delegates Kaiser, Cardin, and Olszewski

AN ACT concerning

Education – Public Schools – Standardized Course Numbering System

FOR the purpose of authorizing the State Department of Education to develop a standardized course numbering system to facilitate the collection of data on student participation in courses offered in the public schools; authorizing each county school system to adopt the standardized course numbering system on a voluntary basis; requiring a certain county school system to provide a translation of course numbers under certain circumstances; and generally relating to a standardized course numbering system in public schools.

BY adding to
Article – Education
Section 7–112.1
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 631 – Delegates Levi, Barkley, Davis, DeBoy, Kramer, Manno, Schuler, and Stukes

AN ACT concerning

~~Criminal Law – Assault on~~ Transportation – Interfering with Transit Operators and School ~~Employees~~ Bus Drivers – ~~Enhanced~~ Penalties

FOR the purpose of prohibiting a person from ~~intentionally causing or attempting to cause serious physical injury to a person operating a transit vehicle or to a school employee working in a public school; prohibiting a person from causing physical injury to another if the person knows or has reason to know that the person is operating a transit vehicle or is a school employee; providing certain penalties for violations of this Act; providing that a sentence shall only be imposed under this Act if there has been a certain increase in a certain offense under this Act; providing a method to track offense statistics for the purposes of imposing a penalty under this Act; requiring a penalty imposed under this Act to be in addition to any sentence imposed for a certain violation; prohibiting a court from suspending any part of the mandatory minimum sentence provided in this Act; providing that a person is not eligible for parole during the mandatory minimum sentence imposed by this Act; defining certain terms; and~~

~~generally relating to assault on~~ obstructing, hindering, interfering with, or otherwise disrupting or disturbing school bus drivers or certain transit station agents, conductors, or station attendants while engaged in the performance of certain official duties; providing certain penalties for a violation of this Act; increasing a certain penalty for obstructing, hindering, interfering with, or otherwise disrupting or disturbing the operation or operator of a transit vehicle; defining a certain term; and generally relating to prohibitions against interfering with a transit operator or school ~~employee~~ bus driver.

BY adding to
Article – Education
Section 26–104
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – ~~Criminal Law~~ Transportation
Section ~~3–201, 3–202, and 3–203~~ 7–705
Annotated Code of Maryland
~~(2002 Volume and 2008 Supplement)~~ (2008 Replacement Volume)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 634 – Delegates Levi and Vallario

AN ACT concerning

Orphans' Court – Minors – Guardianship of Person

FOR the purpose of providing that an orphans' court may exercise jurisdiction over the guardianship of the person of a minor regardless of whether the minor has property, may inherit property, or is destitute under certain circumstances; providing that an orphans' court may transfer a certain matter to a circuit court under certain circumstances; providing that an orphans' court may waive certain costs; providing for the application of this Act; and generally relating to the jurisdiction of an orphans' court concerning the guardianship of the person of a minor.

BY repealing and reenacting, with amendments,
Article – Estates and Trusts
Section 13–105
Annotated Code of Maryland
(2001 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 781 – Delegates James, Jennings, McComas, Norman, Riley, ~~and Stifler~~ Stifler, Hixson, Doory, Bartlett, Barve, Boteler, Cardin, Elmore, Frick, George, Howard, Ivey, Kaiser, Murphy, Myers, Olszewski, Rice, Ross, Shank, Stukes, F. Turner, Walker, and Ramirez

AN ACT concerning

~~Harford County –~~ Property Tax Credit – Seniors

FOR the purpose of ~~authorizing the governing body of Harford County or of a municipal corporation in Harford County to grant, by law, a tax credit against the county or municipal corporation tax imposed on certain real property owned by individuals of at least a certain age and of certain incomes; authorizing the governing body of Harford County or of a municipal corporation in Harford County to provide, by law, for eligibility criteria for the credit, the amount and duration of the credit, certain regulations and procedures, and any other provisions necessary to carry out the credit; providing for the application of this Act; and generally relating to a property tax credit in Harford County for certain real property owned by individuals of at least a certain age~~ altering the minimum age for purposes of a certain property tax credit that the Mayor and City Council of Baltimore City or the governing body of a county or of a municipal corporation are authorized to grant; providing for the application of this Act; and generally relating to enabling authority for a certain property tax credit for certain real property owned by and used as the principal residence of certain individuals of a certain age and of limited income.

BY ~~adding to~~ repealing and reenacting, with amendments,
Article – Tax – Property
Section ~~9–314(d)~~ 9–245(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 788 – Delegates Jones, Anderson, Branch, Bromwell, Burns, DeBoy, Glenn, Haynes, Kirk, Krysiak, Nathan–Pulliam, Oaks, and Robinson

AN ACT concerning

Baltimore City and Baltimore County – Child in Need of Supervision Pilot Program – Extension

FOR the purpose of extending the termination date of the Child in Need of Supervision Pilot Program in Baltimore City and Baltimore County; requiring the Governor to include a certain general fund appropriation in the budget bills for certain fiscal years for a certain purpose; requiring that certain funds be provided as

grants to Baltimore County and Baltimore City for a certain purpose; and generally relating to the Child in Need of Supervision Pilot Program in Baltimore City and Baltimore County.

BY repealing and reenacting, with amendments,
Chapter 601 of the Acts of the General Assembly of 2005
Section 3 and 5

BY repealing and reenacting, without amendments,
Chapter 601 of the Acts of the General Assembly of 2005
Section 4

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 823 – Montgomery County Delegation

AN ACT concerning

Montgomery County Revenue Authority – Local Government Tort Claims Act
MC 917–09

FOR the purpose of altering the definition of a "local government" under the Local Government Tort Claims Act to include the Montgomery County Revenue Authority; and generally relating to the inclusion of the Montgomery County Revenue Authority under the Local Government Tort Claims Act.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 5–301(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 5–301(d)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 942 – Queen Anne's County Delegation

AN ACT concerning

Queen Anne's County – Local Detention Center – County's Authority to Continue Management

FOR the purpose of providing that the County Commissioners of Queen Anne's County, may authorize, by resolution or law, the Warden of the County Detention Center to continue the management of the County Detention Center; and generally relating to the Queen Anne's County Detention Center.

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 11–201
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 1191 – Delegates Conway, Bates, Branch, Eckardt, Griffith, Gutierrez, Guzzone, and Krebs

EMERGENCY BILL

AN ACT concerning

Local Government – Deposits of Unexpended or Surplus Money

FOR the purpose of altering the conditions under which certain local governments may deposit certain unexpended or surplus money with certain federally insured banks or savings and loan associations; making this Act an emergency measure; and generally relating to local governments and deposits of unexpended or surplus money.

BY repealing and reenacting, with amendments,
Article 95 – Treasurer
Section 22–O
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 1201 – Delegates Ramirez, Ali, Barnes, Kaiser, Lafferty, Levy, Manno, Robinson, Rosenberg, Stein, Taylor, Valderrama, and Vaughn

AN ACT concerning

Crimes – Hate Crimes – Use of a Noose or Swastika to Threaten or Intimidate

FOR the purpose of prohibiting a person from affixing, erecting, or placing a noose or swastika on a certain building or real property, without the express permission of the owner of the building or property or the owner's agent, with the intent to

threaten or intimidate any person or group of persons; establishing that a certain penalty applies to a violation of this Act; and generally relating to the use of a noose or swastika to threaten or intimidate a person or group of persons.

BY adding to
Article – Criminal Law
Section 10–305.1
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 10–306
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 1278 – Delegates Valderrama, Barnes, Dumais, Kelly, Kramer, Lee, Levi, Ramirez, Rosenberg, Simmons, Vallario, and Waldstreicher

AN ACT concerning

Criminal Procedure – Criminal Injuries Compensation Board – Delegation of Contested Claims to Office of Administrative Hearings

FOR the purpose of establishing that a member of the Criminal Injuries Compensation Board is not entitled to compensation or reimbursement to attend a certain hearing; authorizing the ~~Criminal Injuries Compensation~~ Board to adopt regulations for the approval of attorneys' fees for representation before the Office of Administrative Hearings; repealing the authority of the Board to hear and determine a certain claim, hold hearings, administer oaths, examine any person under oath, and issue certain subpoenas; authorizing the Board to tentatively determine a certain claim and request certain subpoenas; repealing the authority of the Board to delegate certain power to a certain member or employee; requiring the Board to provide a certain report to a certain claimant and a certain attorney; requiring the Secretary of Public Safety and Correctional Services to delegate the authority to conduct a certain hearing to the Office of Administrative Hearings under certain circumstances; requiring the Office to hold a certain hearing at a certain location under certain circumstances; altering a certain provision of law to require the Secretary to modify, affirm, or reverse a certain decision within a certain time period under certain circumstances; requiring that a certain claimant and a certain attorney be given a copy of a certain decision; authorizing a certain claimant to appeal a certain decision within a certain time period; authorizing the transfer and appropriation of certain money in a certain manner to the Office for a certain

purpose; providing for the application of this Act; and generally relating to the Criminal Injuries Compensation Board.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–804, 11–805, 11–814, and 11–815
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Judicial Proceedings.

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 468 – Senators Stone and Zirkin

AN ACT concerning

Courts – Jury Trials in Civil Actions – Amount in Controversy

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENT (1) AND THE FAVORABLE REPORT.

SB0468/138673/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 468
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Zirkin" and substitute ", Zirkin, Forehand, Frosh, Garagiola, and Gladden".

The preceding amendment was read only.

Senator Stone moved, duly seconded, to make the Bill and Amendment a Special Order for March 23, 2009.

The motion was adopted.

Senate Bill 469 – Senators Stone and Zirkin

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Civil Jury Trials – Amount in Controversy

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENT (1) AND THE FAVORABLE REPORT.

SB0469/628472/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 469
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Zirkin" and substitute ", Zirkin, Forehand, Frosh, Garagiola, and Gladden".

The preceding amendment was read only.

Senator Stone moved, duly seconded, to make the Bill and Amendment a Special Order for March 23, 2009.

The motion was adopted.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #22

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 175 – Senator Colburn

EMERGENCY BILL

AN ACT concerning

Department of Natural Resources – Shell Dredging – Permit Application

SB0175/564838/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 175
(First Reading File Bill)

On page 1, in line 5, after "shells;" insert "making a technical correction;"; in line 6, strike the first "and" and substitute "an"; and in line 17, strike "Committee" and substitute "**COMMISSION**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 211 – Senators Pugh, Currie, Exum, Forehand, Lenett, McFadden, Muse, and Peters

AN ACT concerning

Minority Business Enterprise Program – Participation by Race or Gender

SB0211/464832/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 211
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "of" insert "authorizing a woman who is also a member of an ethnic or racial minority group to be certified in that category in addition to the gender category;"; and strike beginning with "altering" in line 6 down through "contracts;" in line 8.

AMENDMENT NO. 2

On page 3, strike beginning with "**, BUT**" in line 9 down through "**CATEGORY**" in line 11.

On page 4, in line 21, strike the brackets; in line 22, strike "**PROCUREMENT**"; in line 23, after "**(I)**" insert "**A WOMAN WHO IS ALSO A MEMBER OF AN ETHNIC OR RACIAL MINORITY GROUP MAY BE CERTIFIED IN THAT CATEGORY IN ADDITION TO THE GENDER CATEGORY.**

(II)";

and strike in their entirety lines 29 through 32, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 324 – Senator Colburn

AN ACT concerning

Department of Natural Resources – State Boat Act – Auctioneers

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 489 – Senators Pugh, Currie, Harrington, Madaleno, McFadden, Muse, Peters, and Raskin

AN ACT concerning

Minority Business Enterprise Certification – Cap on Personal Net Worth

SB0489/744430/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 489
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Raskin" and substitute "Raskin, Exum, Lenett, and Conway"; in line 3, strike "altering" and substitute "requiring"; in line 4, after "enterprise" insert "to be adjusted annually in accordance with the Consumer Price Index"; in line 5, after "with" insert "certain committees of"; in line 7, after "date;" insert "altering a certain term to exclude up to a certain amount of the cash value of certain retirement funds from the calculation of personal net worth;"; and in line 11, strike "14–301(i)" and substitute "14–301(g) and (i)".

AMENDMENT NO. 2

On page 1, after line 17, insert:

"(g) (1) Subject to paragraphs (2) and (3) of this subsection, "personal net worth" means the net value of the assets of an individual remaining after total liabilities are deducted.

(2) "Personal net worth" includes the individual's share of assets held jointly or as community property with the individual's spouse.

(3) "Personal net worth" does not include:

(i) the individual's ownership interest in the applicant or a certified minority business enterprise; **[**or**]**

(ii) the individual's equity in his or her primary place of residence**; OR**

(III) UP TO $500,000 OF THE CASH VALUE OF ANY QUALIFIED RETIREMENT SAVINGS PLANS OR INDIVIDUAL RETIREMENT ACCOUNTS.".

AMENDMENT NO. 3

On page 2, in line 28, strike the brackets; and in line 29, strike "**$1,750,000**"; in line 33, after "agency" insert "as defined in § 14–301 of the State Finance and Procurement Article"; and in the same line, strike "General Assembly" and substitute "Senate Education, Health, and Environmental Affairs Committee, the House Health and Government Operations Committee,".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 611 – Senators Jones, Conway, Harrington, Muse, and Pugh

AN ACT concerning

Minority Business Enterprise Program – Prohibitions and Penalties for Contractors

SB0611/934931/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 611
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike "and Penalties for Contractors"; in line 4, strike "contractors" and substitute "persons"; strike beginning with "requiring" in line 6 down through "penalties;" in line 8; strike beginning with "the" in line 9 down through "contractor" in line 10 and substitute "reporting certain violations of this Act"; and in line 11, strike "and penalties for contractors".

AMENDMENT NO. 2

On page 2, after line 16, insert:

"**(2) EXCEPT AS OTHERWISE PROVIDED BY LAW, A CONTRACTOR MAY NOT IDENTIFY A CERTIFIED MINORITY BUSINESS ENTERPRISE IN A BID OR PROPOSAL AND:**

(I) FAIL TO REQUEST, RECEIVE, OR OTHERWISE OBTAIN AUTHORIZATION FROM THE CERTIFIED MINORITY BUSINESS ENTERPRISE TO IDENTIFY THE CERTIFIED MINORITY BUSINESS ENTERPRISE IN ITS BID OR PROPOSAL;

(II) FAIL TO NOTIFY THE CERTIFIED MINORITY BUSINESS ENTERPRISE BEFORE EXECUTION OF THE CONTRACT OF ITS INCLUSION OF THE BID OR PROPOSAL;

(III) FAIL TO USE THE CERTIFIED MINORITY BUSINESS ENTERPRISE IN THE PERFORMANCE OF THE CONTRACT; OR

(IV) PAY THE CERTIFIED MINORITY BUSINESS ENTERPRISE SOLELY FOR THE USE OF ITS NAME IN THE BID OR PROPOSAL.";

in line 17, strike "(2)" and substitute "**(3)**"; and strike in their entirety lines 25 through 34, inclusive.

On page 3, strike in their entirety lines 1 through 14, inclusive; in line 15, strike "**(4)**" and substitute "**(C)**"; and strike beginning with "**TO**" in line 16 down through "**CONTRACTOR**" in line 18 and substitute "**FOR REPORTING VIOLATIONS OF THIS SECTION**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 625 – Senators Frosh, Conway, Dyson, Harrington, Lenett, Muse, Pinsky, Raskin, and Rosapepe

AN ACT concerning

Maryland Building Performance Standards – Energy Conservation and Efficiency

SB0625/584736/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 625
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 6 down through "Standards;" in line 7; in line 13, after "after" insert "a"; in line 14, strike "dates" and substitute "date"; and in the same line, strike "additional".

AMENDMENT NO. 2

On page 2, in line 31, strike the brackets; and in the same line, strike "**9**".

On page 3, in line 14, strike "**SAVINGS**" and substitute "**CONSERVATION**"; in line 17, strike "**SAVINGS**" and substitute "**CONSERVATION REQUIREMENTS**"; in the same line, strike the second "**THAT**" and substitute "**THAN**"; in line 19, strike "**(1)**"; in line 21, strike "**ADDITIONAL**"; and strike in their entirety lines 25 through 30, inclusive.

On page 4, in line 13, strike "**90**" and substitute "**120**".

The preceding 2 amendments were read only.

Senator Stoltzfus moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 721 – Senator Pinsky

AN ACT concerning

Private Wastewater Treatment Act of 2009

SB0721/854835/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 721
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "on–site wastewater treatment" and substitute "individual sewerage".

AMENDMENT NO. 2

On page 1, strike beginning with "**ON–SITE**" in line 16 down through "**STATE**" in line 18 and substitute "**INDIVIDUAL SEWERAGE SYSTEM" MEANS A PRIVATELY OWNED SYSTEM OF SEWERS, PIPING AND TREATMENT TANKS OR OTHER FACILITIES THAT:**

(1) SERVES ONLY A SINGLE LOT FOR THE DISPOSAL OF SEWAGE; AND

(2) DISCHARGES TO THE SURFACE WATERS OF THE STATE";

in line 19, strike "**A**" and substitute "**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A**"; in the same line, strike "**ON–SITE TREATMENT SYSTEM**" and substitute "**INDIVIDUAL SEWERAGE SYSTEM**"; in line 20 after "**STATE**" insert a period; and strike beginning with "**IF**" in line 20 down through "**PLAN.**" in line 4 on page 2 and substitute:

"**(C) SUBJECT TO THE DEPARTMENT'S APPROVAL, A PERSON MAY INSTALL AN INDIVIDUAL SEWERAGE SYSTEM IN THE STATE FOR RESIDENTIAL USE IF AN EXISTING ON–SITE SEWAGE DISPOSAL SYSTEM FAILS AND CANNOT BE REPAIRED OR REPLACED BY ANY MEANS.**".

The preceding 2 amendments were read only.

Senator Pipkin moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 590 – Senators Pipkin and Della

AN ACT concerning

Business Regulation – State Amusement Ride Safety Advisory Board – Membership

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS (2) OFFERED FROM THE FLOOR BY SENATOR DeGrange.

FLOOR AMENDMENT

SB0590/383526/1

BY: Senator DeGrange

AMENDMENTS TO SENATE BILL 590
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "prohibiting" in line 6 down through "terms;" in line 7.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 18 and 19.

The preceding 2 amendments were read and adopted by a roll call vote as follows:

Affirmative – 26 Negative – 18 (See Roll Call No. 450)

Senator Pipkin moved, duly seconded, to make the Bill a Special Order for March 24, 2009.

The motion was adopted.

SENATE EXECUTIVE NOMINATIONS COMMITTEE REPORT #6

The Senate Executive Nominations Committee reports favorably on the attached gubernatorial appointments and recommends that the Senate of Maryland advise and consent to these appointments.

Delores G. Kelley
Chairman

Senate Executive Nominations Committee
Report #6
March 19, 2009

Apprenticeship and Training Council

1. Michelle L. Butt — District 9
11464 Old Frederick Road
Marriottsville, MD 21104

Member of the Apprenticeship and Training Council; reappointed to serve a term of four years from July 1, 2007

Aviation Commission, Maryland

2. Michele Ryan — District 33
910 Boom Way
Annapolis, MD 21401

Member of the Maryland Aviation Commission; appointed to serve remainder of a term of three years from October 1, 2006 and a term of three years from October 1, 2009

Chesapeake and Atlantic Coastal Bays, Critical Area Commission for the

3. Judith M. Cox — District 34
P.O. Box 460
Rising Sun, MD 21911

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; reappointed to serve a term of four years from July 1, 2006

Education, State Board of

4. Sylvester J. Gates, Jr. District 25
11527 Lottsford Terrace
Mitchellville, MD 20721

Member of the State Board of Education; appointed to serve a term of four years from July 1, 2009

5. Madhu Sidhu District 36
105 Cedar Street
Chestertown, MD 21620

Member of the State Board of Education; appointed to serve a term of four years from July 1, 2009

6. Guffrie M. Smith, Jr. District 29
100 David Gray Road, P.O. Box 43
St. Leonard, MD 20685

Member of the State Board of Education; appointed to serve a term of four years from July 1, 2009

Emergency Number Systems Board

7. David H. Balthis District 12
5100 Durham Road West
Columbia, MD 21044

Member of the Emergency Number Systems Board; reappointed to serve a term of four years from July 1, 2009

8. Andrew M. Johnston District 3
6735 Springhill Drive
Frederick, MD 21702

Member of the Emergency Number Systems Board; reappointed to serve a term of four years from July 1, 2009

9. Brian Josef District 16
2 Magic Mountain Court
Bethesda, MD 20852

Member of the Emergency Number Systems Board; appointed to serve remainder of a term of four years from July 1, 2008

10. William M. Pallozzi District 9
4309 College Avenue
Ellicott City, MD 21043

Member of the Emergency Number Systems Board; appointed to serve a term of four years from July 1, 2009

Handgun Roster Board

11. Jonathan Gray Newell District 36
15218 Westbridge Court
Henderson, MD 21640

Member of the Handgun Roster Board; appointed to serve a term of four years from December 8, 2008

Health Care Commission, Maryland

12. John E. Fleig, Jr. District 27
1120 Jewell Road
Dunkirk, MD 20754

Member of the Maryland Health Care Commission; appointed to serve a term of four years from October 1, 2008

13. Kenny W. Kan District 13
12823 Macbeth Farm Lane
Clarksville, MD 21029

Member of the Maryland Health Care Commission; appointed to serve a term of four years from October 1, 2008

Historical Trust, Board of Trustees of the Maryland

14. Martin Peter Azola District 42
1097 West Lake Avenue
Baltimore, MD 21210

Member of the Board of Trustees of the Maryland Historical Trust; reappointed to serve a term of four years from July 1, 2009

15. Howard A. Buchanan District 1
1014 Dent Lane
Cumberland, MD 21502

Member of the Board of Trustees of the Maryland Historical Trust; reappointed to serve a term of four years from July 1, 2009

16. Monica Wharton Szollos District 12
4905 Lee Farm Court

Ellicott City, MD 21043

Member of the Board of Trustees of the Maryland Historical Trust; appointed to serve remainder of a term of four years from July 1, 2008

Infants and Toddlers, Interagency Coordinating Council for

17. Erin Stauder District 12
303 Oak Forest Avenue
Catonsville, MD 21228

Member of the Interagency Coordinating Council for Infants and Toddlers; appointed to serve remainder of a term of three years from July 1, 2007

Judicial Disabilities, Commission on

18. Susan J. Matlick District 13
6896 Mink Hollow Road
Highland, MD 20777

Member of the Commission on Judicial Disabilities; appointed to serve remainder of a term of four years from January 1, 2008

Land Reclamation Committee

19. James C. Ashby District 1
1236 E. State Street
Oakland, MD 21550

Member of the Land Reclamation Committee; appointed to serve remainder of a term of three years from July 1, 2008

20. Timothy B. Schwinabart District 1
664 Pine Tree Point Road
Swanton, MD 21561

Member of the Land Reclamation Committee; reappointed to serve a term of three years from July 1, 2008

Maryland Affordable Housing Trust Board of Trustees

21. Alice G. Pinderhughes, Esq. District 40
3521 Hilton Road
Baltimore, MD 21215

Member of the Maryland Affordable Housing Trust Board of Trustees; reappointed to serve a term of four years from October 1, 2008

Maryland Legal Services Corporation Board of Directors

22. Robert B. Kershaw District 40
1314 Bolton Street
Baltimore, MD 21217

Member of the Maryland Legal Services Corporation Board of Directors; reappointed to serve a term of three years from July 1, 2009

Parole Commission, Maryland

23. Thomas E. Riggin District 32
8000 Nolcrest Road
Glen Burnie, MD 21061

Member of the Maryland Parole Commission; appointed to serve a term of six years from January 1, 2009

Physicians, State Board of

24. Susan T. Strahan, M.D. District 41
5512 Woodlawn Road
Baltimore, MD 21210

Member of the State Board of Physicians; reappointed to serve a term of four years from July 1, 2008

Professional Land Surveyors, State Board for

25. Thomas M. Orisich District 5
1 Collingwood Garth
Phoenix, MD 21131

Member of the State Board for Professional Land Surveyors; reappointed to serve a term of five years from July 1, 2009

Real Estate Appraisers and Home Inspectors, State Commission of

26. Christopher M. Pirtle District 20
1020 Heartfields Drive
Silver Spring, MD 20904

Member of the State Commission of Real Estate Appraisers and Home Inspectors; appointed to serve a term of three years from January 1, 2009

Real Estate Commission, State

27. Robin L. Pirtle — District 20
1020 Heartfields Drive
Silver Spring, MD 20904

Member of the State Real Estate Commission; appointed to serve remainder of a term of four years from June 1, 2008

28. Nancy Rothwell Simpers — District 36
584 Kirk Road
Elkton, MD 21921

Member of the State Real Estate Commission; reappointed to serve a term of four years from June 1, 2009

Statewide Nominees

Please Note: Statewide nominees who, in accordance with the policies adopted by the Senate Executive Nominations Committee, are not required to appear before the committee.

Community Health Resources Commission, Maryland

S–1. Judith Lea Boyer–Patrick, M.D. — District 9
12118 Mount Albert Road
Ellicott City, MD 21042

Member of the Maryland Community Health Resources Commission; reappointed to serve a term to expire June 30, 2011

S–2. Kendall D. Hunter — District 16
8220 Coach Street
Potomac, MD 20854

Member of the Maryland Community Health Resources Commission; reappointed to serve a term to expire June 30, 2010

S–3. John Adams Hurson, Esquire — District 18
3221 Farmington Drive
Chevy Chase, MD 20815

Member of the Maryland Community Health Resources Commission; reappointed to serve a term to expire June 30, 2013

S–4. Paula Brooks McClellan — District 9
4533 Doncaster Drive
Ellicott City, MD 21043

Member of the Maryland Community Health Resources Commission; reappointed to serve a term to expire June 30, 2012

S–5. Margaret A. Murray — District 33
739 Governor Bridge Road
Davidsonville, MD 21035

Member of the Maryland Community Health Resources Commission; reappointed to serve a term to expire June 30, 2012

S–6. Karla Ruhe Roskos — District 21
8608 Wandering Fox Trail #201
Odenton, MD 21113

Member of the Maryland Community Health Resources Commission; reappointed to serve a term to expire June 30, 2013

S–7. Maria Harris Tildon — District 41
5616 Cross Country Boulevard
Baltimore, MD 21209

Member of the Maryland Community Health Resources Commission; reappointed to serve a term to expire June 30, 2011

S–8. Douglas H. Wilson, Ph.D. — District 37
28131 Pathfinder Court
Salisbury, MD 21801

Member of the Maryland Community Health Resources Commission; reappointed to serve a term to expire June 30, 2012

S–9. John L. Young, M.D. — District 15
10410 Willowbrook Drive
Potomac, MD 20854

Member of the Maryland Community Health Resources Commission; reappointed to serve a term to expire June 30, 2010

Emergency Number Systems Board

S–10. Susan Elaine Greentree — District 30
257 Overleaf Drive
Arnold, MD 21012

Member of the Emergency Number Systems Board; reappointed to serve a term of four years from July 1, 2009

Environmental Sanitarian Registration, State Board of

S–11. Gail Lynn Kelley District 36
8217 Detour Road
Denton, MD 21629

Member of the State Board of Environmental Sanitarian Registration; reappointed to serve a term of five years from July 1, 2009

S–12. Robert W. Sheesley District 9
8354 Chestnut Farm Lane
Ellicott City, MD 21043

Member of the State Board of Environmental Sanitarian Registration; reappointed to serve a term of five years from July 1, 2009

Health Care Commission, Maryland

S–13. Roscoe M. Moore, Jr., D.V.M. District 19
14315 Arctic Avenue
Rockville, MD 20853

Member of the Maryland Health Care Commission; reappointed to serve a term of four years from October 1, 2008

Maryland Legal Services Corporation Board of Directors

S–14. F. Vernon Boozer District 5
1106 Lower Glencoe Road
Sparks, MD 21152

Member of the Maryland Legal Services Corporation Board of Directors; reappointed to serve a term of three years from July 1, 2009

S–15. Derrick L. Richardson District 24
5268 Marlboro Pike, #404
Capitol Heights, MD 20743

Member of the Maryland Legal Services Corporation Board of Directors; reappointed to serve a term of three years from July 1, 2009

Master Electricians, State Board of

S–16. Frank M. Mancini District 36
24296 E. Cherry Lane
Goldsboro, MD 21636

Member of the State Board of Master Electricians; reappointed to serve a term of three years from July 1, 2009

Nursing Home Administrators, State Board of Examiners of

S–17. ChanSu Chong District 12
7635–B Stony Creek Lane
Ellicott City, MD 21043

Member of the State Board of Examiners of Nursing Home Administrators; reappointed to serve a term of four years from April 22, 2009

Professional Land Surveyors, State Board for

S–18. Joan G. Dunne District 11
8516 Valley Road West
Lutherville, MD 21093

Member of the State Board for Professional Land Surveyors; reappointed to serve a term of five years from July 1, 2009

Stationary Engineers, State Board of

S–19. Andrew A. Howard District 34
1200 Oreganum Court
Belcamp, MD 21017

Member of the State Board of Stationary Engineers; reappointed to serve a term of three years from July 1, 2009

S–20. Gregory A. Restivo District 13
8228 Styers Court
Laurel, MD 20723

Member of the State Board of Stationary Engineers; reappointed to serve a term of three years from July 1, 2009

Local Nominees

Please Note: Local Nominees are not required to appear before the Senate Executive Nominations Committee.

Somerset County Board of County Commissioners

L–1. James E. East District 38
33123 Costen Road

Pocomoke, MD 21851

Member of the Somerset County Board of County Commissioners; appointed to serve remainder of a term of four years from the General Election of November, 2006

STATUS: QUESTION IS WILL THE SENATE ADVISE AND CONSENT TO THE NOMINATIONS OF THE EXECUTIVE?

The President of the Senate put the following question: "Will the Senate advise and consent to the above nominations of the Executive?"

The above nominations of the Executive were all confirmed by roll call vote as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 451)

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 452)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #38

Senate Bill 272 – The President (By Request – Administration) and Senators ~~Conway,~~ Frosh, Harrington, Lenett, Madaleno, Pinsky, Raskin, ~~and Robey~~ Robey, and Forehand

AN ACT concerning

Maryland False Health Claims Act of 2009

Senator Klausmeier moved, duly seconded, to make the Bill a Special Order for March 24, 2009.

The motion was adopted.

Senate Bill 341 – Senators Pugh~~, Astle~~, Della, Exum, Gladden, Glassman, Harrington, Jones, Kelley, Klausmeier, Lenett, Madaleno, McFadden, Raskin, ~~and Rosapepe~~ Rosapepe, Garagiola, and Middleton

AN ACT concerning

Prosthetic Parity Act

Read the third time and passed by yeas and nays as follows:

Affirmative – 41 Negative – 2 (See Roll Call No. 453)

The Bill was then sent to the House of Delegates.

Senate Bill 347 – Senator McFadden (By Request – Baltimore City Administration)

EMERGENCY BILL

AN ACT concerning

~~Baltimore City –~~ Foreign Trade Zones – Application and Process

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 454)

The Bill was then sent to the House of Delegates.

Senate Bill 362 – Senator Haines

AN ACT concerning

Agricultural Land Preservation Easements – Residential Uses

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 455)

The Bill was then sent to the House of Delegates.

Senate Bill 470 – Senators Kittleman, Kasemeyer, Pipkin, ~~and Robey~~ Robey, Middleton, Astle, Della, Exum, Garagiola, Glassman, Kelley, Klausmeier, and Pugh

AN ACT concerning

Unemployment Insurance – Recreational Sports Officials – Coverage

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 456)

The Bill was then sent to the House of Delegates.

Senate Bill 473 – Senators Lenett, Garagiola, Harrington, Jones, Madaleno, Pinsky, Pugh, Raskin, and Rosapepe

AN ACT concerning

Environment – Recycling – Public School Plans

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 457)

The Bill was then sent to the House of Delegates.

Senate Bill 516 – Senators Middleton, Colburn, ~~and Glassman~~ Glassman, Conway, Dyson, Pinsky, Rosapepe, Lenett, Harrington, Greenip, and Harris

AN ACT concerning

Maryland Organic Transition Investment Pilot Program (MO–TIPP)

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 458)

The Bill was then sent to the House of Delegates.

Senate Bill 553 – Senators Lenett, Brinkley, Colburn, Conway, Currie, Forehand, Frosh, Garagiola, Gladden, Harrington, Harris, Jacobs, Jones, Kasemeyer, Kelley, King, Madaleno, McFadden, Middleton, Miller, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Stoltzfus, Stone, and Zirkin

AN ACT concerning

Chesapeake Bay Phosphorous Reduction Act of 2009

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 459)

The Bill was then sent to the House of Delegates.

Senate Bill 616 – ~~Senator Glassman~~ Senators Glassman, Middleton, Exum, Garagiola, Kelley, Klausmeier, and Pugh

AN ACT concerning

Insurance Producers – Continuing Education – ~~Exemption for~~ Funeral Directors and Morticians

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 460)

The Bill was then sent to the House of Delegates.

Senate Bill 751 – ~~Senator Gladden~~ Senators Gladden, Middleton, Astle, Della, Exum, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, Pipkin, ~~and Pugh~~ Pugh, Currie, Jones, Raskin, Conway, Muse, McFadden, and Harrington

AN ACT concerning

Insurance – Slavery Era Insurance Policies – Reporting

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 461)

The Bill was then sent to the House of Delegates.

Senate Bill 768 – Senator Astle

AN ACT concerning

Commercial Insurance and Workers' Compensation Insurance – Renewals of Policies – Transfers of Policyholders Between Insurers

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 462)

The Bill was then sent to the House of Delegates.

Senate Bill 774 – Senator Edwards

AN ACT concerning

Medical Malpractice Liability Insurance – Garrett County Memorial Hospital – Subsidy for Practitioners Who Perform Obstetrical Services – Extension

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 463)

The Bill was then sent to the House of Delegates.

Senate Bill 856 – Senators Pugh, Astle, Exum, Gladden, Lenett, McFadden, ~~and Rosapepe~~ Rosapepe, Garagiola, Glassman, Kelley, Klausmeier, and Middleton

AN ACT concerning

~~Maryland Energy Administration~~ Department of Labor, Licensing, and Regulation – Green Jobs Workforce Training Program

Read the third time and passed by yeas and nays as follows:

Affirmative – 43 Negative – 0 (See Roll Call No. 464)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #39

Senate Bill 123 – Senator Kelley

AN ACT concerning

Unemployment Insurance Benefits – Determination Based on Severance or Dismissal Payments

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 465)

The Bill was then sent to the House of Delegates.

Senate Bill 171 – Senators Lenett and Kittleman

AN ACT concerning

Maryland Condominium Act – Closed Meetings of Board of Directors

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 466)

The Bill was then sent to the House of Delegates.

Senate Bill 172 – Senators Lenett and Kittleman

AN ACT concerning

Maryland Homeowners Association Act – Closed Meetings of Homeowners Association

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 467)

The Bill was then sent to the House of Delegates.

Senate Bill 350 – Senators Pinsky and Harrington

SECOND PRINTING

AN ACT concerning

Municipal Corporations – Annexations – Small Parcels

Read the third time and passed by yeas and nays as follows:

Affirmative – 43 Negative – 1 (See Roll Call No. 468)

The Bill was then sent to the House of Delegates.

Senate Bill 497 – Senator Frosh

AN ACT concerning

Circuit Court Judgeships – Workforce Planning – Counties of Greatest Identified Need

Read the third time and passed by yeas and nays as follows:

Affirmative – 43 Negative – 1 (See Roll Call No. 469)

The Bill was then sent to the House of Delegates.

Senate Bill 541 – Senator Kelley

AN ACT concerning

Common Ownership Communities – Fidelity Insurance

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 470)

The Bill was then sent to the House of Delegates.

Senate Bill 576 – Senators Middleton, Exum, Kelley, Della, ~~and Pugh~~ Pugh, and Garagiola

AN ACT concerning

Unemployment Insurance – Maximum Benefit – Increase

Read the third time and passed by yeas and nays as follows:

Affirmative – 33 Negative – 11 (See Roll Call No. 471)

The Bill was then sent to the House of Delegates.

Senate Bill 657 – Senator Peters

AN ACT concerning

Real Property – New Home Sales Contracts – Financing Contingency Clauses

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 472)

The Bill was then sent to the House of Delegates.

Senate Bill 716 – Senators Kelley, Exum, Klausmeier, and Pugh

AN ACT concerning

Long–Term Care Insurance – Annuity Contracts and Qualified State Long–Term Care Insurance Partnership ~~– Revisions~~

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 473)

The Bill was then sent to the House of Delegates.

Senate Bill 742 – Senator Kelley

AN ACT concerning

Condominiums and Homeowners Associations – Transition of Control

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 474)

The Bill was then sent to the House of Delegates.

Senate Bill 806 – Senators Colburn and Brinkley

AN ACT concerning

Business Regulation – Charitable Organizations – Audits and Reviews

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 475)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #1

House Bill 71 – The Speaker (By Request – Department of Legislative Services)

AN ACT concerning

Department of Legislative Services – Technical Changes

Read the third time and passed by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 476)

The Bill was then sent to the House of Delegates.

INTRODUCTION OF BILLS

Senator Kasemeyer moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1067 – Senator Kasemeyer

EMERGENCY BILL

AN ACT concerning

Election Law – Petition Signatures

FOR the purpose of repealing provisions of law that require an individual to sign the individual's name on a petition in a certain manner; providing that the petition signature of an individual shall be validated and counted if the identity of the individual reasonably can be determined in accordance with certain requirements; clarifying a certain provision of law relating to the residence of a petition signer; prohibiting an election authority from invalidating a petition signature under certain circumstances; requiring an individual's name on a petition to match exactly the individual's surname of registration; providing for the application of this Act; making this Act an emergency measure; and generally relating to petition signature requirements.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 6–203
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

QUORUM CALL

The presiding officer announced a quorum call, showing 44 Members present.

(See Roll Call No. 477)

ADJOURNMENT

At 12:21 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 8:00 P.M. on Monday, March 23, 2009.

Annapolis, Maryland
Monday, March 23, 2009
8:00 P.M. Session

The Senate met at 8:09 P.M.

Prayer by Rabbi Daniella Kolodny, U. S. Naval Academy Jewish Chapel, guest of Senator Astle.

(See Exhibit A of Appendix III)

The Journal of March 20, 2009 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 481)

INTRODUCTION OF RESOLUTIONS

(See Exhibit B of Appendix III)

Recipient	Sponsor	Resolution No.
Old Mill High School Wrestling Team	Senator James E. DeGrange, Sr.	568

Read and adopted by a roll call vote as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 482)

Recipient	Sponsor	Resolution No.
Thomas S. Wootton High School Ice Hockey Team	Senator Rob Garagiola	544

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 483)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 4 – ~~Delegate Manno~~ Delegates Manno, Minnick, Hammen, Pendergrass, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Krebs, Kullen, Montgomery, Morhaim, Nathan–Pulliam, Pena–Melnyk, Reznik, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Small Business Health Insurance ~~Stimulus~~ Expansion Act

FOR the purpose of altering ~~the subsidy requirements for small employers and the employees of small employers under the Small Employer Health Benefit Plan Premium Subsidy Program; altering the eligibility requirements~~ a certain eligibility requirement for small employers under the Small Employer Health Benefit Plan Premium Subsidy Program; altering certain participation requirements that a carrier may impose on a small employer; and generally relating to requirements under the Small Employer Health Benefit Plan Premium Subsidy Program and the small group health insurance market.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 15–12A–01(a) and (f) and 15–12A–02
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section ~~15–12A–02~~ 15–1206(c) and 15–12A–03
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 82 – Frederick County Delegation

AN ACT concerning

Frederick County – Overdue Water and Sewer Charge – Restoration of Service Penalty

FOR the purpose of altering the penalty imposed on water users in Frederick County for restoring service after an overdue charge for water and sewer services has been paid; and generally relating to water and sewer service charges in Frederick County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Frederick County
Section 2–13–23(a)(1)
Article 11 – Public Local Laws of Maryland
(2004 Edition and September 2008 Supplement, as amended)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 92 – Delegate Anderson (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Authority of Mayor to Remove Police Commissioner

FOR the purpose of establishing that certain acts of the Mayor of Baltimore City do not interfere with the powers of the Baltimore City Police Commissioner; providing that the Police Commissioner is subject to removal at the pleasure of the Mayor; and generally relating to the authority of the Mayor of Baltimore City to remove the Baltimore City Police Commissioner.

BY repealing and reenacting, with amendments,
The Charter of Baltimore City
Article II – General Powers
Section (27)
(2007 Replacement Volume, as amended)

BY repealing and reenacting, with amendments,
The Public Local Laws of Baltimore City
Section 16–5(e)
Article 4 – Public Local Laws of Maryland
(1979 Edition and 1997 Supplement, and 2000 Supplement, as amended)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 141 – Chair, Health and Government Operations Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance – ~~Contracts Between Insurers and Health Care Providers – Prohibitions~~ Insurer Provider Panels – Health Care Providers

FOR the purpose of prohibiting an insurer ~~and an entity that contracts with health care providers on behalf of an insurer from assigning, transferring, or subcontracting a health care provider's contract to an insurer that offers personal injury protection coverage or workers' compensation insurance under certain circumstances; prohibiting an insurer and an entity that contracts directly with health care providers on behalf of an insurer from terminating, limiting, or otherwise impairing the contract or employment of a health care provider with the insurer under certain circumstances~~ from using an insurer provider panel if the provider contract for the insurer provider panel requires a provider to participate on the insurer provider panel as a condition of participating on a health maintenance organization provider panel or a non–health maintenance organization provider panel; requiring ~~insurers and entities that contract with health care providers on behalf of insurers~~ an entity arranging an insurer provider panel to provide certain information to a health care provider at certain times; defining certain terms; and generally relating to ~~contracts between insurers~~ insurer provider panels and health care providers.

BY adding to
Article – Insurance
Section 19–115
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 154 – Delegates Morhaim, Bronrott, Cardin, Hubbard, Stein, and Weldon

AN ACT concerning

Environment – Green Building Council

FOR the purpose of expanding the responsibilities of the Green Building Council to include providing certain recommendations on how to expand green building; repealing certain obsolete dates; expanding the scope of certain recommendations that the Council is required to make relating to the implementation of a certain building program; and generally relating to the Green Building Council.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 4–809(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement

Section 4–809(f) and (g)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 162 – Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance – Notice of Premium Increase for Commercial and Workers' Compensation Insurance

FOR the purpose of making certain notice requirements applicable to all premium increases for policies of commercial insurance and policies of workers' compensation insurance, with a certain exception; establishing certain methods for satisfying a certain notice requirement; clarifying language; providing for a delayed effective date; and generally relating to premium increases for commercial and workers' compensation insurance policies.

BY repealing and reenacting, with amendments,
Article – Insurance
Section 27–608
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 164 – Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Automobile Liability and Homeowner's Insurance – ~~Surcharges~~ Rating, Retiering, and ~~Removal or Reduction of~~ Discounts

FOR the purpose of establishing certain principles for rating homeowner's insurance under prior approval and competitive rating; prohibiting classification or maintenance of certain insureds under homeowner's insurance in a classification that entails a higher premium based on certain claims made in certain periods; providing that the removal of, reduction of, or refusal to apply a discount under homeowner's insurance is not a violation of certain provisions of this Act under certain circumstances; providing for the construction of certain provisions concerning certain discounts in homeowner's insurance and automobile liability insurance; prohibiting an insurer, with respect to

automobile liability insurance ~~and homeowner's insurance~~, from ~~imposing a surcharge, retiering a risk, or removing or reducing a discount~~ retiering a policy containing certain coverage under certain circumstances; and generally relating to automobile liability insurance and homeowner's insurance.

~~BY repealing and reenacting, with amendments,~~
~~Article – Insurance~~
~~Section 27–501(d)(1) and (2)~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2008 Supplement)~~

BY adding to
Article – Insurance
Section 11–213 and 11–315
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Insurance
Section 11–215(a) and 11–318(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 11–215(b) and 11–318(b)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 19–507
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 199 – Delegates Carr, Ali, Anderson, Barkley, Carter, V. Clagett, Feldman, Gilchrist, Glenn, Griffith, Healey, Hecht, Holmes, James, Jennings, Kaiser, Lafferty, Manno, Montgomery, Morhaim, Niemann, Norman, Reznik, Rice, Riley, Rudolph, Shewell, Simmons, Sossi, Stifler, F. Turner, Valderrama, Waldstreicher, and Weldon

AN ACT concerning

Maryland Transit Administration – Public Hearings

FOR the purpose of prohibiting the Administration from ~~changing a bus timetable or~~ reducing under certain circumstances certain bus or rail service until a public hearing is held on the matter; ~~altering the time period during which the Administration may implement a policy change on certain matters;~~ requiring the Administration to ~~revise, correct, and reissue~~ make a reasonable effort to correct certain notice and to provide notice under a certain process to certain persons before implementing a certain change under certain circumstances; providing that certain notice shall be deemed defective; authorizing the Administration to establish a process for providing certain notice; and generally relating to public hearings held by the Maryland Transit Administration.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 7–506
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Finance.

House Bill 242 – Delegates Harrison, Hucker, Robinson, Stukes, and Tarrant

AN ACT concerning

Unemployment Insurance Benefits – Determination Based on Severance or Dismissal Payments

FOR the purpose of altering the determination of unemployment insurance benefits for an individual who receives or is eligible to receive severance or dismissal payments when the individual's unemployment is the result of the abolishment of the job to be the same as the determination when the individual's unemployment is not the result of the abolishment of the job; providing for the application of this Act; and generally relating to the determination of unemployment insurance benefits based on severance or dismissal payments.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 8–1009
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Finance.

House Bill 259 – Delegates King, Love, Kipke, and Schuh

AN ACT concerning

Environmental Health Monitoring and Testing – Reimbursement of Costs

FOR the purpose of ~~authorizing the Department of the Environment to factor in costs incurred by a county in conducting certain environmental health monitoring or testing related to a certain violation when assessing a certain penalty; requiring the Department to reimburse a county from the Maryland Clean Water Fund for certain costs incurred by the county in conducting environmental health monitoring or testing related to a certain violation; limiting reimbursement to certain circumstances and certain amounts; requiring the Department to use the Maryland Clean Water Fund for the reimbursement of counties for certain costs incurred in conducting certain environmental health monitoring or testing;~~ requiring certain persons to reimburse a county for certain costs that the county incurs in conducting environmental health monitoring or testing for a certain purpose; prohibiting the county from recovering the reimbursable costs under certain circumstances; authorizing the county to recover the reimbursable costs in a civil action; authorizing the Department of the Environment to recover the reimbursable costs on behalf of the county under certain circumstances; authorizing the Department to adopt certain regulations; requiring a person who discharges a pollutant into the waters of the State in violation of certain provisions of law to reimburse the Department for certain costs incurred by the Department in conducting environmental health monitoring or testing for a certain purpose; authorizing the Department to recover the reimbursable costs in a civil action; and generally relating to reimbursement of counties and the Department of the Environment for costs of conducting environmental health monitoring or testing.

BY adding to
Article – Environment
Section 1–304 and 9–342.2
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – Environment~~
~~Section 9–320~~
~~Annotated Code of Maryland~~
~~(2007 Replacement Volume and 2008 Supplement)~~

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 294 – The Speaker (By Request – Administration) and Delegates Ali, Barve, Beidle, Benson, Cane, Carr, V. Clagett, Feldman, Frush, Gaines, Gilchrist, Gutierrez, Guzzone, Healey, Hecht, Howard, Hucker, Lafferty, Lee, Mizeur, Montgomery, Niemann, ~~and Pena–Melnyk~~ Pena–Melnyk, Manno, Glenn, and Stein

AN ACT concerning

Smart, Green, and Growing – Local Government Planning – Planning Visions

FOR the purpose of revising the planning visions for the State's Economic Growth, Resource Protection, and Planning Policy and for local comprehensive planning; requiring local jurisdictions to report on certain restrictions that are the result of an adequate public facilities ordinance; specifying the contents of the local jurisdiction's report; requiring the Department of Planning to prepare a report on the statewide impacts of adequate public facilities ordinances; specifying the contents of the Department's report; authorizing a certain local legislative body to establish a transfer of development rights program within a priority funding area to assist in the purchase of land for public facilities; requiring the proceeds of the sale of the development right to be used to assist in the purchase of the ~~site~~ land on which the public facility will be located or the construction of the facility; limiting the transfer of development rights to a priority funding area; providing for the timing of certain reports; defining certain terms; and generally relating to local government planning.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 5–7A–01
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article 66B – Land Use
Section 1.01, 10.01, and 11.01
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 303 – The Speaker (By Request – Administration) and Delegates McIntosh, Malone, Bronrott, Ali, Frank, George, Hucker, Lafferty, Montgomery, ~~and Waldstreicher~~ Waldstreicher, Beidle, Cane, Glenn, Holmes, Niemann, Serafini, Shewell, Stein, and Stull

AN ACT concerning

Vehicle Laws – ~~Young Drivers – Driving Privileges~~ Teen Driver Safety

FOR the purpose of increasing the minimum ages at which an individual may obtain a ~~learner's instructional permit, provisional license, and full~~ provisional driver's license or original driver's license; ~~increasing the maximum age under which an applicant for a learner's instructional permit must provide to the Motor Vehicle Administration a school attendance record; increasing the maximum age of an~~

~~applicant for a learner's instructional permit for purposes of a prohibition against issuance of the permit if the applicant's school attendance record indicates more than a certain number of absences;~~ altering the period after which the holder of a learner's instructional permit may take certain examinations for a provisional license under certain circumstances; requiring the Administration to cancel the driver's license of a minor if the cosigner on the minor's application for the license makes a certain request; altering the period after which the holder of a provisional license may be issued ~~a full~~ an original driver's license under certain circumstances; ~~altering the hours during which a holder of a provisional driver's license under a certain age may drive unsupervised~~ requiring the Administration to fingerprint an applicant for a driving instructor's license and apply for certain criminal history records information about the applicant in a certain manner; providing that certain criminal history records are confidential and available only for a certain purpose; authorizing the Administration to conduct a driver improvement program for young drivers; ~~requiring~~ authorizing the Administration to impose ~~certain restrictions~~ a certain restriction on a provisional driver's license and suspend or revoke the license under certain circumstances; modifying a certain license restriction prohibiting a holder of a provisional driver's license from driving a vehicle carrying certain passengers under certain circumstances; defining a certain term; altering a certain definition; providing for the application of a certain provision of this Act; clarifying language; making conforming and stylistic changes; and generally relating to ~~driving privileges for young drivers~~ teen driver safety.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 15–804, 16–103, ~~16–105(a) and (d)~~ 16–105(d), 16–108, 16–111(d), ~~16–113(d),~~ 16–212, 16–213, and 21–1123
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 15–102, 15–802, and 16–111(a), (b), and (c) ~~and 16–113(d–1) and (i)~~
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

~~BY adding to~~
~~Article – Transportation~~
~~Section 16–113(d–2)~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2008 Supplement)~~

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 370 – Delegates King, Frush, Haddaway, Harrison, Impallaria, Kelly, Kirk, Love, Manno, Minnick, Stifler, Taylor, ~~and V. Turner~~ V. Turner, Burns, Feldman, Jameson, and McHale

AN ACT concerning

Maryland Locksmiths Act

FOR the purpose of requiring a certain business to be licensed by the Secretary of Labor, Licensing, and Regulation before the business may provide locksmith services; providing for the purpose of this Act; providing that this Act does not limit the rights of certain individuals to engage in locksmith services; authorizing the Secretary to adopt certain regulations for the licensure and regulation of locksmiths; requiring all money collected by the Secretary to be paid into the General Fund of the State; establishing certain application procedures for obtaining a locksmith license; providing that before an individual may begin work for a licensed locksmith the licensee shall submit the individual's name to the Secretary and the individual shall apply for a national and State criminal history records check; requiring certain owners of businesses that are applicants and licensees to apply to the Central Repository for a certain criminal history records check; requiring certain applicants to submit fingerprints and a certain fee to the Central Repository; requiring the Central Repository to provide the Secretary with certain information; requiring certain information to be confidential and used for certain purposes; requiring licensees to maintain certain general liability insurance that meets certain requirements; requiring a licensee to provide a certain notice of cancellation of a certain general liability insurance policy within a certain time period; authorizing the issuance and renewal of certain licenses by the Secretary; authorizing the issuance of certain photo identification cards by certain licensed locksmiths; providing for the expiration and renewal of certain licenses; establishing requirements for the display, carrying, replacement, and change of name for certain licenses; authorizing the Secretary to deny a license to an applicant, refuse to renew a license, reprimand a licensee, suspend or revoke a license, or impose certain penalties under certain circumstances; establishing certain hearing and appeal procedures for locksmiths; establishing certain content, keeping, reporting, and transmittal requirements for certain invoices or receipts for service; requiring certain advertisements to include the name and license number of a licensed locksmith; prohibiting certain acts; providing for certain civil and criminal penalties; requiring certain persons performing locksmith services to be licensed on or before a certain date; requiring the Secretary to submit a certain report including certain information to certain committees of the General Assembly on or before a certain date; defining certain terms; and generally relating to the licensure and regulation of locksmiths.

BY adding to
Article – Business Regulation

Section 12.5–101 through 12.5–601 to be under the new title "Title 12.5. Locksmiths"
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 415 – Delegates Kullen, Benson, Costa, Hubbard, Kipke, McDonough, Montgomery, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Tarrant, ~~and V. Turner~~ V. Turner, Bromwell, Donoghue, Elliott, Hammen, Kach, Krebs, Morhaim, Pendergrass, Riley, and Weldon

AN ACT concerning

Mental Hygiene Administration – Rights of Individuals with Mental Disorders in Facilities

FOR the purpose of altering certain policies of the State concerning the rights of individuals with mental disorders who receive services in certain facilities; repealing the authority of staff in certain facilities to use a certain technique to transition individuals to a restraint position; providing for the construction of certain provisions of this Act; defining certain terms; and generally relating to the rights of individuals with mental disorders in facilities that provide treatment to individuals with mental disorders.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 10–701
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 419 – Delegate Hubbard

AN ACT concerning

Maryland Health and Wellness Commission – Wellness Report Card Pilot Program

FOR the purpose of establishing the Maryland Health and Wellness Commission in the Department of Health and Mental Hygiene; providing for the purpose of the Commission; providing for the membership, staffing, and duties of the Commission; requiring the Governor to designate the chair of the Commission; establishing the Wellness Report Card Pilot Program; providing for the purpose of the Pilot Program; requiring the Department to designate the entity to

establish a certain health report card; requiring the Wellness Report Card to include a certain evaluation; providing for the termination of this Act; providing that the Pilot Program shall be funded by private or federal grants; defining certain terms; and generally relating to the Maryland Health and Wellness Commission and the Wellness Report Card Pilot Program.

BY adding to
Article – Health – General
Section 13–2801 through 13–2807 to be under the new subtitle "Subtitle 28. Maryland Health and Wellness Commission"
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 477 – Frederick County Delegation

AN ACT concerning

Frederick County – County Commissioners – Retirement Benefits

FOR the purpose of authorizing the Board of County Commissioners of Frederick County to establish that each member may receive certain retirement benefits or to establish within the county retirement program certain criteria and benefits applying only to County Commissioners under certain circumstances; placing certain restrictions on a criterion or benefit established under this Act; providing that this Act does not apply to the salaries or compensation of the incumbent County Commissioners; and generally relating to the retirement benefits of the members of the Board of County Commissioners of Frederick County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Frederick County
Section 2–2–18(b)
Article 11 – Public Local Laws of Maryland
(2004 Edition and September 2008 Supplement)

BY adding to
The Public Local Laws of Frederick County
Section 2–2–18(c)
Article 11 – Public Local Laws of Maryland
(2004 Edition and September 2008 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 482 – Delegate Rosenberg

AN ACT concerning

Criminal Law – Removing Human Remains from Burial Site – Exceptions

FOR the purpose of providing certain exceptions to the prohibition against a person removing or attempting to remove human remains from a burial site; authorizing certain persons to arrange for the removal ~~and relocation of the cremated remains of a decedent from a burial site or permanent cemetery, or the relocation of any human remains of a decedent within the boundary of a permanent cemetery containing the original burial site~~ of human remains or the remains of a decedent after cremation from a burial site within a permanent cemetery, and the reinterment of the remains in the same burial site or in another burial site within the same permanent cemetery, without the need for obtaining authorization from a State's Attorney or providing a certain notice; requiring a certain notice under certain circumstances; providing that the location of a reinterment of ~~human~~ remains ~~within the boundary of a permanent cemetery containing the burial site~~ under this Act shall be entered into the inventory of local burial sites or, if no inventory exists, into a record or inventory deemed appropriate by the Maryland Historical Trust; and generally relating to the removal and ~~relocation~~ reinterment of human remains.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 10–401
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–402
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 510 – Delegates Nathan–Pulliam, Bromwell, Elliott, Kipke, Kullen, Montgomery, Morhaim, and Riley

AN ACT concerning

Health Occupations – Licensure of Social Workers

FOR the purpose of requiring the State Board of Social Work Examiners to notify applicants for licensure whether the applicants have been approved to take a certain examination within a certain time period; ~~altering certain requirements for a waiver of examination requirements for certain applicants who are licensed or registered to practice social work in other states~~ requiring the Board

of Social Work Examiners to establish a workgroup consisting of a certain membership to examine certain issues affecting the status of the workforce and submit a report to certain committees of the General Assembly on or before a certain date; and generally relating to the licensure of social workers.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 19–303 ~~and 19–305~~
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 520 – Calvert County Delegation

AN ACT concerning

Calvert County – Length of Service Award Program – Burial Benefits and Rescue Dive Team

FOR the purpose of providing that certain individuals who have served as members of certain Calvert County rescue dive teams are eligible to receive certain benefits under certain circumstances; requiring certain rescue dive teams to maintain certain records for certain volunteer members on certain forms; requiring a certain report to be furnished to certain persons at certain times; requiring the board of directors of certain rescue dive teams to furnish a certain statement under oath to certain persons at certain times; requiring the Calvert County Fire and Rescue Commission to approve a certain certified list; requiring the Commission to forward a copy of a certain approved list to certain rescue dive teams by a certain date each year; providing for certain points to be credited to certain volunteers under certain circumstances; requiring certain rescue dive teams to review certain membership rosters to make a certain determination; requiring a certain approval for service to be certified by the board of directors of certain rescue dive teams under certain circumstances; altering the amount of certain burial benefits under certain circumstances; making a technical correction; providing for the application of this Act; and generally relating to the Calvert County length of service award program.

BY repealing and reenacting, without amendments,
The Public Local Laws of Calvert County
Section 14–101
Article 5 – Public Local Laws of Maryland
(2002 Edition and May 2008 Supplement, as amended)

BY repealing and reenacting, with amendments,
The Public Local Laws of Calvert County

Section 14–102 through 14–104
Article 5 – Public Local Laws of Maryland
(2002 Edition and May 2008 Supplement, as amended)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 547 – Delegates Stein, Burns, Cardin, DeBoy, Hecht, and Mathias

AN ACT concerning

Vehicle Laws – Advertising Practices – Prohibited Acts

FOR the purpose of prohibiting a vehicle dealer or an agent or employee of a dealer from stating the purchase price of a vehicle in an advertisement unless ~~the purchase price is printed in the largest font in the advertisement, the advertisement identifies certain attributes of the vehicle, and the vehicle is currently available for sale at the price stated in the advertisement; requiring the price stated in an advertisement to be~~ the price is the full delivered purchase price of the vehicle, excluding certain ~~taxes and fees, and including certain charges; requiring an advertisement that states specific purchase prices for a list of vehicles to state the purchase price in the appropriate column or space for each vehicle listed~~ taxes, fees, and charges; requiring the full delivered purchase price in a vehicle advertisement to be printed using a certain font type; repealing a provision of law that provides that an advertisement that is subject to and complies with certain provisions of federal law is not false, deceptive, or misleading under certain provisions of law; and generally relating to the advertising practices of vehicle dealers.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 15–313
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 590 – Delegate Kullen

AN ACT concerning

Long–Term Care Insurance – Annuity Contracts and Qualified State Long–Term Care Insurance Partnership ~~– Revisions~~

FOR the purpose of authorizing an annuity contract to include a rider or supplemental contract provision that offers a contract holder reimbursement or payment for certain long–term care, under certain circumstances; repealing the requirement

that a certain outline of coverage for long–term care insurance contain a certain statement about a policy or contract of long–term care insurance; altering a certain statement about a policy or contract of long–term care insurance that must be included in a certificate that is issued under group long–term care insurance; altering a certain definition; and generally relating to long–term care ~~insurance~~ insurance, annuity contracts, and the Qualified State Long–Term Care Insurance Partnership.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 1–101(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 1–101(d)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY adding to
Article – Insurance
Section 16–409
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 18–106 and 18–107
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)
(As enacted by Chapter 70 of the Acts of the General Assembly of 1997)

Read the first time and referred to the Committee on Finance.

House Bill 592 – ~~Delegate Kullen~~ Delegates Kullen, Beidle, and Weir

AN ACT concerning

Vehicle Laws – Off–Highway Recreational Vehicles – Titling

FOR the purpose of defining "off–highway recreational vehicle"; altering the definition of "vehicle" to include off–highway recreational vehicles; requiring the owner of an off–highway recreational vehicle not purchased before a certain date to apply for a certificate of title in certain circumstances; requiring an application for a certificate of title for an off–highway recreational vehicle to be made by a certain electronic transmission; altering certain requirements relating to the

electronic transmission of vehicle data to authorize transmission by a service provider instead of a licensed dealer; providing that, for purposes of determining a certain excise tax, the fair market value of a used off–highway recreational vehicle is the greater of the total purchase price or a certain amount; imposing an excise tax for each original and each subsequent certificate of title issued for an off–highway recreational vehicle for which sales and use tax is not collected at the time of purchase; providing that an off–highway recreational vehicle is not required to be inspected when ownership is transferred; providing for the construction of this Act; and generally relating to off–highway recreational vehicles and titling.

BY adding to
Article – Transportation
Section 11–140.1 and 13–102(13)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 11–176, 13–102(11) and (12), 13–104(a), 13–108.1, 13–809, and 23–106
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 13–101.1 and 13–610
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 595 – Delegates Olszewski and Cardin

AN ACT concerning

State Government – Recycling Program – Aluminum, Glass, Paper, and Plastic

FOR the purpose of requiring the Office of Recycling in the Department of the Environment to include certain elements in the State's recycling plan for State government; requiring State agencies and units of State government to implement the plan by a certain date; deleting certain obsolete dates; and generally relating to requirements for recycling for State government.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1706

Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 638 – Delegates Waldstreicher and Vallario

AN ACT concerning

Violent Crimes – Conditional Release Under Mandatory Supervision – Limitation

FOR the purpose of establishing that an inmate convicted of a certain violent crime committed on or after a certain date is not eligible for a certain conditional release until after the inmate becomes eligible for parole; requiring a court, when a sentence of confinement is imposed for a certain violent crime, to state in open court the minimum time a certain defendant must serve before becoming eligible for a certain conditional release under mandatory supervision; and generally relating to imposing sentences.

BY repealing and reenacting, without amendments,
Article – Correctional Services
Section 7–301(c) and (d)
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 7–501
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 6–217
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 640 – Delegates Pena–Melnyk, Barnes, Ali, Anderson, Aumann, Bates, Benson, Bobo, Boteler, Braveboy, Bronrott, Burns, Cardin, Carter, Conaway, Dumais, Feldman, Griffith, Harrison, Healey, Hecht, Holmes, Howard, Hubbard, Hucker, Jameson, King, Kullen, Levi, McDonough, Montgomery, Norman, Oaks, Olszewski, Proctor, Ramirez,

Rice, Robinson, Ross, Schuh, Shewell, Smigiel, Sophocleus, Stukes, F. Turner, V. Turner, Valderrama, Waldstreicher, Walker, and Walkup

AN ACT concerning

~~Real Property –~~ Residential ~~Real~~ Property in Foreclosure – ~~Notice~~ Notification to ~~Local Governments~~ a County or Municipal Corporation

FOR the purpose of authorizing a county or municipal corporation to enact a local law requiring ~~a certain person authorized to make a sale of residential real property to notify the county or municipal corporation where the property is located within a certain period of time after filing an action~~ that notice be given to a county or municipal agency or official when an order to docket or a complaint to foreclose a mortgage or deed of trust ~~on the property subject to the mortgage or deed of trust; providing certain information that must be provided to the county or municipal corporation in the notification~~ is filed on residential property located within the county or municipal corporation; requiring a local law enacted under this Act to require a certain person to give a certain notice to a certain county or municipal agency or official within a certain time; defining a certain term; and generally relating to ~~notice to local governments of~~ notification to a county or municipal corporation regarding residential ~~real~~ property in foreclosure.

BY repealing and reenacting, without amendments,
Article – Real Property
Section 7–105.1(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 14–126
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 654 – Delegate Hubbard

AN ACT concerning

Health Occupations – License to Practice Psychology – Doctoral Degree in Psychology

FOR the purpose of clarifying certain qualifications of applicants for a license to practice psychology; altering the definition of a certain term; and generally

relating to the definition of "doctoral degree in psychology" and applicants for a license to practice psychology in the State.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 18–101(c) and 18–302
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 655 – Delegates Sossi, Ali, Aumann, Beidle, Bobo, Cane, Carr, V. Clagett, Dwyer, Eckardt, Elliott, Frank, Frush, George, Glenn, Haddaway, Healey, Holmes, Hucker, Kipke, Lafferty, Malone, McComas, McIntosh, Minnick, Norman, O'Donnell, Serafini, Shewell, Smigiel, Stein, Stull, Walkup, Weir, and Wood

AN ACT concerning

Natural Resources – Expanded Use of Waterway Improvement Fund

FOR the purpose of authorizing grants from the Waterway Improvement Fund to be used for the purchase and installation of best management practices for implementation at public or private marine facilities for the designation or renewal of a marina as a Maryland Clean Marina or Clean Marina partner; prohibiting the amount of grants for the purchase and installation of best management practices from exceeding a certain percentage of the purchase and installation cost; restricting certain grants to facilities actively engaged in the process of a certain certification or recertification; requiring the Secretary of Natural Resources to determine the eligibility of a proposed best management practice for grant funding; establishing that the ownership, operation, and maintenance of any equipment acquired with certain grant funds shall be the sole responsibility of the marine facility; requiring projects for the purchase and installation of Maryland Clean Marina best management practices to be financed solely by the Waterway Improvement Fund; prohibiting certain grants to certain marine facilities from the Waterway Improvement Fund from exceeding certain amounts; providing for the disbursement of certain grant awards from the Waterway Improvement Fund; requiring reimbursement of certain grant awards from the Waterway Improvement Fund on the occurrence of certain conditions; increasing the amount of funds the Department of Natural Resources may spend from the Waterway Improvement Fund in a fiscal year; limiting the amount of funds from the Waterway Improvement Fund that may be used for certain projects; making stylistic changes; and generally relating to uses of the Waterway Improvement Fund.

BY repealing and reenacting, with amendments,

Article – Natural Resources
Section 8–707, 8–708, and 8–709
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 740 – Delegates Harrison, Taylor, Anderson, Branch, Braveboy, Conaway, Glenn, Haynes, Kirk, Love, McHale, Nathan–Pulliam, Stukes, and Tarrant

AN ACT concerning

Unemployment Insurance – Maximum Benefit – Increase

FOR the purpose of increasing the amount of the weekly unemployment insurance benefit up to a certain amount over a certain period of time; providing for the application of this Act; providing for a delayed effective date for certain provisions of this Act; and generally relating to unemployment insurance benefits.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 8–803
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 8–803
Annotated Code of Maryland
(2008 Replacement Volume)
(As enacted by Section 1 of this Act)

Read the first time and referred to the Committee on Finance.

House Bill 741 – Delegate Anderson (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City Land Bank Authority – Recodification

FOR the purpose of transferring, without substantive change, certain provisions of law concerning the Baltimore City Land Bank Authority from the Annotated Code of Maryland to the Baltimore City Charter; making stylistic changes; and

generally relating to the recodification of the Baltimore City Land Bank Authority.

BY repealing
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 22–101 through 22–212 and the title "Title 22. Baltimore City Land Bank Authority"
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY adding to
The Charter of Baltimore City
Article II – General Powers
Section (65)
(2007 Replacement Volume, as amended)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 754 – Delegates Stein, Boteler, V. Clagett, Glenn, Hucker, James, Lafferty, and Weir

AN ACT concerning

Real Property – Conservation Easements – Disclosure

FOR the purpose of requiring a vendor of real property encumbered by one or more conservation easements to deliver to each purchaser a certain notice and copies of the conservation easements under certain circumstances; altering the form of the notice required to be delivered by a vendor to a purchaser under certain circumstances; altering the right of a purchaser to rescind a sales contract for property encumbered by a conservation easement under certain circumstances; prohibiting a purchaser who receives a certain notice and copies of conservation easements from rescinding the sales contract under certain circumstances; altering the contents of the notification a purchaser of real property encumbered by a conservation easement is required to give to the owner of the conservation easement under certain circumstances; altering a certain definition; making stylistic changes; and generally relating to the disclosure of conservation easements.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 10–705
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 861 – Delegate Smigiel

AN ACT concerning

Practice of Veterinary Medicine – Operating Without a License – Penalties

FOR the purpose of making it a misdemeanor to perform a surgical operation on an animal in the State in violation of certain provisions of law; ~~making a person subject to~~ establishing certain penalties on conviction for ~~this misdemeanor~~ certain violations; stating the intent of the General Assembly regarding the penalties for violation of Title 2, Subtitle 3 of the Agriculture Article; and generally relating to penalties for the illegal practice of veterinary medicine in the State.

BY adding to
Article – Agriculture
Section 2–315.1
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 911 – Carroll County Delegation

AN ACT concerning

Counties – Purchase of Development Rights – Carroll County

FOR the purpose of authorizing Carroll County to enter into an agreement to purchase development rights under certain circumstances; authorizing Carroll County to determine, by resolution, certain provisions, terms, conditions, and the duration of a certain agreement; providing that a certain payment obligation in a certain agreement shall be a general obligation of Carroll County and may not be subject to a certain annual appropriation; authorizing Carroll County to undertake a certain payment obligation without regard to certain limitations and without complying with certain procedures; providing that the exercise of certain authority constitutes the exercise of certain borrowing authority; providing that a certain agreement, the transfer or assignment of a certain agreement, and the payment required by a certain agreement are exempt from certain taxes; and generally relating to the purchase of development rights by Carroll County.

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions

Section 20–101
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 20–102
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 953 – ~~Delegates Love, Beidle, V. Clagett, King, Kipke, and Sophocleus~~ Anne Arundel County Delegation

AN ACT concerning

Fire, Rescue, and Emergency Medical Services in Anne Arundel County – Agreements with Federal Government – Reimbursement

FOR the purpose of requiring that, in Anne Arundel County, any agreement entered into under a certain provision of law between a fire, rescue, or emergency medical services entity and the federal government to provide fire fighting or rescue activities on certain property shall include a provision that entitles the fire, rescue, or emergency medical services entity to obtain a certain reimbursement from the appropriate federal authority; and generally relating to agreements between the federal government and fire, rescue, and emergency medical services entities in Anne Arundel County.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 7–104
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 973 – Delegate V. Clagett

AN ACT concerning

Maryland Horse Industry Fund – Assessments on Commercial Equine Feed

FOR the purpose of altering the amount of the assessment that the Secretary of Agriculture may impose on commercial equine feed sold in the State; and

generally relating to the authority of the Secretary of Agriculture to impose assessments on commercial equine feed.

BY repealing and reenacting, with amendments,
Article – Agriculture
Section 6–107.2
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 978 – Delegate Niemann

AN ACT concerning

Task Force to Study Motor Vehicle Towing Practices – Extension

FOR the purpose of extending the expiration date for the Task Force to Study Motor Vehicle Towing Practices; extending the due date by which the Task Force is required to report its findings and recommendations; and generally relating to the Task Force to Study Motor Vehicle Towing Practices.

BY repealing and reenacting, with amendments,
Chapter 514 of the Acts of the General Assembly of 2008
Section 1 and 2

Read the first time and referred to the Committee on Finance.

House Bill 1088 – Delegates DeBoy, G. Clagett, Doory, Frick, Jones, Lafferty, Malone, Schuler, and Stein

AN ACT concerning

Public Service Companies – Passenger–For–Hire Services – Limousines

FOR the purpose of repealing a certain provision exempting a certain limousine services permit from a certain annual assessment; authorizing the use of the For–Hire Driving Services Enforcement Fund for certain enforcement activities relating to limousine services; altering the definition of "limousine" for purposes of certain vehicle laws; prohibiting an individual from operating for hire a limousine designed to carry no more than a certain number of passengers unless the individual holds a certain for–hire driver's license and the limousine displays certain registration plates; prohibiting a person from permitting an individual to operate for hire a limousine designed to carry no more than a certain number of passengers unless the individual operating the limousine holds a certain for–hire driver's license and the limousine displays certain

registration plates; providing for a certain penalty for a violation of certain provisions of this Act; requiring that a certain number of points be assessed against an individual under a certain point system maintained by the Motor Vehicle Administration for a violation of ~~certain provisions~~ a certain provision of this Act; and generally relating to limousines and limousine services.

BY renumbering
Article – Transportation
Section 16–402(a)(10) through (37), respectively
to be Section 16–402(a)(11) through (38), respectively
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 10–101(a), (e), (f), (g), (h), (i), and (j), 10–102(b), and 10–103(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 10–112
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 11–129.1 and 27–101(z)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 13–939
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Transportation
Section 16–402(a)(10) and 21–1127
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 1150 – ~~Delegate Donoghue~~ Delegates Donoghue, Pendergrass, Benson, Montgomery, Morhaim, Nathan–Pulliam, Pena–Melnyk, and V. Turner

AN ACT concerning

Health Occupations – Anatomic Pathology Services – Billing

FOR the purpose of ~~excluding the microscopic examination of certain cells in a certain test performed under certain circumstances from the definition of "cytopathology" as it relates to the billing for anatomic pathology services~~ requiring certain clinical laboratories, physicians, or group practices to present, or cause to be presented, to a health care practitioner who orders but does not supervise or perform an anatomic pathology service on a Pap test specimen, a claim, bill, or demand for payment for providing certain anatomic pathology services; providing that certain provisions of law do not prohibit a health care practitioner who takes a Pap test specimen and orders but does not supervise or perform certain anatomic pathology services from billing certain patients or payors if the health care practitioner complies with certain disclosure requirements and ethics policies; and generally relating to anatomic pathology services.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 1–306
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 1290 – Delegates Rice, Ali, Barve, Bronrott, Carr, Frick, Glenn, Guzzone, Holmes, Hucker, Ivey, Jennings, Manno, Reznik, Robinson, Schuler, Stukes, Taylor, ~~and Valderrama~~ Valderrama, Beidle, V. Clagett, Frush, Healey, Lafferty, Shewell, Stein, and Weir

AN ACT concerning

Environment – Recycling – Public School Plans

FOR the purpose of requiring a county recycling plan to address the collection, processing, marketing, and disposition of recyclable materials from county public schools; requiring a county to submit a revised recycling plan by a certain date; and generally relating to county recycling plans.

BY repealing and reenacting, with amendments,
Article – Environment

Section 9–1703
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)
(As enacted by Chapter 239 of the Acts of the General Assembly of 2007)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 1407 – Chair, Economic Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Environmental Trust Fund – Environmental Surcharge – Sunset Extension

FOR the purpose of extending the termination date of a certain surcharge on electrical energy distributed to retail electric customers in the State; repealing an obsolete provision; and generally relating to the Environmental Trust Fund and the environmental surcharge on electricity distributed to retail electric customers.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 3–302
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–203
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

MESSAGE FROM THE EXECUTIVE

SUPPLEMENTAL BUDGET NO. 1 – FISCAL YEAR 2010

(See Exhibit D of Appendix III)

Supplemental Budget No. 1 was read and referred to the Committee on Budget and Taxation.

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 625 – Senators Frosh, Conway, Dyson, Harrington, Lenett, Muse, Pinsky, Raskin, and Rosapepe

AN ACT concerning

Maryland Building Performance Standards – Energy Conservation and Efficiency

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0625/584736/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 625
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 6 down through "Standards;" in line 7; in line 13, after "after" insert "a"; in line 14, strike "dates" and substitute "date"; and in the same line, strike "additional".

AMENDMENT NO. 2

On page 2, in line 31, strike the brackets; and in the same line, strike "**9**".

On page 3, in line 14, strike "**SAVINGS**" and substitute "**CONSERVATION**"; in line 17, strike "**SAVINGS**" and substitute "**CONSERVATION REQUIREMENTS**"; in the same line, strike the second "**THAT**" and substitute "**THAN**"; in line 19, strike "**(1)**"; in line 21, strike "**ADDITIONAL**"; and strike in their entirety lines 25 through 30, inclusive.

On page 4, in line 13, strike "**90**" and substitute "**120**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Senator Glassman moved, duly seconded, to make the Bill a Special Order for March 24, 2009.

The motion was adopted.

Senate Bill 721 – Senator Pinsky

AN ACT concerning

Private Wastewater Treatment Act of 2009

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0721/854835/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 721
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "on–site wastewater treatment" and substitute "individual sewerage".

AMENDMENT NO. 2

On page 1, strike beginning with "**ON–SITE**" in line 16 down through "**STATE**" in line 18 and substitute "**INDIVIDUAL SEWERAGE SYSTEM" MEANS A PRIVATELY OWNED SYSTEM OF SEWERS, PIPING AND TREATMENT TANKS OR OTHER FACILITIES THAT:**

(1) SERVES ONLY A SINGLE LOT FOR THE DISPOSAL OF SEWAGE; AND

(2) DISCHARGES TO THE SURFACE WATERS OF THE STATE";

in line 19, strike "**A**" and substitute "**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A**"; in the same line, strike "**ON–SITE TREATMENT SYSTEM**" and substitute "**INDIVIDUAL SEWERAGE SYSTEM**"; in line 20 after "**STATE**" insert a

period; and strike beginning with "**IF**" in line 20 down through "**PLAN.**" in line 4 on page 2 and substitute:

"**(C) SUBJECT TO THE DEPARTMENT'S APPROVAL, A PERSON MAY INSTALL AN INDIVIDUAL SEWERAGE SYSTEM IN THE STATE FOR RESIDENTIAL USE IF AN EXISTING ON–SITE SEWAGE DISPOSAL SYSTEM FAILS AND CANNOT BE REPAIRED OR REPLACED BY ANY MEANS.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0721/713425/1

BY: Senator Harris

AMENDMENT TO SENATE BILL 721
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Pinsky" and substitute "Senators Pinsky and Harris".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON RULES REPORT #13

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1009 – Senators Mooney and Frosh

AN ACT concerning

Environment – Incinerator Permits – Limitation on Issuance near National Parks

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 1057 – Senator Klausmeier

AN ACT concerning

Public Service Companies – Termination of Electric and Gas Service – Extreme Temperatures

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1058 – Senator Colburn

AN ACT concerning

Reorganization of State Government – Consolidating the Department of the Environment into the Department of Natural Resources

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1061 – Senators Harris, Colburn, and Greenip

AN ACT concerning

Election Law – Gubernatorial Primary Election – Date

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Finance:

Senate Bill 1063 – Senator Pugh

EMERGENCY BILL

AN ACT concerning

Joint Emergency Medical Services Oversight Committee

The bill was re–referred to the Committee on Finance.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1065 – Senator Frosh

AN ACT concerning

Standing – Miscellaneous Environmental Protection Proceedings and Judicial Review

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Budget and Taxation:

Senate Bill 1066 – Senators DeGrange and Kasemeyer

AN ACT concerning

Public–Private Partnerships – Authorization and Oversight

The bill was re–referred to the Committee on Budget and Taxation.

THE COMMITTEE ON RULES REPORT #14

Senator Klausmeier, Chair, for the Committee on Rules recommended the following Bill be re–referred to the Committee on Education, Health, and Environmental Affairs:

Senate Bill 1067 – Senator Kasemeyer

EMERGENCY BILL

AN ACT concerning

Election Law – Petition Signatures

The bill was re–referred to the Committee on Education, Health, and Environmental Affairs.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 468 – Senators Stone and Zirkin

AN ACT concerning

Courts – Jury Trials in Civil Actions – Amount in Controversy

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENT (1) AND THE FAVORABLE REPORT.

SB0468/138673/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 468
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Zirkin" and substitute ", Zirkin, Forehand, Frosh, Garagiola, and Gladden".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 469 – Senators Stone and Zirkin

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Civil Jury Trials – Amount in Controversy

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENT (1) AND THE FAVORABLE REPORT.

SB0469/628472/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 469
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Zirkin" and substitute ", Zirkin, Forehand, Frosh, Garagiola, and Gladden".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 484)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #40

Senate Bill 5 – Senator Harrington

AN ACT concerning

Assisted Housing – Protected Actions – Extended Leases ~~for Seniors~~

Read the third time and failed for want of a constitutional majority:

Affirmative – 23 Negative – 24 (See Roll Call No. 485)

Senate Bill 173 – Senators Kelley, Conway, Currie, Della, Exum, Forehand, Frosh, Klausmeier, Kramer, Madaleno, Munson, Peters, Pugh, Raskin,

~~and Robey~~ Robey, Garagiola, Glassman, ~~and Middleton~~ Middleton, and Harris

AN ACT concerning

Health Insurance – Mandated Benefits – Hospitalization and Home Visits Following a Mastectomy

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 1 (See Roll Call No. 486)

The Bill was then sent to the House of Delegates.

Senate Bill 180 – Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City – Authority of Mayor to Remove Police Commissioner

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 1 (See Roll Call No. 487)

The Bill was then sent to the House of Delegates.

Senate Bill 299 – Senator Simonaire

AN ACT concerning

Child Custody and Visitation – Relocation of Child ~~– Consent and Court Approval~~

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 488)

The Bill was then sent to the House of Delegates.

Senate Bill 614 – ~~Senator Gladden~~ Senators Gladden, Jones, and Kelley

AN ACT concerning

Transportation – Baltimore Corridor Transit Study – Red Line Area

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 489)

The Bill was then sent to the House of Delegates.

Senate Bill 634 – Senators Pugh, Glassman, Haines, Klausmeier, and Stone

AN ACT concerning

Professional Corporations – Professional Services – Multiple Professions

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 490)

The Bill was then sent to the House of Delegates.

Senate Bill 643 – Senators Brochin, Klausmeier, and Simonaire

AN ACT concerning

Estates – Disqualification of Persons Convicted of Unlawfully Obtaining Property from Vulnerable Adults

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 491)

The Bill was then sent to the House of Delegates.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 492)

ADJOURNMENT

At 8:47 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Tuesday, March 24, 2009 in memory of Christine Sarbanes.

Annapolis, Maryland
Tuesday, March 24, 2009
10:00 A.M. Session

The Senate met at 10:09 A.M.

Prayer by Reverend Dwayne Hooper, Jr., Largo Community Church, guest of Senator Douglas J. J. Peters.

(See Exhibit A of Appendix III)

The Journal of March 23, 2009 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 495)

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 554 – Senators Lenett, Conway, Currie, Della, Forehand, Frosh, Garagiola, Gladden, Harrington, Jones, Kasemeyer, Kelley, Klausmeier, Madaleno, McFadden, Miller, Muse, Pinsky, Pugh, Raskin, and Robey

AN ACT concerning

Chesapeake Bay Nitrogen Reduction Act of 2009

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0554/324537/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 554
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "system" insert "to service a newly constructed building"; in line 4, after "technology;" insert "prohibiting the repair or replacement of an on–site sewage disposal system in the Chesapeake and Atlantic Coastal Bays Critical Area unless the repaired or replacement on–site sewage disposal system utilizes nitrogen removal technology;"; in line 6, after "costs" insert "under certain circumstances"; in the same line, strike "a"; in the same line, strike "penalty" and substitute "penalties and enforcement mechanisms"; and in the same line, after "violation;" insert "requiring the Department to adopt certain regulations;".

AMENDMENT NO. 2

On page 2, in line 4, strike "**INSTALL**" and substitute "**:**

(1) INSTALL, OR HAVE INSTALLED, ON PROPERTY A PERSON OWNS IN THE STATE,";

in line 5, strike "**IN THE STATE**" and substitute "**TO SERVICE A NEWLY CONSTRUCTED BUILDING,**"; in line 6, after "**TECHNOLOGY**" insert "**; OR**

(2) REPAIR OR REPLACE, OR HAVE REPAIRED OR REPLACED, AN EXISTING ON–SITE SEWAGE DISPOSAL SYSTEM ON PROPERTY A PERSON OWNS IN THE STATE IN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA, UNLESS THE REPAIRED OR REPLACEMENT ON–SITE SEWAGE DISPOSAL SYSTEM UTILIZES NITROGEN REMOVAL TECHNOLOGY".

AMENDMENT NO. 3

On page 2, in line 11, after "**FUND**" insert "**, IF SUFFICIENT FUNDS ARE AVAILABLE**"; in line 12, after "**(D)**" insert "**(1)**"; in the same line, strike "**A**" and substitute "**SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A**"; and strike in their entirety lines 13 and 14 and substitute "**SUBJECT TO THE CIVIL AND ADMINISTRATIVE PENALTIES AND THE ENFORCEMENT MECHANISMS PROVIDED IN §§ 9–334 THROUGH 9–342 OF THIS TITLE.**

(2) THE PENALTIES IMPOSED UNDER THIS SECTION MAY NOT EXCEED $1,000 PER DAY.

(3) EACH DAY THAT A VIOLATION CONTINUES IS A SEPARATE OFFENSE UNDER THIS SECTION.

(E) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.

(2) THE REGULATIONS ADOPTED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE PROVISIONS TO ENSURE THAT APPROPRIATE MANAGEMENT MEASURES ARE PROVIDED FOR THE OPERATION AND MAINTENANCE OF NITROGEN REMOVAL TECHNOLOGY.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted by a roll call vote as follows:

Affirmative – 25 Negative – 20 (See Roll Call No. 496)

Senator Pinsky moved, duly seconded, to make the Bill a Special Order for March 25, 2009.

The motion was adopted.

Senate Bill 590 – Senators Pipkin and Della

AN ACT concerning

Business Regulation – State Amusement Ride Safety Advisory Board – Membership

STATUS OF BILL: BILL IS ON SECOND READING AND OPEN TO AMENDMENT.

Senator Pipkin moved, duly seconded, to make the Bill a Special Order for March 25, 2009.

The motion was adopted.

Senate Bill 272 – The President (By Request – Administration) and Senators ~~Conway,~~ Frosh, Harrington, Lenett, Madaleno, Pinsky, Raskin, ~~and Robey~~ Robey, and Forehand

AN ACT concerning

Maryland False Health Claims Act of 2009

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

Read the third time and failed for want of a constitutional majority:

Affirmative – 23 Negative – 24 (See Roll Call No. 497)

Senate Bill 625 – Senators Frosh, Conway, Dyson, Harrington, Lenett, Muse, Pinsky, Raskin, and Rosapepe

AN ACT concerning

Maryland Building Performance Standards – Energy Conservation and Efficiency

STATUS OF BILL: BILL IS ON SECOND READING AND OPEN TO AMENDMENT.

FLOOR AMENDMENT

SB0625/733229/1

BY: Senator Glassman

AMENDMENT TO SENATE BILL 625, AS AMENDED
(First Reading File Bill)

In the Education, Health, and Environmental Affairs Committee Amendments (SB0625/584736/1), in line 7 of Amendment No. 2, strike "**120**" and substitute "**1**".

On page 4 of the bill, in line 13, strike "**DAYS**" and substitute "**YEAR**".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 18 Negative – 28 (See Roll Call No. 498)

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 499)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #41

Senate Bill 175 – Senator Colburn

EMERGENCY BILL

AN ACT concerning

Department of Natural Resources – Shell Dredging – Permit Application

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 1 (See Roll Call No. 500)

The Bill was then sent to the House of Delegates.

Senate Bill 211 – Senators Pugh, Currie, Exum, Forehand, Lenett, McFadden, Muse, and Peters

AN ACT concerning

Minority Business Enterprise Program – Participation by Race or Gender

Senator Conway moved, duly seconded, to place **Senate Bill 211** back on second reading for the purpose of adding amendments.

The motion was adopted.

STATUS OF BILL: BILL IS ON SECOND READING AND OPEN TO AMENDMENT.

FLOOR AMENDMENT

SB0211/573022/1

BY: Senator Conway

AMENDMENT TO SENATE BILL 211

(Bill as Printed for Third Reading)

On page 1, in the sponsor line, strike "and Peters" and substitute "Peters, and Jones".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 324 – Senator Colburn

AN ACT concerning

Department of Natural Resources – State Boat Act – Auctioneers

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 1 (See Roll Call No. 501)

The Bill was then sent to the House of Delegates.

Senate Bill 489 – Senators Pugh, Currie, Harrington, Madaleno, McFadden, Muse, Peters, ~~and Raskin~~ Raskin, Exum, Lenett, and Conway

AN ACT concerning

Minority Business Enterprise Certification – Cap on Personal Net Worth

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 502)

The Bill was then sent to the House of Delegates.

Senate Bill 611 – Senators Jones, Conway, Harrington, Muse, and Pugh

AN ACT concerning

Minority Business Enterprise Program – Prohibitions ~~and Penalties for Contractors~~

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 503)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #42

Senate Bill 468 – Senators Stone ~~and Zirkin~~, Zirkin, Forehand, Frosh, Garagiola, and Gladden

AN ACT concerning

Courts – Jury Trials in Civil Actions – Amount in Controversy

Read the third time and passed by yeas and nays as follows:

Affirmative – 32 Negative – 15 (See Roll Call No. 504)

The Bill was then sent to the House of Delegates.

Senate Bill 469 – Senators Stone ~~and Zirkin~~, Zirkin, Forehand, Frosh, Garagiola, and Gladden

CONSTITUTIONAL AMENDMENT

AN ACT concerning

Civil Jury Trials – Amount in Controversy

Read the third time and passed by yeas and nays as follows:

Affirmative – 33 Negative – 14 (See Roll Call No. 505)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #23

CONSENT CALENDAR #4

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 606 – Senators Haines, Colburn, Greenip, and Harris

AN ACT concerning

Environment – Privately Licensed Sanitarians – Soil Percolation Tests

SB0606/394237/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 606
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike beginning with "Senators" down through "Harris" and substitute "Carroll County Senators"; in line 2, strike "Environment – Privately Licensed Sanitarians" and substitute "Carroll County– Privately Employed Sanitarians Licensed by the State"; in line 3, strike "a" and substitute ", in Carroll County, the"; in lines 4 and 5, in each instance, strike "licensed" and substitute "employed"; in lines 5 and 6, after "sanitarian" insert "licensed by the State"; in line 9, after "circumstances;" insert "providing for the termination of this Act;"; in line 10, after "tests" insert "in Carroll County"; in the same line, strike "licensed" and substitute "employed"; and in the same line, after "sanitarians" insert "licensed by the State".

AMENDMENT NO. 2

On page 2, in line 13, strike "**A**" and substitute "**IN CARROLL COUNTY, THE**"; in lines 15, 16, and 22, in each instance, strike "**LICENSED**" and substitute "**EMPLOYED**"; and in lines 15, 16, and 22, in each instance, after "**SANITARIAN**" insert "**LICENSED BY THE STATE**".

AMENDMENT NO. 3

On page 2, in line 25, strike "October" and substitute "July"; and in the same line, after "2009." insert "It shall remain effective for a period of 2 years and, at the end of June 30, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 607 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County – Overdue Water and Sewer Charge – Restoration of Service Penalty

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 780 – Carroll County Senators

AN ACT concerning

Counties – Purchase of Development Rights – Carroll County

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 884 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County – Alcoholic Beverages – Wine Festival License

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 901 – Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City Land Bank Authority – Recodification

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 1010 – Senator Colburn

AN ACT concerning

Dorchester County – New Board of License Commissioners

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 500 – Senators Muse, Exum, Harrington, Peters, and Rosapepe

AN ACT concerning

Prince George's County – Board of Education – Financial Literacy Curriculum Content

SB0500/654931/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 500
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "Curriculum Content" and substitute "Pilot Program Course"; in line 5, after "develop" insert "and implement a certain pilot program that includes an elective course on financial literacy as a part of the county board's high school curriculum; requiring the county board to develop the"; in the same line, after "literacy" insert "as a part of the pilot program"; strike beginning with "requiring" in line 6 down through "school;" in line 7 and substitute "requiring the county board to select a certain number of high schools in the county to participate in the pilot program course; requiring the county board to submit a certain report to the Prince

George's County Senate Delegation and House Delegation on or before a certain date each year; providing for the termination of this Act;"; and in line 8, after "a" insert "pilot program".

AMENDMENT NO. 2

On page 1, in line 19, after "**DEVELOP**" insert "**AND IMPLEMENT A PILOT PROGRAM THAT INCLUDES A SEMESTER–LONG ELECTIVE COURSE IN FINANCIAL LITERACY AS A PART OF THE COUNTY BOARD'S HIGH SCHOOL CURRICULUM.**

(B) (1) THE COUNTY BOARD SHALL DEVELOP";

in line 20, strike "**A SEMESTER–LONG**" and substitute "**THE**"; in line 21, strike "**(B)**" and substitute "**(2)**"; strike beginning with "**DEVELOPED**" in line 21 down through "**SECTION**" in line 22; and in line 23, strike "**(1)**" and substitute "**(I)**".

AMENDMENT NO. 3

On page 2, in lines 1, 2, 4, 5, 6, 7, 8, 9, 10, and 11, strike "**(2)**", "**(3)**", "**(4)**", "**(5)**", "**(6)**", "**(7)**", "**(8)**", "**(9)**", "**(10)**", and "**(11)**", respectively, and substitute "**(II)**", "**(III)**", "**(IV)**", "**(V)**", "**(VI)**", "**(VII)**", "**(VIII)**", "**(IX)**", "**(X)**", and "**(XI)**", respectively; strike beginning with "**IN**" in line 12 down through "**LITERACY.**" in line 13 and substitute "**THE COUNTY BOARD SHALL SELECT THREE HIGH SCHOOLS IN THE COUNTY TO PARTICIPATE IN THE PILOT PROGRAM.**

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before June 30 of each year, the Prince George's County Board of Education shall submit a report, in accordance with § 2–1246 of the State Government Article, to the Prince George's County Senate Delegation and House Delegation on the success of the pilot program developed and implemented under this Act.";

in line 14, strike "2." and substitute "3."; in line 15, strike "October" and substitute "July"; and in the same line, after "2009." insert "It shall remain effective for a period of 2 years and, at the end of June 30, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #24

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 507 – Senators Conway, Colburn, DeGrange, Klausmeier, and Stone

AN ACT concerning

Maryland Locksmiths Act

SB0507/274439/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 507
(First Reading File Bill)

AMENDMENT NO. 1

On page 3, in line 25, after "**PROTECT**" insert "**AGAINST**".

On page 12, in line 15, strike the first "**USE**" and substitute "**USES**".

On page 18, in line 29, strike "Finance" and substitute "Education, Health, and Environmental Affairs".

AMENDMENT NO. 2

On page 1, in line 10, after "license;" insert "providing that before an individual may begin work for a licensed locksmith the licensee shall submit the individual's name to the Secretary and the individual shall apply for a national and State criminal history records check;".

On page 2, after line 19, insert:

"**(C) "EMPLOYEE" MEANS AN INDIVIDUAL EMPLOYED BY A LICENSED LOCKSMITH TO PROVIDE LOCKSMITH SERVICES ON BEHALF OF THE LICENSED LOCKSMITH.**";

and in lines 20, 27, and 29, strike "**(C)**", "**(D)**", and "**(E)**", respectively, and substitute "**(D)**", "**(E)**", and "**(F)**", respectively.

On page 3, in lines 1 and 4, strike "**(F)**" and "**(G)**", respectively, and substitute "**(G)**" and "**(H)**", respectively.

On page 4, in line 7, strike "**AND**"; and in line 9, strike "**ON THE PREMISES OF THE RETAILER**" and substitute "**:**

(I) ON THE PREMISES OF THE RETAILER; OR

(II) OFF THE PREMISES OF THE RETAILER IF THE INSTALLATION OR REPLACEMENT OF LOCKS IS INCIDENTAL TO THE RETAILER'S NORMAL COURSE OF BUSINESS;

(9) THE INSTALLATION OR REPLACEMENT OF LOCKS BY A SECURITY SYSTEMS TECHNICIAN WHO IS LICENSED UNDER TITLE 18 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; AND

(10) THE INSTALLATION, REPAIR, REPLACEMENT, REKEYING, OR ADJUSTING OF LOCKS OR LOCK COMPONENTS FOR PROPERTY BY AN EMPLOYEE OR AGENT OF THE PROPERTY OWNER OR A MANAGEMENT COMPANY".

On page 5, in line 25, strike "**12.5–204**" and substitute "**12.5–205**".

On page 6, after line 2, insert:

"**12.5–203.**

BEFORE AN INDIVIDUAL MAY BEGIN WORK FOR A LICENSEE AS AN EMPLOYEE:

(1) THE LICENSEE SHALL SUBMIT TO THE SECRETARY, ON THE FORM THAT THE SECRETARY PROVIDES, THE NAME OF THE INDIVIDUAL; AND

(2) THE INDIVIDUAL SHALL APPLY FOR A NATIONAL AND STATE CRIMINAL HISTORY RECORDS CHECK REQUIRED UNDER § 12.5–204(B) OF THIS SUBTITLE.";

in line 3, strike "**12.5–203.**" and substitute "**12.5–204.**"; in line 8, after "**SUBTITLE**" insert "**AND AN INDIVIDUAL WHOSE NAME IS REQUIRED TO BE SUBMITTED TO THE SECRETARY UNDER § 12.5–203 OF THIS SUBTITLE**"; in line 13, after "**APPLICANT**" insert "**AND AN INDIVIDUAL WHOSE NAME IS REQUIRED TO BE SUBMITTED TO THE SECRETARY UNDER § 12.5–203 OF THIS SUBTITLE**"; in line 21, after the first "**THE**" insert "**MANDATORY**"; after line 23, insert:

"**(C) A LICENSEE OR APPLICANT MAY PAY FOR THE COSTS BORNE BY THE EMPLOYEE OR OTHER INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS CHECK UNDER SUBSECTION (B) OF THIS SECTION.**";

and in line 24, strike "**(C)**" and substitute "**(D)**".

On page 7, in line 6, strike "**(D)**" and substitute "**(E)(1)**"; in lines 8, 9, and 10, strike "**(1)**", "**(2)**", and "**(3)**", respectively, and substitute "**(I)**", "**(II)**", and "**(III)**", respectively; after line 11, insert:

"**(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT PRECLUDE THE SECRETARY FROM NOTIFYING A LICENSEE OR AN APPLICANT OF THE APPROVAL OR DISQUALIFICATION OF THE EMPLOYEE FOR EMPLOYMENT BASED ON INFORMATION OBTAINED BY THE SECRETARY UNDER THIS SECTION.**";

in line 12, strike "**(E)**" and substitute "**(F)**"; after line 15, insert:

"**(G) THE SECRETARY SHALL VERIFY PERIODICALLY THE CONTINUED EMPLOYMENT OR LICENSURE OF INDIVIDUALS REQUIRING CRIMINAL HISTORY RECORDS CHECKS IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.**";

and in lines 16 and 27, strike "**12.5–204.**" and "**12.5–205.**", respectively, and substitute "**12.5–205.**" and "**12.5–206.**", respectively.

On page 8, in lines 3, 5, and 21, strike "**12.5–203**", "**12.5–204**", and "**12.5–206.**", respectively, and substitute "**12.5–204**", "**12.5–205**", and "**12.5–207.**", respectively.

On page 9, in lines 8, 12, and 15, strike "**12.5–207.**", "**12.5–208.**", and "**12.5–204**", respectively, and substitute "**12.5–208.**", "**12.5–209.**", and "**12.5–205**", respectively.

On page 11, in lines 5, 10, and 29, strike "**12.5–209.**", "**12.5–206**", and "**12.5–210.**", respectively, and substitute "**12.5–210.**", "**12.5–207**", and "**12.5–211.**", respectively.

On page 12, in line 1, strike "**12.5–211**" and substitute "**12.5–212**".

On page 13, in line 2, strike "**12.5–204**" and substitute "**12.5–205**".

On page 14, in lines 10, 13, 24, and 29, strike "**12.5–211.**", "**12.5–210**", "**12.5–212.**", and "**12.5–213.**", respectively, and substitute "**12.5–212.**", "**12.5–211**", "**12.5–213.**", and "**12.5–214.**", respectively.

AMENDMENT NO. 3

On page 12, in line 28, after "**FELONY**" insert "**THAT IS DIRECTLY RELATED TO THE FITNESS AND QUALIFICATION OF THE EMPLOYEE TO BE INVOLVED IN PROVIDING LOCKSMITH SERVICES**".

The preceding 3 amendments were read only.

Senator Exum moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 597 – Senators Conway, Gladden, Jones, McFadden, and Pugh

AN ACT concerning

Secondhand Precious Metal Object Dealers and Pawnbrokers – Electronic Reporting

SB0597/774432/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 597
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Pugh" and substitute "Pugh, and Dyson"; in line 5, after "submit" insert "certain information and"; strike beginning with "exempting" in line 6 down through "requirement;" in line 7 and substitute "repealing a certain exemption to a requirement to submit certain records in a certain manner and at a certain time; authorizing the Governor's Office of Crime Control and Prevention to authorize certain law enforcement units to require or receive certain records in certain formats under certain circumstances;".

AMENDMENT NO. 2

On page 1, in lines 20 and 23, in each instance, strike "a copy of" and substitute "**THE REQUIRED INFORMATION FROM**".

On page 2, in line 5, strike "(1)"; in line 9, strike "a copy of" and substitute "**THE REQUIRED INFORMATION FROM**"; in line 10, strike "the end of each" and substitute "**NOON OF THE NEXT**"; strike in their entirety lines 12 through 20, inclusive; in line 21, strike "copy of a"; and in line 26, strike "A copy of" and substitute "**THE REQUIRED INFORMATION FROM**".

AMENDMENT NO. 3

On page 3, in line 1, strike "destroy the copy of" and substitute "**CEASE TO MAINTAIN**"; and after line 2, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any provision of Section 1 of this Act, for a primary law enforcement unit that does not have an electronic reporting system in place on or before October 1, 2009, the Governor's Office of Crime Control and Prevention, during the 1–year period beginning October 1, 2009, through the end of September 30, 2010, may authorize:

(1) the primary law enforcement unit to require paper reporting from the entities covered under this Act; or

(2) a local law enforcement unit within a county to receive records electronically until the primary law enforcement unit has an electronic reporting system in place.".

AMENDMENT NO. 4

On page 3, in lines 3, 7, and 28, strike "2.", "3.", and "4.", respectively, and substitute "3.", "4.", and "5.", respectively; in line 8, strike "Department of State Police and" and substitute "Governor's Office of Crime Control and Prevention, in consultation with"; in line 9, strike "jointly" and substitute "and local law enforcement units,"; in line 21, after "recommendations" insert "for legislation"; and in line 22, after "items" insert "by all participants in the secondhand industry".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 628 – Senators Dyson and Middleton

AN ACT concerning

Health Occupations – Licensure of Social Workers

SB0628/364439/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 628
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 5 down through "states" in line 7 and substitute "requiring the Board of Social Work Examiners to establish a workgroup consisting of a certain membership to examine certain issues affecting the

status of the workforce and submit a report to certain committees of the General Assembly on or before a certain date"; and in line 11, strike "and 19–305".

AMENDMENT NO. 2

On page 2, strike beginning with "**30**" in line 4 down through "**BOARD**" in line 5 and substitute "**60 DAYS FROM THE DATE THE BOARD RECEIVED A COMPLETED APPLICATION FROM THE APPLICANT**".

AMENDMENT NO. 3

On page 2, strike in their entirety, lines 6 through 32, inclusive, and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That the Board of Social Work Examiners shall establish a workgroup consisting of Board members, representatives of social worker associations, human service providers who employ social workers, and other interested stakeholders, to:

(1) examine and make recommendations on the licensure statute and the process by which licenses are issued;

(2) examine issues affecting the status of the workforce in the State, including examination requirements, reciprocity with other states, supervision requirements, and other relevant issues; and

(3) on or before January 1, 2010, report its findings and recommendations, in accordance with § 2–1246 of the State Government Article, to the Senate Education, Health, and Environmental Affairs Committee and the House Health and Government Operations Committee.".

On page 3, in line 1, strike "2." and substitute "3.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 717 – Senators Greenip, Colburn, Harris, Jacobs, Kittleman, Klausmeier, Madaleno, Middleton, Munson, Peters, Pugh, Raskin, Robey, Rosapepe, Simonaire, and Stone

AN ACT concerning

Disease Prevention – Cancer Reports – Myelodysplastic Syndromes

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 734 – Senators Raskin and Frosh

AN ACT concerning

State Board of Physicians – Subpoenas – Medical Records for Mental Health Services

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 789 – Senator Klausmeier

EMERGENCY BILL

AN ACT concerning

State Board of Chiropractic and Massage Therapy Examiners – Massage Therapy Advisory Committee

SB0789/184531/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 789

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 2 and 3, strike "Massage Therapy Advisory Committee" and substitute "Terms of Members".

AMENDMENT NO. 2

On page 1, strike beginning with "reestablishing" in line 4 down through "Committee;" in line 6 and substitute "altering the terms of certain members of the Massage Therapy Advisory Committee;"; in line 7, strike "providing for the termination of this Act;"; and in line 8, strike "the reestablishment" and substitute "altering the terms of members".

AMENDMENT NO. 3

On page 1, strike in their entirety lines 9 through 23, inclusive, and substitute:

"BY repealing and reenacting, with amendments,
Chapter 242 of the Acts of the General Assembly of 2008
Section 2".

AMENDMENT NO. 4

On pages 1 through 4, strike in their entirety the lines beginning with line 26 on page 1 through line 10 on page 4, inclusive.

AMENDMENT NO. 5

On page 4, after line 10, insert:

"Chapter 242 of the Acts of 2008

SECTION 2. AND BE IT FURTHER ENACTED, That the Governor shall appoint one chiropractor member and three massage therapist members to the State Board of Chiropractic and Massage Therapy Examiners in accordance with § 3–202 of the Health Occupations Article, as enacted by Section 1 of this Act. The terms of the members are as follows:

(1) the one chiropractor member and one massage therapist member shall serve for a term of 2 years **AND 2 MONTHS** which shall begin on **[**July 1, 2009**]** **MAY 1, 2009,** and shall terminate at the end of June 30, 2011, and the members shall serve until a successor is appointed and qualifies; and

(2) the two massage therapist members shall serve for a term of 4 years **AND 2 MONTHS** which shall begin on **[**July 1, 2009**]** **MAY 1, 2009**, and shall terminate at the end of June 30, 2013**,** and the members shall serve until a successor is appointed and qualifies.".

AMENDMENT NO. 6

On page 4, strike beginning with "It" in line 15 down through "effect." in line 17.

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 910 – Senator Conway

AN ACT concerning

Health Occupations – Morticians and Funeral Directors – Crematory License

SB0910/704235/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 910
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "requiring one member" and substitute "altering the membership"; and strike beginning with "to" in line 5 down through "crematory" in line 6.

AMENDMENT NO. 2

On page 6, strike in their entirety lines 4 through 6, inclusive; and after line 6, insert:

"(i) **[**6**]** **5** shall be licensed morticians or licensed funeral directors**;**

(II) 1 SHALL BE AN OWNER OR OPERATOR OF A CREMATORY; and

[(ii)**]** **(III)** 5 shall be consumer members.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 946 – Senators Pugh and McFadden

AN ACT concerning

Minority Business Enterprise Program – Report to Joint Committee on Fair Practices

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #25

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 163 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)

EMERGENCY BILL

AN ACT concerning

Program Open Space – Use of Funds – Indoor or Outdoor Recreational Facilities

SB0163/784130/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 163
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "facilities;" insert "requiring certain indoor recreational facilities to meet or exceed a certain rating under certain circumstances; requiring certain indoor recreational facilities to incorporate, to the maximum extent practicable, certain site design standards; altering the percentage of funds that the State shall provide to a local governing body for the construction of an indoor recreational facility located outside of a priority funding area under certain circumstances; altering the percentage of funds that the State shall provide to a local governing body for the acquisition of land located within a priority funding area under certain circumstances; requiring the Department of Planning, in consultation with the Department of Natural Resources, to conduct a certain evaluation; requiring the Department of Planning to report its evaluation to certain committees of the General Assembly on or before a certain date; providing for the application of this Act;"; and in line 15, after "5–903(b)" insert "and 5–905(c)(3)".

AMENDMENT NO. 2

On page 3, in line 1, strike "**FUNDS**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, FUNDS**"; and after line 6, insert:

"**(3) AN INDOOR RECREATIONAL FACILITY FUNDED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:**

(I) IF THE FACILITY IS 7,500 SQUARE FEET OR GREATER, MEET OR EXCEED THE CURRENT VERSION OF THE U.S. GREEN BUILDING COUNCIL'S LEED GREEN BUILDING RATING SYSTEM SILVER RATING, HOWEVER, THE FACILITY IS NOT REQUIRED TO BE CERTIFIED THROUGH THE LEED CERTIFICATION PROCESS; AND

(II) INCORPORATE, TO THE MAXIMUM EXTENT PRACTICABLE, THE NONSTRUCTURAL SITE DESIGN PRACTICES IN THE MARYLAND STORMWATER DESIGN MANUAL, INCORPORATED BY REFERENCE IN COMAR 26.17.02.

5–905.

(c) (3) (i) **[**If**]** **EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, IF** the local governing body is unable to obtain federal funds pursuant to § 5–906 of this subtitle, for each approved local development project the State shall provide:

1. 75 percent of the total project cost; or

2. If the Department has certified pursuant to paragraph (1) of this subsection that acquisition goals have been met, 90 percent of the total project cost.

(ii) **[**If**]** **EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, IF** federal funds are provided on any acquisition or development project cost, the State shall provide 50 percent of the difference between the total project cost and the federal contribution. Subject to the limitation that total State funds, when added to every other available fund, may not exceed 100 percent of a project's cost, the minimum State contribution to a project shall be 25 percent. If the federal funds are less than 50 percent of the total project cost, the State shall provide an amount equal to the difference between the federal contribution and:

1. 75 percent of the total project cost; or

2. If the Department has certified pursuant to paragraph (1) of this subsection that acquisition goals have been met, 90 percent of the total project cost.

(III) 1. SUBJECT TO THE REQUIREMENT IN SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH, IF A LOCAL GOVERNING BODY USES ITS FUNDS APPROPRIATED UNDER § 5–903(B)(1) OF THIS SUBTITLE TO ACQUIRE LAND WITHIN A PRIORITY FUNDING AREA, AS DEFINED IN § 5–7B–02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, THE STATE SHALL PROVIDE 90 PERCENT OF THE TOTAL PROJECT COST.

2. IF A LOCAL GOVERNING BODY USES ITS FUNDS APPROPRIATED UNDER § 5–903(B)(1) OF THIS SUBTITLE TO CONSTRUCT AN

INDOOR RECREATIONAL FACILITY THAT IS NOT ANCILLARY AND NECESSARY FOR OUTDOOR RECREATION, AND WILL BE LOCATED OUTSIDE OF A PRIORITY FUNDING AREA, AS DEFINED IN § 5–7B–02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, THE STATE SHALL PROVIDE 50 PERCENT OF THE TOTAL PROJECT COST.

3. THE STATE SHALL PROVIDE 90 PERCENT OF THE TOTAL PROJECT COST UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH IF THE LOCAL GOVERNING BODY AGREES TO LIMIT THE AMOUNT OF IMPERVIOUS SURFACE ON THE LAND ACQUIRED WITHIN A PRIORITY FUNDING AREA, AS DEFINED IN § 5–7B–02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, TO NO MORE THAN 10 PERCENT OF THE LAND.

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Planning shall evaluate, in consultation with the Department of Natural Resources and local governments, the degree to which State goals for recreation, parks, open space, and land acquisition are being effectively addressed through the local side Program Open Space process. On or before October 1, 2010, the Department of Planning shall report its evaluation, as well as any recommended statutory or administrative changes, to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee, in accordance with § 2–1246 of the State Government Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply prospectively and may not be applied or interpreted to have any effect on projects initiated prior to the effective date of this Act.";

and in line 7, strike "2." and substitute "4.".

The preceding 2 amendments were read only.

Senator Edwards moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 280 – The President (By Request – Administration) and Senators Della, King, Lenett, Madaleno, and Rosapepe

AN ACT concerning

Smart, Green, and Growing – Smart and Sustainable Growth Act of 2009

SB0280/644237/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 280
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the second "the" insert "adoption of certain ordinances or regulations by a local jurisdiction and the"; in lines 3 and 4, strike "a local jurisdiction" and substitute "certain governmental entities"; in line 4, after "use" insert "ordinances and regulations"; in line 5, strike "require" and substitute "clarify"; in the same line, after "plan" insert "is required"; in line 16, after the first semicolon, insert "stating the General Assembly's intent to overturn the ruling in a certain court case;"; and after line 22, insert:

"BY adding to
Article 66B – Land Use
Section 1.04(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)".

On page 2, after line 16, insert:

"BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 8–1808.1(c)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)
(As enacting by Chapter 119 of the Acts of the General Assembly of 2008)".

AMENDMENT NO. 2

On page 2, after line 37, insert:

"WHEREAS, It is the intent of the General Assembly to encourage the development of ordinances and regulations that apply to locally designated priority funding areas and allow for mixed uses and bonus densities beyond those specified in the local comprehensive plan by excluding land uses and densities or intensities in the definition of "consistency" for priority funding areas; and".

AMENDMENT NO. 3

On page 3, in line 19, strike "**1.03**" and substitute "**1.04**".

On page 4, strike in their entirety lines 12 through 24, inclusive, and substitute:

"**(A) IN THIS SECTION, "ACTION" MEANS:**

(1) THE ADOPTION OF AN ORDINANCE OR REGULATION UNDER:

(I) § 1.00(K) OF THIS ARTICLE;

(II) § 1.04(F) OF THIS ARTICLE; OR

(III) § 4.09 OF THIS ARTICLE;

(2) A REQUIREMENT UNDER § 9–505(A)(1) OF THE ENVIRONMENT ARTICLE AND § 19(O)(3)(III) OF ARTICLE 23A OF THE CODE; AND

(3) A REQUIRED FINDING UNDER §§ 9–506(A)(1) AND 9–507(B)(2) OF THE ENVIRONMENT ARTICLE.

(B) THIS SECTION APPLIES TO THE FOLLOWING:

(1) §§ 1.00(K), 1.04(F), AND 4.09 OF THIS ARTICLE;

(2) §§ 9–505(A)(1), 9–506(A)(1), AND 9–507(B)(2) OF THE ENVIRONMENT ARTICLE (WATER AND SEWER PLAN REVIEW); AND

(3) § 19(O)(3)(III) OF ARTICLE 23A OF THE CODE (ANNEXATION PLAN).

(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, WHEN A PROVISION IN A STATUTE LISTED UNDER SUBSECTION (B) OF THIS SECTION REQUIRES THAT AN ACTION BE "CONSISTENT WITH" OR HAVE "CONSISTENCY WITH" A COMPREHENSIVE PLAN, THE TERM SHALL BE DEFINED TO MEAN AN ACTION TAKEN THAT WILL FURTHER, AND NOT BE CONTRARY TO, THE FOLLOWING ITEMS IN THE PLAN:

(1) POLICIES;

(2) TIMING OF THE IMPLEMENTATION OF THE PLAN;

(3) TIMING OF DEVELOPMENT;

(4) TIMING OF REZONING;

(5) DEVELOPMENT PATTERNS;

(6) LAND USES; AND

(7) DENSITIES OR INTENSITIES.

(D) (1) IN THIS SUBSECTION, "PRIORITY FUNDING AREA" HAS THE MEANING STATED IN § 5–7B–02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THIS SUBSECTION APPLIES TO AN ACTION UNDER SUBSECTION (A)(1)(II) AND (III) OF THIS SECTION.

(3) WITHIN A PRIORITY FUNDING AREA, WHEN THE PROVISIONS IN SUBSECTION (A)(1)(II) AND (III) OF THIS SECTION REQUIRE THAT AN ACTION BE "CONSISTENT WITH" OR HAVE "CONSISTENCY WITH" A COMPREHENSIVE PLAN, THE TERM SHALL BE DEFINED TO MEAN AN ACTION TAKEN THAT WILL FURTHER, AND NOT BE CONTRARY TO, THE FOLLOWING ITEMS IN THE PLAN:

(I) POLICIES;

(II) TIMING OF THE IMPLEMENTATION OF THE PLAN;

(III) TIMING OF DEVELOPMENT;

(IV) TIMING OF REZONING; AND

(V) DEVELOPMENT PATTERNS.".

On page 5, in line 5, strike "**4.07(A)(10)**" and substitute "**4.07(I)**"; after line 17, insert:

"**(A) A CHARTER COUNTY SHALL ENACT, ADOPT, AMEND, AND EXECUTE A PLAN AS PROVIDED IN THIS SECTION.**

(d) (1) A planning commission shall include in its comprehensive plan:

(i) All elements required in subsection **[**(a)**](B)** of this section and the visions set forth in § 1.01 of this article; and

(ii) If the chosen under subsection **[**(b)**](C)** of this section, its priority preservation area element.

(2) At least once every 6 years, the planning commission shall review and if necessary, revise or amend a comprehensive plan to include:

(i) All elements required in subsection **[**(a)**](B)** of this section and the visions set forth in § 1.01 of this article; and

(ii) If chosen under subsection **[**(b)**](C)** of this section, its priority preservation area element.

(3) If the comprehensive plan for each geographic section or division is reviewed and, if necessary, revised or amended at least once every 6 years, the planning commission may prepare comprehensive plans for one or more major geographic sections or divisions of the local jurisdiction.

(e) (1) A planning commission shall implement the visions set forth in § 1.01 of this article through the comprehensive plan elements required under subsection **[**(a)**](B)** of this section.

(2) A local legislative body that has adopted a comprehensive plan may adopt regulations implementing the visions stated in § 1.01 of this article in a comprehensive plan.";

in line 18, strike "(e)" and substitute "(f)"; in line 19, strike "(c)" and substitute "**(D)**"; and in line 21, strike "(a)(1)(iii)" and substitute "**(B)(1)(III)**".

On page 6, in line 11, strike "**4.07(A)(10)**" and substitute "**4.07(I)**".

On page 8, in line 8, strike "**PROPER**" and substitute "**IF APPLICABLE, PROPER**".

AMENDMENT NO. 4

On page 12, after line 7, insert:

"Article – Natural Resources

8–1808.1.

(c) **(1) IN PARAGRAPHS (3)(I) AND (4)(I) OF THIS SUBSECTION, "CONSISTENT WITH" OR "CONSISTENCY WITH" A JURISDICTION'S COMPREHENSIVE PLAN MEANS THAT A STANDARD OR FACTOR WILL FURTHER, AND NOT BE CONTRARY TO, THE FOLLOWING ITEMS IN THE PLAN:**

(I) POLICIES;

(II) TIMING OF THE IMPLEMENTATION OF THE PLAN;

(III) TIMING OF DEVELOPMENT;

(IV) TIMING OF REZONING;

(V) DEVELOPMENT PATTERNS;

(VI) LAND USES; AND

(VII) DENSITIES OR INTENSITIES.

[(1)**] (2)** When locating new intensely developed or limited development areas, local jurisdictions shall use the following standards:

(i) Locate a new intensely developed area in a limited development area or adjacent to an existing intensely developed area;

(ii) Locate a new limited development area adjacent to an existing limited development area or an intensely developed area;

(iii) Locate a new limited development area or an intensely developed area in a manner that minimizes impacts to a habitat protection area as defined in COMAR 27.01.09, and in an area and manner that optimizes benefits to water quality;

(iv) Locate a new intensely developed area or a limited development area in a resource conservation area at least 300 feet beyond the landward edge of tidal wetlands or tidal waters, unless the local jurisdiction proposes, and the Commission approves, alternative measures for enhancement of water quality and habitat that provide greater benefits to the resources;

(v) Locate new intensely developed areas and limited development areas in a manner that minimizes their impacts to the defined land uses of the resource conservation area;

(vi) Except as provided in item (viii) of this paragraph, no more than one–half of the expansion allocated in the criteria of the Commission may be located in resource conservation areas;

(vii) New intensely developed or limited development areas involving the use of growth allocation shall conform to all criteria of the Commission and shall be designated on the comprehensive zoning map submitted by the local jurisdiction as part of its application to the Commission for program approval or at a later date in compliance with § 8–1809(g) of this subtitle; and

(viii) In Calvert, Caroline, Cecil, Charles, Dorchester, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester counties, if the county is unable to utilize a portion of the growth allocated to the county in items (i) and (ii) of this paragraph within or adjacent to existing intensely developed or limited development areas as demonstrated in the local plan approved by the Commission, then that portion of the allocated expansion which cannot be so located may be located in the resource conservation area in addition to the expansion allocated in item (vi) of this paragraph. A developer shall be required to cluster any development in an area of expansion authorized under this paragraph.

[(2)**] (3)** A local jurisdiction may use a standard that varies from the standards required under paragraph **[**(1)(i)**] (2)(I)** and (ii) of this subsection if:

(i) The alternative standard is consistent with the jurisdiction's adopted comprehensive plan; and

(ii) The Commission has approved the alternative standard as part of the local program.

[(3)**] (4)** In reviewing map amendments or refinements involving the use of growth allocation, the Commission shall consider the following factors:

(i) Consistency with the jurisdiction's adopted comprehensive plan and whether the growth allocation would implement the goals and objectives of the adopted plan;

(ii) 1. For a map amendment or refinement involving a new intensely developed area, whether the development is:

A. To be served by a public wastewater system;

B. To have an allowed average density of at least 3.5 units per acre, as calculated under § 5–7B–03(h) of the State Finance Procurement Article;

C. For a new intensely developed area that is greater than 20 acres, to be located in a priority funding area, as described under §§ 5–7B–02(1) and 5–7B–03 of the State Finance and Procurement Article; and

D. To have a demonstrable economic benefit to the area; and

2. For a map amendment or refinement involving a new limited development area, whether the development is:

A. To be served by a public wastewater system or septic system that uses the best available nitrogen removal technology;

B. A completion of an existing subdivision;

C. An expansion of an existing business; or

D. To be clustered;

(iii) The use of existing public infrastructure, where practical;

(iv) Consistency with State and regional environmental protection policies concerning the protection of threatened and endangered species and species in need of conservation that may be located on– or off–site;

(v) Impacts on a priority preservation area, as defined under § 2–518 of the Agriculture Article;

(vi) Environmental impacts associated with wastewater and stormwater management practices and wastewater and stormwater discharges to tidal waters, tidal wetlands, and tribunary streams; and

(vii) Environmental impacts associated with location in a coastal hazard area or an increased risk of severe flooding attributable to the proposed development.

[(4)**] (5)** The Commission shall ensure that the standards and factors in paragraphs **[**(1), (2), and (3)**] (2), (3), AND (4)** of this subsection have been applied in a manner that is consistent with the purposes, policies, goals, and provisions of this subtitle, and all criteria of the Commission.".

AMENDMENT NO. 5

On page 12, after line 32, insert:

"SECTION 6. AND BE IT FURTHER ENACTED, That consistency with a local jurisdiction's comprehensive plan, as determined in accordance with § 8–1808.1(c)(3)(i) and (4)(i) of the Natural Resources Article of the Code, as enacted by Section 2 of this Act:

(1) Shall be a part of each determination made by the Critical Area Commission at a formal meeting of the Commission occurring on or after July 1, 2009, regarding a text amendment related to an alternative standard for the location of a new intensely developed or limited development area and an award of growth allocation; and

(2) May not be applied to an alternative standard text amendment or growth allocation approved by the Critical Area Commission before July 1, 2009.";

and in line 33, strike "6." and substitute "7.".

The preceding 5 amendments were read only.

Senator Pipkin moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 349 – Senators Pinsky, Harrington, Madaleno, and Raskin

AN ACT concerning

Education – Protection of Privacy – Release of Test Results – Military Recruiters

Favorable report adopted by a roll call vote as follows:

Affirmative – 31 Negative – 13 (See Roll Call No. 506)

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 581 – Senators Frosh, Conway, Harrington, Lenett, Pinsky, and Rosapepe

AN ACT concerning

Natural Resources – Roadside Trees – Protection and Enforcement

SB0581/104532/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 581
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "circumstances;" insert "prohibiting a county or municipality from adopting a local law or ordinance that applies to the cutting or clearing of certain trees by public utilities under certain circumstances;".

AMENDMENT NO. 2

On page 2, in line 33, after "**(D)**" strike "**A**" and substitute "**EXCEPT AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A**"; and strike beginning with "**, WITH**" in line 33 down through "**APPROVAL,**" in line 34.

On page 3, after line 2, insert:

"**(E) A COUNTY OR MUNICIPALITY MAY NOT ADOPT A LOCAL LAW OR ORDINANCE FOR THE PLANTING, CARE, AND PROTECTION OF ROADSIDE TREES THAT APPLIES TO:**

(1) THE CUTTING OR CLEARING OF PUBLIC UTILITY RIGHTS–OF–WAY OR LAND FOR ELECTRIC GENERATING STATIONS LICENSED UNDER § 7–204, § 7–205, § 7–207, OR § 7–208 OF THE PUBLIC UTILITY COMPANIES ARTICLE, PROVIDED THAT:

(I) ANY REQUIRED CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY HAVE BEEN ISSUED IN ACCORDANCE WITH § 5–1603(F) OF THIS SUBTITLE; AND

(II) THE CUTTING OR CLEARING OF THE FOREST IS CONDUCTED SO AS TO MINIMIZE THE LOSS OF FOREST; AND

(2) THE ROUTINE MAINTENANCE OF PUBLIC UTILITY RIGHTS–OF–WAY.";

in line 3, strike "**(E)**" and substitute "**(F)**"; and in the same line, strike "**IS AUTHORIZED TO ADOPT**" and substitute "**ADOPTS**".

AMENDMENT NO. 3

On page 4, strike beginning with "**THE**" in line 3 down through "**(F)**" in line 5.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0581/713128/1

BY: Senator Peters

AMENDMENT TO SENATE BILL 581
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Rosapepe" and substitute "Rosapepe, and Peters".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0581/584134/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 581, AS AMENDED

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0581/104532/1), in the last line of Amendment No. 2, strike "**SUBTITLE**" and substitute "**TITLE**".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0581/313823/1

BY: Senator Garagiola

AMENDMENT TO SENATE BILL 581, AS AMENDED

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments (SB0581/104532/1), in line 2 of Amendment No. 2, strike "**AND**"; and in line 4, after "**WAY**" insert "**; AND**

(3) THE CUTTING OR CLEARING OF PUBLIC UTILITY RIGHTS–OF–WAY OR LAND FOR NEW TRANSMISSION OR DISTRIBUTION LINES".

The preceding amendment was read and adopted.

Senator Brinkley moved, duly seconded, to make the Bill a Special Order for March 25, 2009.

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 666 – Senators Pinsky, Conway, Frosh, Harrington, Lenett, Madaleno, Raskin, and Rosapepe

AN ACT concerning

Natural Resources – No Net Loss of Forest Policy – Forest Conservation Act

SB0666/744232/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 666
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "reducing" in line 3 down through "applies;" in line 4; in line 11, after "areas;" insert "requiring the Public Service Commission to ensure compliance with certain requirements when reviewing an application for a certificate of public convenience and necessity;".

On page 2, in line 8, after "5–1603(c)(3)" insert ", (f),"; in the same line, strike "5–1604(a),"; strike in their entirety lines 12 through 16, inclusive; in line 19, after "Section" insert "5–1604(a),"; and in the same line, after "5–1607(e)" insert a comma.

AMENDMENT NO. 2

On page 2, in line 32, strike "**PRIME**" and substitute "**PRODUCTIVE**".

On page 3, in line 8, strike the brackets; in the same line, strike "**20,000**"; strike beginning with the bracket in line 24 down through "(6)" in line 31; and in line 32, strike "(7)**]**" and substitute "**(6)**".

On page 4, in lines 6, 9, 13, and 15, in each instance, strike "**(6)**", "**(7)**", "**(8)**", and "**(9)**", respectively, and substitute "**(7)**", "**(8)**", "**(9)**", and "**(10)**", respectively.

On page 5, in lines 4 and 9, in each instance, strike the bracket; in line 4, strike "After December 31, 1992, the" and substitute "**THE**"; strike beginning with "give" in line 4 down through "forth" in line 6 and substitute "**ENSURE COMPLIANCE WITH THE REQUIREMENTS**"; in line 10, strike the brackets; in the same line, strike "**(F)**"; in line 20, strike the brackets; in line 21, strike "**20,000**"; and in the same line, strike "**OR GREATER**".

AMENDMENT NO. 3

On page 6, in line 5, after "(c)" insert "**(1) TREES, SHRUBS, AND PLANTS LOCATED IN SENSITIVE AREAS INCLUDING 100–YEAR FLOODPLAINS, INTERMITTENT AND PERENNIAL STREAMS AND THEIR BUFFERS, COASTAL BAYS AND THEIR BUFFERS, STEEP SLOPES, AND CRITICAL HABITATS SHALL BE:**

(I) CONSIDERED PRIORITY FOR RETENTION AND PROTECTION;

(II) LEFT IN AN UNDISTURBED CONDITION UNLESS THE APPLICANT HAS DEMONSTRATED, TO THE SATISFACTION OF THE STATE OR LOCAL AUTHORITY THAT REASONABLE EFFORTS HAVE BEEN MADE TO PROTECT THEM AND THE PLAN CANNOT REASONABLY BE ALTERED.

(2)";

strike beginning with "(1)" in line 11 down through "(2)" in line 14 and substitute "**(I)**"; in lines 16, 18, and 21 strike "(3)", "(4)", and "(5)", respectively, and substitute "**(II)**", "**(III)**", and "**(IV)**", respectively; and in lines 22 and 23 strike "(i)" and "(ii)", respectively, and substitute "**1.**" and "**2.**", respectively.

The preceding 3 amendments were read only.

Senator Stoltzfus moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 689 – Senator Rosapepe

AN ACT concerning

Education – Study Group on Expanding Enrollment Options for High School Students

SB0689/854634/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 689
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 and 3 and substitute:

"High Schools and High School Students – Options for Accelerated Graduation";

and strike beginning with "establishing" in line 4 down through "students" in line 13 and substitute "requiring the State Department of Education to conduct a certain study to identify examinations that allow certain students to earn certain credits in certain courses for a certain purpose; requiring the study to include certain information; requiring the State Superintendent of Schools to implement a certain process on or before a certain school year; requiring the Department to review and evaluate certain programs; requiring the review and evaluation to include certain discussions; requiring the Department to report certain findings to the State Superintendent on or before a certain date; requiring certain programs to be implemented on or before a certain school year under certain circumstances; and generally relating to the accelerated graduation of high school students.".

AMENDMENT NO. 2

On page 1, strike in their entirety lines 23 through 25, inclusive.

On page 2, strike in their entirety lines 1 through 4, inclusive; in line 6, strike "dual enrollment"; strike in their entirety lines 11 through 17, inclusive; strike in their entirety lines 21 through 23, inclusive; and in line 28, after "That" insert a colon.

AMENDMENT NO. 3

On pages 2 through 5, strike in their entirety the lines beginning with line 29 on page 2 through line 20 on page 5, inclusive.

On page 5, after line 20, insert:

"(a) (1) The State Department of Education shall conduct a study to identify examinations that allow students to earn substitute credits in the State–approved high school courses English 12 and Algebra II in order to accelerate a student's graduation from high school.

(2) The study conducted under paragraph (1) of this subsection shall:

(i) ensure that the content of an examination:

1. assesses a student's mastery of the entire content of the State–approved course; and

2. is aligned with Maryland Content Standards for the State–approved course;

(ii) determine the passing score of an examination that allows a student to receive credit for the State–approved course; and

(iii) establish eligibility criteria for students.

(3) On or before the 2010–2011 school year, the State Superintendent of Schools shall implement a credit–by–examination process for the State–approved high school courses English 12 and Algebra II.

(b) (1) The Department shall review and evaluate the appropriateness of implementing middle college programs for students in high schools in the State.

(2) The review and evaluation conducted under paragraph (1) of this subsection shall:

(i) explore and discuss with institutions of higher education in the State the feasibility of establishing partnerships to implement middle college programs for students in high schools; and

(ii) explore and discuss with local school systems the benefits of and the level of interest in offering middle college programs to students in high schools in their jurisdictions.

(3) On or before February 1, 2010, the Department shall report its findings of the review and evaluation conducted under this subsection to the State Superintendent.

(4) If the State Superintendent determines that there is sufficient interest and capability to implement middle college programs for high school students based on the findings of the report submitted under paragraph (3) of this subsection, the State Superintendent shall implement a middle college program in interested school systems beginning in the 2010–2011 school year.".

AMENDMENT NO. 4

On page 5, in line 22, strike "June" and substitute "July"; and strike beginning with "It" in line 22 down through "effect." in line 24.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 802 – Senators Klausmeier, Colburn, Dyson, Jacobs, Mooney, Rosapepe, and Stone

AN ACT concerning

Higher Education – Edward T. Conroy Tuition Waiver Program – Establishment

SB0802/584137/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 802
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, and Harris"; strike beginning with "Tuition" in line 2 down through "Establishment" in line 3 and substitute "Memorial Scholarship Program – Alterations"; and strike beginning with "repealing" in line 4 down through "Program." in line 13 and substitute "authorizing certain persons to apply to certain postsecondary institutions for the Edward T. Conroy Memorial Scholarship Program rather than to the Office of Student Financial Assistance in the Maryland Higher Education Commission; authorizing certain postsecondary institutions to determine eligibility for the scholarships; requiring certain postsecondary institutions to report to the Commission by certain dates the number of eligible recipients for the scholarships; requiring the Commission to allocate funds to certain postsecondary institutions for eligible recipients; prohibiting the Office of Student Financial Assistance from awarding initial scholarships after a certain date; authorizing the Office to renew scholarships if the initial application occurred prior to a certain date; and generally relating to the Edward T. Conroy Memorial Scholarship Program.

BY repealing and reenacting, without amendments,
Article – Education
Section 18–601(a), (c), and (f)
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Education
Section 18–601(b), (d), (g), and (h)
Annotated Code of Maryland
(2008 Replacement Volume)

BY adding to
Article – Education
Section 18–601(g)
Annotated Code of Maryland
(2008 Replacement Volume)";

and strike in their entirety lines 14 through 23, inclusive.

AMENDMENT NO. 2

On page 1, strike beginning with "Section(s)" in line 25 down through "repealed." in line 26.

On page 2, in line 1, strike "SECTION 2. AND BE IT FURTHER ENACTED, That"; and after line 3, insert:

"18–601.

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

(2) "Disabled public safety employee" means a State or local public safety employee who sustains an injury in the line of duty that:

(i) Precludes the individual from continuing to serve or be employed as a State or local public safety employee; and

(ii) In the case of a volunteer member of a fire department or ambulance or rescue company or squad, precludes the member from continuing to be employed in the nonpublic safety occupation in which the member is engaged at the time of the injury.

(3) "Surviving spouse" means a person who has not remarried.

(4) "State or local public safety employee" means a person who is:

(i) A career or volunteer member of a:

1. Fire department;

2. Ambulance company or squad; or

3. Rescue company or squad;

(ii) A law enforcement officer;

(iii) A correctional officer; or

(iv) A member of the Maryland National Guard who was a resident of this State at the time of death.

(5) "Victim of the September 11, 2001 terrorist attacks" means a Maryland resident who was killed as a result of the attacks on the World Trade Center in New York City, the attack on the Pentagon in Virginia, or the crash of United Airlines Flight 93 in Pennsylvania.

(b) There is a program of scholarships that are awarded **BY ELIGIBLE POSTSECONDARY INSTITUTIONS** under this section.

(c) The Program is the Edward T. Conroy Memorial Scholarship Program.

(d) A person may apply to **[**the Office**]** **AN ELIGIBLE POSTSECONDARY INSTITUTION** for a scholarship under this section if the person:

(1) Except as provided in item (3)(iii) of this subsection and subsection (e) of this section, is a resident of Maryland;

(2) (i) Is accepted for admission or enrolled in the regular undergraduate, graduate or professional program at an eligible institution; or

(ii) Is enrolled in a 2–year terminal certificate program in which the course work is acceptable for transfer credit for an accredited baccalaureate program in an eligible institution; and

(3) (i) Is at least 16 years old and a son or daughter of a member of the armed forces who:

1. Died as a result of military service after December 7, 1941;

2. Suffered a service connected 100% permanent disability after December 7, 1941; or

3. Was declared to be a prisoner of war or missing in action, if that occurred on or after January 1, 1960 as a result of the Vietnam conflict, and if the child was born prior to or while the parent was a prisoner of war or missing in action;

(ii) Was a prisoner of war on or after January 1, 1960 as a result of the Vietnam conflict and was a resident of this State at the time the person was declared to be a prisoner of war or missing in action;

(iii) 1. A. Is at least 16 years old and a son or daughter of any State or local public safety employee killed in the line of duty; or

B. Is the surviving spouse of any State or local public safety employee killed in the line of duty; and

2. Is a resident of any state;

(iv) 1. Is a disabled public safety employee;

2. Is at least 16 years old and a son or daughter of a disabled public safety employee who sustains an injury in the line of duty that renders the public safety employee 100% disabled; or

3. Is the surviving spouse of a disabled public safety employee who sustains an injury in the line of duty that renders the public safety employee 100% disabled;

(v) Is a veteran, as defined under § 9–901 of the State Government Article, who:

1. Suffers a service connected disability of 25% or greater; and

2. Has exhausted or is no longer eligible for federal veterans' educational benefits; or

(vi) Is at least 16 years old and a son or daughter of or the surviving spouse of a victim of the September 11, 2001 terrorist attacks.

(f) A scholarship awarded under this section:

(1) May be used for the tuition and mandatory fees at any eligible institution; and

(2) May not:

(i) Exceed the equivalent annual tuition and mandatory fees of a resident undergraduate student at the 4–year public institution of higher education within the University System of Maryland, other than the University of Maryland University College and University of Maryland, Baltimore, with the highest annual expenses for a full–time resident undergraduate; and

(ii) Be less than the lesser of:

1. $3,000; or

2. The equivalent annual tuition and mandatory fees of a resident of the institution attended by the recipient of the scholarship.

(G) (1) EACH POSTSECONDARY INSTITUTION SHALL DETERMINE THE ELIGIBILITY OF PERSONS WHO APPLY TO THE INSTITUTION FOR THE EDWARD T. CONROY MEMORIAL SCHOLARSHIP PROGRAM.

(2) FUNDS FOR THE EDWARD T. CONROY MEMORIAL SCHOLARSHIP PROGRAM SHALL BE ALLOCATED BY THE COMMISSION TO EACH POSTSECONDARY INSTITUTION BASED ON THE NUMBER OF ELIGIBLE RECIPIENTS ATTENDING EACH INSTITUTION.

(3) IN OCTOBER AND FEBRUARY OF EACH YEAR, EACH POSTSECONDARY INSTITUTION SHALL REPORT TO THE COMMISSION THE NUMBER OF ELIGIBLE RECIPIENTS ATTENDING THE INSTITUTION.

(4) THE COMMISSION SHALL ALLOCATE FUNDS FOR AWARDS TO POSTSECONDARY INSTITUTIONS UPON VERIFICATION OF ELIGIBLE RECIPIENTS ATTENDING THE INSTITUTIONS.

(5) IF FUNDS CANNOT BE ALLOCATED IN THE FISCAL YEAR IN WHICH AWARDS ARE MADE, PRIORITY SHALL BE GIVEN TO ALLOCATING FUNDS FOR THOSE AWARDS IN THE FOLLOWING FISCAL YEAR.

[(g)**] (H)** (1) Each recipient of a scholarship under this section may hold the award for 5 years of full–time study or 8 years of part–time study.

(2) **[**The Office may not award more than 15 scholarships annually**]** **THE NUMBER OF ELIGIBLE RECIPIENTS** under subsection (d)(3)(v) of this section **SHALL BE LIMITED TO 15 EACH YEAR**.

(3) An award provided under subsection (d)(3)(vi) of this section may not exceed the amount specified in subsection (f)(2) of this section when combined with any other scholarship received by a student based on the student's status as a child or spouse of a victim of the September 11, 2001 terrorist attacks.

[(h)**] (I)** The Commission:

(1) May accept any gift or grant from any person for the Edward T. Conroy Scholarship Fund;

(2) Shall use any gift or grant that it receives for a scholarship from the Program; and

(3) Shall deposit any gift or grant that it receives for the Program with the State Treasurer in a nonbudgeted account.".

AMENDMENT NO. 3

On pages 2 through 5, strike in their entirety the lines beginning with line 4 on page 2 through line 7 on page 5, inclusive, and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That the Office of Student Financial Assistance in the Maryland Higher Education Commission may not award an initial scholarship or grant under the student financial assistance programs specified in Section 1 of this Act after June 30, 2010. The office may renew a scholarship or grant after June 30, 2010, if the individual received an initial scholarship or grant before that date.".

On page 5, in line 9, strike "July" and substitute "October".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 810 – Senator Colburn

AN ACT concerning

Natural Resources – Oyster Shell Purchase Program – Fair Market Value

SB0810/824439/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 810
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "requiring" insert "certain dealers to reserve oyster shells for a certain period after the opening of each annual public shellfish fishery season; altering the conditions under which a certain dealer shall reserve certain oyster shells; requiring".

AMENDMENT NO. 2

On page 2, in line 2, strike "harvest" and substitute "**PUBLIC SHELLFISH FISHERY**"; strike beginning with "replanting" in line 4 down through "shells" in line 5 and substitute "**OYSTER RESTORATION, UNLESS THE DEALER PLANTS OR PROVIDES THE SHELLS FOR PLANTING**"; and strike beginning with "(1)" in line 6 down through "Department" in line 8 and substitute:

"**(1) IN AN AREA PRIVATELY LEASED FOR AQUACULTURE PURPOSES;**

(2) ON RIPARIAN BOTTOM AS PROVIDED IN § 4–11A–16 OF THIS TITLE FOR THE PROPAGATION OF OYSTERS; OR

(3) ON PUBLIC SHELLFISH FISHERY AREAS DESIGNATED BY THE DEPARTMENT".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 879 – Senator Harrington

AN ACT concerning

Gwendolyn Britt Student Health and Fitness Act

SB0879/654433/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 879
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "requiring certain" and substitute "authorizing"; in lines 4 and 16 and 17, in each instance, strike "physical fitness measurement programs" and substitute "Wellness Policy Implementation and Monitoring Plans"; in line 6, strike "fitness measurement programs" and substitute "Wellness Policy Implementation and Monitoring Plans"; in the same line, strike "each" and substitute "certain"; and in the same line, strike "system" and substitute "systems".

AMENDMENT NO. 2

On page 3, in line 1, strike "**SHALL**" and substitute "**MAY**"; in lines 2, 15 and 16, 18 and 19, and 24 and 25, in each instance, strike "**PHYSICAL FITNESS MEASUREMENT PROGRAM**" and substitute "**WELLNESS POLICY IMPLEMENTATION AND MONITORING PLAN**"; in line 15, strike "**EACH**" and substitute "**A**"; in line 18, strike "**TO IMPLEMENT ITS**" and substitute "**THAT IMPLEMENTS A**"; in line 24, strike "**TO IMPLEMENT THE LOCAL SCHOOL SYSTEM'S**" and substitute "**THAT IMPLEMENTS A**"; and in line 26, after "**SYSTEM**" insert "**THAT IMPLEMENTS A WELLNESS POLICY IMPLEMENTATION AND MONITORING PLAN UNDER SUBSECTION (C) OF THIS SECTION**"; and in lines 28 and 29, strike "**PHYSICAL FITNESS MEASUREMENT PROGRAM**" and substitute "**WELLNESS POLICY**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #26

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 47 – Senator Harrington

AN ACT concerning

Environment – Permit Applications – Notice Requirements

SB0047/174435/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 47
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "notification" in line 3 down through "owners" in line 4 and substitute "the Department of the Environment to electronically post on the Department's website certain notice"; in line 4, after "circumstances" insert "and provide a method for certain persons to electronically request certain information"; and strike beginning with the second "requiring" in line 5 down through "notice;" in line 7.

AMENDMENT NO. 2

On page 2, strike beginning with the second "**NOTICE**" in line 12 down through "**SOUGHT**" in line 15 and substitute "**THE DEPARTMENT SHALL:**

(I) ELECTRONICALLY POST THE NOTICE OF AN APPLICATION FOR A PERMIT ON THE DEPARTMENT'S WEBSITE; AND

(II) PROVIDE A METHOD FOR INTERESTED PERSONS TO ELECTRONICALLY REQUEST ANY ADDITIONAL NOTICES RELATED TO AN APPLICATION FOR A PERMIT";

and strike in their entirety lines 30 through 32, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 463 – Senator Lenett

AN ACT concerning

Maryland Youth Advisory Council – Youth Members

SB0463/154736/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 463
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "circumstances;" insert "providing that the terms of the youth members of the Council in office on a certain date shall expire on a certain date;".

AMENDMENT NO. 2

On page 7, after line 10, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the youth members of the Maryland Youth Advisory Council in office on the effective date of this Act shall expire at the end of August 30, 2009.";

in line 11, strike "2." and substitute "3."; and in line 12, strike "October" and substitute "June".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 561 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Boiler and Pressure Vessel Safety – Inspections

SB0561/284739/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 561
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "with" in line 10 down through "vessels," in line 11; in line 14, after "inspections;" insert "authorizing the Chief Boiler Inspector, a deputy boiler inspector, a special inspector, or an authorized inspection agency to make certain inspections with respect to the installation, repair, or alteration of boilers and pressure vessels;"; strike beginning with "altering" in line 18 down through "requirements;" in line 20; in line 21, after the second "fees;" insert "requiring certain insurers to develop, maintain, and make available to the Commissioner of Labor and Industry for inspection in a certain location a certain quality assurance program or to submit to the Chief Boiler Inspector certain evidence of certain accreditation; requiring the Chair of the Board of Boiler Rules to convene a certain workgroup to develop recommendations regarding certain changes to the Boiler and Pressure Vessel Safety Act on or before a certain date;"; in line 25, strike "and" and substitute a comma; and in the same line, after "12–909" insert ", and 12–913(a)".

AMENDMENT NO. 2

On page 7, strike beginning with "**MAKE**" in line 3 down through "**(II)**" in line 5; strike beginning with "**(III)**" in line 7 down through "**(IV)**" in line 9 and substitute "**(II)**"; in lines 11, 12, 15, and 27, strike "**(V)**", "**(2)**", "**(3)**", and "(4)", respectively, and substitute "**(III)**", "**(3)**", "**(4)**", and "**(5)**", respectively; after line 11, insert:

"**(2) THE CHIEF BOILER INSPECTOR, A DEPUTY BOILER INSPECTOR, A SPECIAL INSPECTOR, OR AN AUTHORIZED INSPECTION AGENCY MAY:**

(I) MAKE CERTIFICATE INSPECTIONS OF THE INSTALLATION OF NEW BOILERS AND PRESSURE VESSELS; AND

(II) **MAKE CERTIFICATE INSPECTIONS OF THE REPAIR OR ALTERATION OF BOILERS AND PRESSURE VESSELS.**";

and in line 15, strike "**AND (2)**" and substitute "**THROUGH (3)**".

On page 8, in line 15, strike "(5)" and substitute "**(6)**"; and in line 19, after "**(2)**" insert "**OR (3)**".

AMENDMENT NO. 3

On page 10, in line 4, strike "**OR**" and substitute a comma; in line 5, after "inspector" insert "**, A SPECIAL INSPECTOR, OR AN AUTHORIZED INSPECTION AGENCY**"; in line 16, strike "**AND THE COMMISSIONER**"; in line 17, strike the brackets; and in the same line, strike "**HAVE**".

AMENDMENT NO. 4

On page 11, after line 21, insert:

"12–913.

(a) An authorized insurer that provides insurance coverage for boilers or pressure vessels in the State shall:

(1) conduct the certificate inspection for each boiler and pressure vessel that the insurer insures by the date the certificate inspection is due;

(2) file with the Chief Boiler Inspector the reports required under § 12–910 of this subtitle;

(3) develop, maintain, submit, and update, as defined by regulation, a database of all boilers and pressure vessels that the insurer insures in the State and track the date when the certificate inspection for each boiler or pressure vessel is due to ensure that the certificate inspections are due and completed as required under this subtitle; and

(4) **(I)** develop, maintain, and make available to the Commissioner **FOR INSPECTION AT THE INSURER'S PLACE OF BUSINESS IN THE STATE** a quality assurance program in accordance with regulations adopted under this subtitle**; OR**

(II) SUBMIT TO THE CHIEF BOILER INSPECTOR EVIDENCE OF NB–369 ACCREDITATION BY THE NATIONAL BOARD OF BOILER INSPECTORS.

SECTION 2. AND BE IT FURTHER ENACTED, That the Chair of the Board of Boiler Rules shall convene a workgroup consisting of members of the Board and including the participation of interested stakeholders to recommend changes needed to update the Boiler and Pressure Vessel Safety Act, codified under Title 12, Subtitle 9 of the Public Safety Article of the Annotated Code, in order to develop recommendations for policy and legislative changes to provide for public safety and make the Act consistent with current practice. On or before October 1, 2009, the workgroup shall submit a written report containing its recommendations to the Commissioner of Labor and Industry.";

in line 22, strike "2." and substitute "3."; and in line 23, strike "October" and substitute "June".

The preceding 4 amendments were read only.

Senator Mooney moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably:

Senate Bill 573 – Senators Stoltzfus and Colburn

AN ACT concerning

Wicomico County – Local Board of Elections – Compensation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 602 – Senators Pinsky, Colburn, Conway, Dyson, Harrington, Lenett, and Rosapepe

AN ACT concerning

Dental Hygienists – Expanded Functions

SB0602/244338/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 602
(First Reading File Bill)

On page 2, in line 14, after "**WHOM**" insert "**UP TO 50%**".

The preceding amendment was read and adopted.

Senator Middleton moved, duly seconded, to make the Bill and Report a Special Order for March 25, 2009.

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 656 – Senators Peters, Astle, Colburn, Conway, Dyson, Garagiola, Munson, and Rosapepe

AN ACT concerning

Procurement – Service Disabled Veteran Business Enterprise Participation

SB0656/814034/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 656
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Rosapepe" and substitute "Rosapepe, Harrington, Harris, Pinsky, Lenett, and Greenip".

On page 2, strike in their entirety lines 6 through 10, inclusive.

AMENDMENT NO. 2

On page 9, in line 1, strike "**IN ACCORDANCE WITH TITLE 16 OF THIS ARTICLE, A**" and substitute "**A**"; strike beginning with "**BE**" in line 4 down through "**AND,**" in line 5; strike beginning with "**BE**" in line 8 down through "**AND,**" in line 9; and in line 12, strike "**DEBARMENT OR**".

On pages 9 and 10, strike in their entirety the lines beginning with line 26 on page 9 through line 19 on page 10, inclusive.

The preceding 2 amendments were read only.

Senator Conway moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 663 – Senator Pinsky

AN ACT concerning

Election Law – Public Campaign Financing Act for Candidates for the General Assembly

SB0663/744134/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 663
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Pinsky" and substitute "Senators Pinsky and Miller".

On pages 1 and 2, strike in their entirety the lines beginning with line 2 on page 1 through line 18 on page 2, inclusive, and substitute:

"Election Law – Campaign Finance Reform Act of 2009

FOR the purpose of repealing the Public Financing Act for gubernatorial candidates; altering certain limits on certain contributions and transfers; providing that contributions shall be considered as being made by one contributor if the contributions are by a sole proprietor, regardless of the number of sole proprietorships owned by that individual; authorizing the governing body of a county to enact laws to regulate public campaign finance activity for certain county elective offices and certain candidates for election to those offices; specifying certain provisions and limitations applicable to any county laws enacted to regulate public campaign finance activity; establishing a system of public financing of campaigns for certain General Assembly candidates; requiring the State Board of Elections to administer the system of public financing for General Assembly candidates; specifying certain powers and duties of the State Board; creating the Public Election Fund and providing for the inclusion of certain money in the Fund; transferring the money in the Fair Campaign Financing Fund for gubernatorial candidates to the Public Election Fund; defining certain terms; specifying certain procedures, requirements, and conditions participating candidates must meet to receive a distribution from the Public Election Fund; requiring that participating candidates adhere to certain campaign expenditure limits; authorizing participating candidates to receive certain additional contributions from individuals and certain supplemental distributions from the Public Election Fund; requiring the Comptroller to perform certain duties in connection with the establishment, maintenance, and administration of the Public Election Fund; regulating contributions and expenditures made by political parties on behalf of participating candidates; providing for judicial review of certain actions by the State Board, subject to a certain exception; providing for certain penalties; providing that certain catchlines are not law and may not be considered to have been enacted as part of this Act; requiring the State Board to request a certain determination from the Comptroller on or before a certain date; requiring the State Board to adopt certain regulations; making provisions of this Act severable; creating a Commission to Study Public Financing of Elections in Maryland; providing for the membership, duties, and staffing of the Commission; requiring the Commission to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; requiring the State Board to provide certain reports to certain persons on or before certain dates on certain matters; providing for the effective dates of this Act; providing for a delayed effective date for certain provisions of this Act; providing for the termination of

certain provisions of this Act; and generally relating to the Campaign Finance Reform Act of 2009.

BY repealing
Article – Election Law
Section 15–101 through 15–111 and the title "Title 15. Public Financing Act"
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–226, 13–227, and 13–235
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY adding to
Article – Election Law
Section 13–502.1; and 15–101 through 15–117 to be under the new title "Title 15. Public Campaign Financing Act for General Assembly Candidates"
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 15–101 through 15–111 and the title "Title 15. Public Financing Act" of Article – Election Law of the Annotated Code of Maryland be repealed.".

AMENDMENT NO. 2

On pages 2 through 26, strike in their entirety the lines beginning with line 19 on page 2 through line 18 on page 26, inclusive, and substitute:

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

Article – Election Law

13–226.

(a) The limits on contributions in this section do not apply to:

(1) a contribution to a ballot issue committee; or

(2) those contributions defined as transfers.

(b) Subject to subsection (c) of this section, a person may not, either directly or indirectly, in an election cycle make:

(1) aggregate contributions in excess of:

(i) **[**$4,000**] $4,400** to any one campaign finance entity; or

(ii) **[**$10,000**] $15,000** to all campaign finance entities; or

(2) a contribution of money in excess of $100 except by check or credit card.

(c) (1) Notwithstanding subsection (b) of this section, a central committee of a political party may make aggregate in–kind contributions during an election cycle that are not in excess of:

(i) for a State central committee, $1 for every two registered voters in the State; and

(ii) for a local central committee, $1 for every two registered voters in the county.

(2) For the purposes of paragraph (1) of this subsection, the number of registered voters is determined, regardless of party affiliation, as of the first day of the election cycle.

(d) The limit on contributions to the campaign finance entity of a candidate applies regardless of the number of offices sought by the candidate or campaign finance entities formed to support the candidate.

(e) Contributions **SHALL BE CONSIDERED AS BEING MADE BY ONE CONTRIBUTOR IF THE CONTRIBUTIONS ARE MADE:**

(1) by a corporation and any wholly–owned subsidiary of the corporation, or by two or more corporations owned by the same stockholders**[**, shall be considered as being made by one contributor**]; OR**

(2) BY A SOLE PROPRIETOR, REGARDLESS OF THE NUMBER OF SOLE PROPRIETORSHIPS OWNED BY THAT INDIVIDUAL.

13–227.

(a) In this section, a "campaign finance entity" includes a nonfederal out–of–state political committee.

(b) The limit on transfers set forth in subsection (c) of this section does not apply to a transfer:

(1) by a campaign finance entity to a ballot issue committee;

(2) between or among:

(i) political committees that are State or local central committees of the same political party;

(ii) a slate and the campaign finance entities of its members; and

(iii) the campaign finance entities of a candidate.

(c) During an election cycle, a campaign finance entity may not directly or indirectly make transfers in a cumulative amount of more than **[**$6,000**] $6,600** to any one other campaign finance entity.

(d) (1) All affiliated campaign finance entities are treated as a single entity in determining:

(i) the amount of transfers made by a campaign finance entity; and

(ii) the amount of transfers received by a campaign finance entity.

(2) Campaign finance entities are deemed to be affiliated if they:

(i) are organized and operated in coordination and cooperation with each other; or

(ii) otherwise conduct their operations and make their decisions relating to transfers and other contributions under the control of the same individual or entity.

(e) The limit on transfers to the campaign finance entities of a candidate prescribed in subsection (c) of this section applies regardless of the number of offices sought by the candidate.

13–235.

(a) This section applies to the following officials:

(1) the Governor;

(2) the Lieutenant Governor;

(3) the Attorney General;

(4) the Comptroller; and

(5) a member of the General Assembly.

(b) Except as provided in subsection (c) or (d) of this section, during a regular session of the General Assembly an official described in subsection (a) of this section, or a person acting on behalf of the official, may not, as to a candidate for federal, State, or local office, or a campaign finance entity of the candidate or any other campaign finance entity organized under this title and operated in coordination with a candidate:

(1) receive a contribution;

(2) conduct a fund–raising event;

(3) solicit or sell a ticket to a fund–raising event; or

(4) deposit or use any contribution of money that was not deposited prior to the session.

(c) An official described in subsection (a) of this section, or a person acting on behalf of the official, is not subject to this section when engaged in activities solely related to the official's election to an elective federal or local office for which the official is a filed candidate.

(d) **[**Under the Public Financing Act, a gubernatorial ticket, during the year of the election only, may accept eligible private contributions and any disbursement of funds by the State Board that is based on the eligible private contributions**] UNDER THE PUBLIC CAMPAIGN FINANCING ACT FOR GENERAL ASSEMBLY CANDIDATES, A PARTICIPATING CANDIDATE, DURING THE YEAR OF THE ELECTION ONLY, MAY ACCEPT SEED MONEY, QUALIFYING CONTRIBUTIONS, AND ANY DISBURSEMENT OF FUNDS BY THE STATE BOARD THAT IS BASED ON THE QUALIFYING CONTRIBUTIONS**.

(e) (1) As to a violation of this section, the campaign finance entity of the official in violation is liable for a civil penalty as provided in this subsection.

(2) The State Board, represented by the State Prosecutor, may institute a civil action in the circuit court for any county seeking the civil penalty provided in this subsection.

(3) A campaign finance entity that receives a contribution as a result of the violation shall:

(i) refund the contribution to the contributor; and

(ii) pay a civil penalty that equals the sum of $1,000 plus the amount of the contribution.

13–502.1. REGULATION OF LOCAL CAMPAIGN FINANCE ACTIVITY.

(A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE GOVERNING BODY OF A COUNTY MAY ENACT LAWS TO REGULATE PUBLIC CAMPAIGN

FINANCE ACTIVITY FOR COUNTY ELECTIVE OFFICES AND CANDIDATES FOR ELECTION TO THOSE OFFICES WHO CHOOSE TO ACCEPT PUBLIC CAMPAIGN FINANCING.

(B) A LAW ENACTED UNDER SUBSECTION (A) OF THIS SECTION MAY NOT REGULATE COUNTY ELECTIVE OFFICES OR CANDIDATES FOR ELECTION TO THOSE OFFICES WHO DO NOT RECEIVE ANY PUBLIC CAMPAIGN FINANCING.

(C) A LAW ENACTED UNDER SUBSECTION (A) OF THIS SECTION SHALL:

(1) PROHIBIT THE USE OF PUBLIC CAMPAIGN FINANCING FOR ANY ELECTION OTHER THAN THAT OF A COUNTY ELECTIVE OFFICE;

(2) REQUIRE A CANDIDATE WHO ACCEPTS PUBLIC CAMPAIGN FINANCING TO:

(I) ESTABLISH A CAMPAIGN FINANCE ENTITY SOLELY FOR THE CAMPAIGN FOR THAT COUNTY ELECTIVE OFFICE; AND

(II) USE FUNDS FROM THAT CAMPAIGN FINANCE ENTITY ONLY FOR THAT CAMPAIGN FOR COUNTY ELECTIVE OFFICE; AND

(3) PROHIBIT THE TRANSFER OF FUNDS INTO THE CAMPAIGN FINANCE ENTITY ESTABLISHED FOR THE COUNTY ELECTIVE OFFICE BY A CANDIDATE WHO ACCEPTS PUBLIC CAMPAIGN FINANCING FROM ANY OTHER CAMPAIGN FINANCE ENTITY PREVIOUSLY ESTABLISHED FOR THAT CANDIDATE.

(D) A LAW ENACTED UNDER SUBSECTION (A) OF THIS SECTION SHALL:

(1) PROVIDE FOR A PUBLIC ELECTION FUND FOR COUNTY ELECTIVE OFFICES ADMINISTERED BY THE CHIEF FINANCIAL OFFICER OF THE COUNTY; AND

(2) REQUIRE THAT THE SYSTEM FOR PUBLIC CAMPAIGN FINANCE ACTIVITY FOR COUNTY ELECTIVE OFFICES BE REGULATED IN ACCORDANCE WITH STATE LAW BY THE STATE BOARD OF ELECTIONS.

(E) A LAW ENACTED UNDER SUBSECTION (A) OF THIS SECTION MAY:

(1) ESTABLISH A SYSTEM OF PUBLIC CAMPAIGN FINANCING; AND

(2) INCLUDE PROVISIONS RELATING TO CONTRIBUTIONS, EXPENDITURES, REPORTING, CAMPAIGN MATERIAL, AND, AS PROVIDED UNDER ARTICLE 25A, § 5 OF THE CODE, ADMINISTRATIVE PENALTIES.

(F) A LAW ENACTED UNDER SUBSECTION (A) OF THIS SECTION:

(1) MAY BE MORE STRINGENT THAN ANY APPLICABLE LAW OF THE STATE AND MODIFIED TO THE EXTENT NECESSARY TO MAKE THE PROVISIONS RELEVANT TO THE COUNTY; BUT

(2) MAY NOT CONFLICT WITH ANY APPLICABLE LAW OF THE STATE OR THE UNITED STATES.

TITLE 15. PUBLIC CAMPAIGN FINANCING ACT FOR GENERAL ASSEMBLY CANDIDATES.

15–101. DEFINITIONS.

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

(B) "COMPTROLLER" MEANS THE STATE COMPTROLLER OF THE TREASURY.

(C) "FUND" MEANS THE PUBLIC ELECTION FUND.

(D) "PARTICIPATING CANDIDATE" MEANS A CANDIDATE FOR ELECTION AS A MEMBER OF THE GENERAL ASSEMBLY WHO IS DETERMINED BY THE STATE BOARD AS ELIGIBLE TO RECEIVE A PUBLIC CONTRIBUTION UNDER THIS TITLE.

(E) "PUBLIC CONTRIBUTION" MEANS A SUM DISBURSED FROM THE FUND TO A PARTICIPATING CANDIDATE IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE.

(F) "QUALIFYING CONTRIBUTION" MEANS A CONTRIBUTION THAT:

(1) IS FROM A REGISTERED VOTER WHO RESIDES IN THE LEGISLATIVE DISTRICT OR SUBDISTRICT OF THE CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY; AND

(2) IS AT LEAST $5.

(G) "SEED MONEY" MEANS A SUM OF LAWFUL CONTRIBUTIONS THAT:

(1) ARE RAISED BY A CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY AS A FIRST STEP TO SEEK QUALIFICATION FOR PUBLIC FINANCING UNDER THIS TITLE;

(2) INCLUDE NO CONTRIBUTION OF MORE THAN $250 FOR EACH DONOR; AND

(3) ARE RECEIVED NO EARLIER THAN THE COMMENCEMENT OF THE ELECTION CYCLE FOR THE ELECTION IN WHICH THE INDIVIDUAL PROPOSES TO BE A CANDIDATE AND NO LATER THAN THE MAY 1 IMMEDIATELY PRECEDING THE PRIMARY ELECTION FOR THAT OFFICE.

15–102. DUTIES.

(A) THE STATE BOARD SHALL MANAGE AND SUPERVISE THE SYSTEM OF PUBLIC FINANCING OF ELECTIONS ESTABLISHED UNDER THIS TITLE.

(B) THE STATE BOARD SHALL ADOPT REGULATIONS AS NECESSARY TO EFFECT THE PURPOSES OF THIS TITLE.

(C) THE STATE BOARD SHALL:

(1) ENSURE THAT THAT SYSTEM OF PUBLIC FINANCING:

(I) ACCOMODATES QUALIFYING CANDIDATES ON A FIRST–COME, FIRST–SERVED BASIS;

(II) ESTABLISHES AN INITIAL LIMIT ON THE NUMBER OF PARTICIPATING CANDIDATES DURING AN ELECTION CYCLE; AND

(III) ALLOWS FOR AN INCREASE OR DECREASE IN THE NUMBER OF PARTICIPATING CANDIDATES DURING THE ELECTION CYCLE IN CORRELATION TO THE AMOUNT OF MONEY IN THE FUND;

(2) DEVELOP AN ELECTRONIC DATABASE THAT IS ACCESSIBLE TO THE PUBLIC ON THE INTERNET AND THAT CONTAINS THE INFORMATION NECESSARY FOR THE PROPER ADMINISTRATION OF THIS TITLE, INCLUDING:

(I) CONTRIBUTIONS TO AND EXPENDITURES BY PARTICIPATING CANDIDATES AND OTHER CANDIDATES AND THEIR AUTHORIZED CAMPAIGN FINANCE ENTITIES; AND

(II) PUBLIC CONTRIBUTIONS FROM THE FUND THAT ARE DISBURSED TO PARTICIPATING CANDIDATES;

(3) PROVIDE FORMS AND ELECTRONIC SOFTWARE AS NECESSARY TO ENSURE COMPLIANCE WITH THIS TITLE;

(4) DEVELOP AN EDUCATION PROGRAM THAT INCLUDES INFORMATIONAL MATERIALS AND COMPLIANCE MANUALS TO INFORM CANDIDATES AND THE PUBLIC ABOUT THE PURPOSE AND EFFECT OF THIS TITLE; AND

(5) PROVIDE A WRITTEN REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, AFTER EACH ELECTION CYCLE THAT INCLUDES:

(I) AN EVALUATION OF THIS TITLE AND ITS EFFECT ON PARTICIPATING CANDIDATES;

(II) ANY RECOMMENDATIONS TO IMPROVE THIS TITLE;

(III) A DETAILED SUMMARY REGARDING QUALIFYING CONTRIBUTIONS AND ANY BENEFITS RECEIVED OR EXPERIENCED BY PARTICIPATING CANDIDATES;

(IV) EXPENDITURES MADE BY PARTICIPATING AND NONPARTICIPATING CANDIDATES; AND

(V) ANY OTHER INFORMATION THE STATE BOARD DETERMINES TO BE APPROPRIATE.

15–103. DISCRETIONARY POWERS.

THE STATE BOARD MAY:

(1) EMPLOY STAFF, INCLUDING LEGAL COUNSEL, SUFFICIENT TO PERFORM ITS FUNCTIONS UNDER THIS TITLE;

(2) INVESTIGATE MATTERS GOVERNED BY THIS TITLE;

(3) PUBLICIZE THE NAMES OF CANDIDATES FOR NOMINATION OR ELECTION TO A LEGISLATIVE OFFICE WHO VIOLATE THIS TITLE;

(4) ON WRITTEN REQUEST OF A CANDIDATE, A CAMPAIGN FINANCE ENTITY, OR THE PUBLIC, RENDER A WRITTEN PUBLIC ADVISORY OPINION REGARDING QUESTIONS THAT ARISE UNDER THIS TITLE;

(5) CONDUCT RANDOM AUDITS OF PARTICIPATING CANDIDATES TO ENSURE COMPLIANCE WITH THIS TITLE;

(6) SUBPOENA DOCUMENTS FROM ANY CANDIDATE OR CAMPAIGN FINANCE ENTITY SUBJECT TO THIS ARTICLE;

(7) LEVY FINES FOR CIVIL INFRACTIONS IN ACCORDANCE WITH THIS TITLE;

(8) BE A PARTY TO OR OTHERWISE PARTICIPATE IN ANY CIVIL OR CRIMINAL ACTION FILED FOR A VIOLATION OF THIS TITLE; AND

(9) SEEK AN INJUNCTION IN AN APPROPRIATE COURT IF:

(I) THERE IS A SUBSTANTIAL LIKELIHOOD THAT A VIOLATION OF THIS TITLE IS OCCURRING OR IS ABOUT TO OCCUR;

(II) FAILURE TO ACT IN AN EXPEDITIOUS MANNER WILL RESULT IN IRREPARABLE HARM TO A PARTY AFFECTED BY THE POTENTIAL VIOLATION;

(III) EXPEDITIOUS ACTION WILL NOT CAUSE UNDUE HARM OR PREJUDICE TO THE INTEREST OF ANY OTHER PERSON; AND

(IV) THE PUBLIC INTEREST WILL BE BEST SERVED BY THE ISSUANCE OF THE INJUNCTION.

15–104. THE FUND.

(A) (1) THERE IS A PUBLIC ELECTION FUND.

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

(3) THE FUND SHALL BE USED TO:

(I) PROVIDE, BEGINNING WITH THE ELECTION CYCLE THAT BEGINS ON JANUARY 1, 2011, PUBLIC FINANCING FOR THE ELECTION CAMPAIGNS OF PARTICIPATING CANDIDATES IN A PRIMARY ELECTION OR GENERAL ELECTION; AND

(II) PAY FOR THE ADMINISTRATIVE AND ENFORCEMENT COSTS OF THE STATE BOARD RELATED TO THIS TITLE.

(4) THE COMPTROLLER SHALL:

(I) ADMINISTER THE FUND IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE; AND

(II) CREDIT TO THE FUND ALL MONEY COLLECTED IN ACCORDANCE WITH THIS TITLE.

(B) (1) FOR EVERY INDIVIDUAL, OTHER THAN A NONRESIDENT ALIEN, FILING A PERSONAL STATE INCOME TAX RETURN, THE COMPTROLLER SHALL ESTABLISH, FOR EACH TAXABLE YEAR, A TAX CHECKOFF SYSTEM THAT ALLOWS THE TAXPAYER TO DIRECT ON THE INDIVIDUAL'S INCOME TAX RETURN FORM THAT $5 OF THE TAXPAYER'S STATE TAX LIABILITY BE DIRECTED TO THE PUBLIC ELECTION FUND.

(2) THE COMPTROLLER SHALL INCLUDE WITH EACH INDIVIDUAL INCOME TAX RETURN PACKAGE A DESCRIPTION OF THE PURPOSES FOR WHICH THE FUND WAS ESTABLISHED AND FOR WHICH THE FUND MAY BE USED.

(C) IN ADDITION TO THE MONEY DERIVED FROM THE TAX CHECKOFF SYSTEM UNDER SUBSECTION (B) OF THIS SECTION, THE FUND SHALL CONSIST OF THE FOLLOWING MONEY:

(1) UNSPENT SEED MONEY COLLECTED BY CANDIDATES WHO FAIL TO QUALIFY FOR PUBLIC FINANCING UNDER THIS TITLE;

(2) EXCESS SEED MONEY COLLECTED BY ANY CANDIDATE WHO SEEKS TO BECOME CERTIFIED AS A PARTICIPATING CANDIDATE, REGARDLESS OF WHETHER THE CANDIDATE BECOMES CERTIFIED;

(3) QUALIFYING CONTRIBUTIONS REQUIRED OF A CANDIDATE WHO SEEKS TO BECOME CERTIFIED AS A PARTICIPATING CANDIDATE, INCLUDING QUALIFYING CONTRIBUTIONS IN EXCESS OF THE AMOUNT PRESCRIBED UNDER § 15–106 OF THIS TITLE THAT ARE RAISED BY THE CANDIDATE;

(4) UNSPENT MONEY THAT:

(I) IS DISTRIBUTED TO A PARTICIPATING CANDIDATE WHO DOES NOT REMAIN A CANDIDATE UNTIL THE PRIMARY OR GENERAL ELECTION FOR WHICH THE MONEY WAS DISBURSED; OR

(II) IS RETAINED BY A PARTICIPATING CANDIDATE AFTER THE PRIMARY OR GENERAL ELECTION FOR WHICH THE MONEY WAS DISBURSED;

(5) FINES LEVIED BY THE STATE BOARD AGAINST CANDIDATES FOR VIOLATIONS OF THE ELECTION LAW;

(6) VOLUNTARY DONATIONS MADE DIRECTLY TO THE FUND;

(7) INTEREST GENERATED BY THE FUND; AND

(8) THE BALANCE OF THE MONEY ON JANUARY 1, 2011, AS CERTIFIED BY THE COMPTROLLER, THAT WAS TRANSFERRED FROM THE FAIR CAMPAIGN FINANCING FUND FOR GUBERNATORIAL CANDIDATES ON ITS TERMINATION ON JULY 1, 2009, AND PRESERVED AND MAINTAINED BY THE COMPTROLLER FOR THE PURPOSES OF THE PUBLIC ELECTION FUND.

15–105. SEED MONEY; PUBLICLY FUNDED CAMPAIGN ACCOUNT REQUIRED.

(A) A CANDIDATE WHO SEEKS TO QUALIFY FOR PUBLIC FINANCING UNDER THIS TITLE SHALL:

(1) FILE NOTICE OF THE CANDIDATE'S INTENT WITH THE STATE BOARD NO LATER THAN APRIL 15 OF THE YEAR OF THE ELECTION ON THE FORM PRESCRIBED BY THE STATE BOARD; AND

(2) IN CONJUNCTION WITH THE STATE BOARD AND BEFORE RAISING SEED MONEY OR ANY OTHER CONTRIBUTION GOVERNED BY THIS TITLE, ESTABLISH A PUBLICLY FUNDED CAMPAIGN ACCOUNT FOR THE CANDIDATE FOR THE PURPOSE OF RECEIVING CONTRIBUTIONS AND MAKING EXPENDITURES IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ARTICLE.

(B) A CANDIDATE WHO SEEKS TO QUALIFY FOR PUBLIC FINANCING UNDER THIS TITLE MAY ACCEPT SEED MONEY ONLY AS SPECIFIED IN THIS SECTION, INCLUDING:

(1) AGGREGATE SEED MONEY OF NO MORE THAN:

(I) $3,500 FOR A CANDIDATE FOR ELECTION TO THE SENATE OF MARYLAND; OR

(II) $3,500 FOR A CANDIDATE FOR ELECTION TO THE HOUSE OF DELEGATES; AND

(2) PERSONAL CONTRIBUTIONS FROM THE CANDIDATE AND FROM THE CANDIDATE'S SPOUSE OF NO MORE THAN $500 EACH, WHETHER CONTRIBUTED AS SEED MONEY OR AS A QUALIFYING CONTRIBUTION.

(C) A CANDIDATE SHALL REMIT TO THE FUND ANY SEED MONEY RAISED BY THE CANDIDATE IN EXCESS OF:

(1) $3,500, IF A CANDIDATE FOR THE SENATE OF MARYLAND; OR

(2) $3,500, IF A CANDIDATE FOR THE HOUSE OF DELEGATES.

(D) A CANDIDATE WHO SEEKS TO BECOME A PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY MAY SPEND SEED MONEY, TO THE LIMIT ALLOWED UNDER THIS SECTION, DURING THE QUALIFYING CONTRIBUTIONS PERIOD.

15–106. QUALIFYING CONTRIBUTIONS FOR GENERAL ASSEMBLY CANDIDATES.

(A) TO QUALIFY AS A PARTICIPATING CANDIDATE AND BE ELIGIBLE FOR A PUBLIC CONTRIBUTION FROM THE FUND:

(1) A CANDIDATE FOR ELECTION TO THE SENATE OF MARYLAND THEN SHALL COLLECT:

(I) AT LEAST 350 QUALIFYING CONTRIBUTIONS; AND

(II) ADDITIONAL CONTRIBUTIONS TOTALING AT LEAST $1,000; AND

(2) A CANDIDATE FOR ELECTION TO THE HOUSE OF DELEGATES THEN SHALL COLLECT:

(I) AT LEAST 350 QUALIFYING CONTRIBUTIONS; AND

(II) ADDITIONAL CONTRIBUTIONS TOTALING AT LEAST $1,000.

(B) THE STATE BOARD SHALL ADOPT REGULATIONS THAT:

(1) SPECIFY HOW AND WHEN QUALIFYING CONTRIBUTIONS MUST BE SUBMITTED TO THE STATE BOARD; AND

(2) ALLOW FOR ANY CONTRIBUTION OR QUALIFYING CONTRIBUTION UNDER THIS SECTION TO BE MADE THROUGH THE INTERNET.

(C) A CANDIDATE WHO SEEKS TO BECOME A PARTICIPATING CANDIDATE SHALL DEPOSIT ALL QUALIFYING CONTRIBUTIONS RECEIVED IN THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT AND THEREAFTER DELIVER THE AMOUNT RECEIVED TO THE STATE BOARD FOR DEPOSIT IN THE FUND.

(D) A CONTRIBUTOR MAY MAKE A QUALIFYING CONTRIBUTION FOR A CANDIDATE BY CASH, CHECK, OR MONEY ORDER MADE PAYABLE TO THE FUND, OR THROUGH THE INTERNET IN ACCORDANCE WITH THE REGULATIONS OF THE STATE BOARD.

(E) A CANDIDATE SHALL INCLUDE WITH EACH QUALIFYING CONTRIBUTION THAT THE CANDIDATE SUBMITS TO THE STATE BOARD FOR DEPOSIT IN THE FUND A RECEIPT THAT INCLUDES:

(1) THE PRINTED NAME OF THE CONTRIBUTOR;

(2) THE ADDRESS OF THE CONTRIBUTOR; AND

(3) A SIGNED STATEMENT BY WHICH THE CONTRIBUTOR ATTESTS THAT THE CONTRIBUTOR UNDERSTANDS THE PURPOSE OF THE CONTRIBUTION AND THAT THE CONTRIBUTION WAS MADE WITHOUT COERCION OR REIMBURSEMENT.

(F) A CANDIDATE MAY COLLECT QUALIFYING CONTRIBUTIONS ONLY DURING THE PERIOD THAT:

(1) BEGINS ON NOVEMBER 1 IN THE YEAR PRECEDING THE PRIMARY ELECTION FOR THE OFFICE THE CANDIDATE SEEKS; AND

(2) ENDS ON THE DAY THAT IS 45 DAYS BEFORE THE DATE OF THE PRIMARY ELECTION FOR THE OFFICE THAT THE CANDIDATE SEEKS.

(G) A CANDIDATE MAY NOT ACCEPT A CONTRIBUTION FROM:

(1) A BUSINESS ENTITY;

(2) A POLITICAL PARTY;

(3) A REGULATED LOBBYIST;

(4) THE CAMPAIGN FINANCE ENTITY OF A CANDIDATE;

(5) A POLITICAL ACTION COMMITTEE; OR

(6) ANY OTHER POLITICAL COMMITTEE.

(H) A CANDIDATE WHO IS AN INCUMBENT MEMBER OF THE GENERAL ASSEMBLY WHO SEEKS TO QUALIFY FOR PUBLIC FINANCING UNDER THIS TITLE IS BOUND BY THE FUNDRAISING RESTRICTIONS SPECIFIED UNDER § 13–235 OF THIS ARTICLE.

(I) A CANDIDATE SHALL SATISFY ANY OTHER CONDITIONS GOVERNING QUALIFYING CONTRIBUTIONS PRESCRIBED UNDER REGULATIONS ADOPTED BY THE STATE BOARD.

15–107. QUALIFICATION OF CANDIDATE – DETERMINATION BY STATE BOARD.

(A) THE STATE BOARD SHALL REVIEW AND MAKE A DETERMINATION WHETHER TO CERTIFY A CANDIDATE AS A PARTICIPATING CANDIDATE NO LATER THAN 15 DAYS AFTER RECEIPT OF THE FOLLOWING INFORMATION FROM THE CANDIDATE:

(1) A DECLARATION THAT THE CANDIDATE WILL ABIDE BY THE REGULATIONS AND POLICIES PRESCRIBED BY THE STATE BOARD; AND

(2) A CAMPAIGN FINANCE REPORT THAT STATES, IN ADDITION TO THE LIST OF QUALIFYING CONTRIBUTIONS REQUIRED UNDER § 15–107 OF THIS TITLE:

(I) ALL EXPENDITURES MADE BY THE CANDIDATE DURING THE CAMPAIGN; AND

(II) ALL RECEIPTS ASSOCIATED WITH THOSE CONTRIBUTIONS AND EXPENDITURES.

(B) A CANDIDATE CERTIFIED BY THE STATE BOARD AS A PARTICIPATING CANDIDATE SHALL RECEIVE THE PUBLIC CONTRIBUTION SPECIFIED UNDER THIS TITLE FOR THAT LEGISLATIVE OFFICE.

(C) FOR ANY ELECTION, A CANDIDATE MAY SUBMIT AN APPLICATION TO THE STATE BOARD TO QUALIFY FOR PUBLIC FINANCING UNDER THIS TITLE ONLY ONCE.

(D) A DETERMINATION BY THE STATE BOARD AS TO WHETHER A CANDIDATE IS ELIGIBLE FOR PUBLIC FINANCING:

(1) IS FINAL; AND

(2) IS NOT SUBJECT TO JUDICIAL REVIEW.

15–108. DISTRIBUTION TO PARTICIPATING CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.

(A) AFTER THE STATE BOARD DETERMINES THAT A CANDIDATE HAS SATISFIED THE REQUIREMENTS TO BECOME A PARTICIPATING CANDIDATE, THE STATE BOARD SHALL AUTHORIZE THE DISBURSEMENT OF A PUBLIC CONTRIBUTION FROM THE FUND TO THE PUBLICLY FUNDED CAMPAIGN ACCOUNT FOR THAT PARTICIPATING CANDIDATE IN ACCORDANCE WITH THE REQUIREMENTS OF THIS TITLE.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PARTICIPATING CANDIDATE, OR A PERSON ACTING ON BEHALF OF THE PARTICIPATING CANDIDATE, MAY NOT MAKE A CAMPAIGN EXPENDITURE FOR THE CANDIDATE OTHER THAN FROM THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.

(C) A PARTICIPATING CANDIDATE MAY MAINTAIN A PETTY CASH FUND IN ACCORDANCE WITH § 13–220(C) OF THIS ARTICLE.

(D) (1) A PARTICIPATING CANDIDATE AND THE CAMPAIGN FINANCE ENTITY FOR THE PARTICIPATING CANDIDATE MAY USE THE PUBLICLY FUNDED CAMPAIGN ACCOUNT ONLY IN ACCORDANCE WITH THIS ARTICLE.

(2) THE STATE BOARD MAY GAIN ACCESS AT ANY TIME TO THE RECORDS AND TRANSACTIONS OF A PARTICIPATING CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.

(3) IN ACCORDANCE WITH THE STATE BOARD REGULATIONS AND GUIDELINES, THE STATE BOARD MAY TERMINATE A PARTICIPATING CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.

15–109. PARTICIPATING CANDIDATE – JOINING A SLATE PROHIBITED.

A PARTICIPATING CANDIDATE MAY NOT BE A MEMBER OF A SLATE IN ANY ELECTION IN WHICH THE CANDIDATE IS GOVERNED BY THIS TITLE.

15–110. EXPENDITURE LIMITS FOR PARTICIPATING CANDIDATES TO THE GENERAL ASSEMBLY.

(A) IN THIS SECTION, AN "UNCONTESTED" ELECTION MEANS AN ELECTION IN WHICH:

(1) ONLY ONE CANDIDATE QUALIFIES TO RUN FOR NOMINATION FOR OR ELECTION TO AN OFFICE; OR

(2) THE NUMBER OF CANDIDATES WHO QUALIFY TO RUN FOR NOMINATION FOR OR ELECTION TO AN OFFICE OR MULTIPLE OFFICES OF THE SAME CATEGORY EQUALS THE NUMBER OF CANDIDATES.

(B) A PARTICIPATING CANDIDATE FOR ELECTION TO THE SENATE OF MARYLAND MAY NOT EXPEND FOR CAMPAIGN PURPOSES AN AMOUNT IN EXCESS OF THE LIMITS SPECIFIED IN THIS SUBSECTION.

	PRIMARY	GENERAL	TOTAL
CONTESTED SENATE	$50,000	$50,000	$100,000
UNCONTESTED SENATE	8,000	4,000	12,000

(C) A PARTICIPATING CANDIDATE FOR ELECTION TO THE HOUSE OF DELEGATES MAY NOT EXPEND FOR CAMPAIGN PURPOSES AN AMOUNT IN EXCESS OF THE LIMITS SPECIFIED IN THIS SUBSECTION.

	PRIMARY	GENERAL	TOTAL
CONTESTED HOUSE			
(THREE MEMBER)	$40,000	$40,000	$80,000
(TWO MEMBER)	35,000	35,000	70,000
(SINGLE MEMBER)	20,000	20,000	40,000

UNCONTESTED HOUSE			
(THREE MEMBER)	$8,000	$4,000	$12,000
(TWO MEMBER)	6,000	3,500	9,500
(SINGLE MEMBER)	5,000	3,000	8,000

(D) (1) THIS SUBSECTION APPLIES TO A PARTICIPATING CANDIDATE FOR ELECTION TO THE SENATE OF MARYLAND OR TO THE HOUSE OF DELEGATES WHO IS ENGAGED IN:

(I) A CONTESTED PRIMARY ELECTION AND A CONTESTED GENERAL ELECTION; OR

(II) AN UNCONTESTED PRIMARY ELECTION.

(2) A PARTICIPATING CANDIDATE WHO IS INVOLVED IN A CONTESTED PRIMARY ELECTION AND IN A CONTESTED GENERAL ELECTION MAY CHOOSE AN ALTERNATIVE APPORTIONMENT OF THE EXPENDITURE LIMIT ESTABLISHED FOR THAT CANDIDATE UNDER THIS SECTION SO THAT:

(I) FOR THE PRIMARY ELECTION, THE CANDIDATE MAY RECEIVE A PUBLIC CONTRIBUTION OF AND EXPEND AN AMOUNT THAT DOES NOT EXCEED 70% OF THE COMBINED EXPENDITURE LIMIT ESTABLISHED FOR THAT CANDIDATE FOR THE PRIMARY ELECTION AND FOR THE GENERAL ELECTION; AND

(II) SUBJECT TO PARAGRAPH (1) OF THIS SUBSECTION, FOR THE GENERAL ELECTION THE CANDIDATE MAY RECEIVE A PUBLIC CONTRIBUTION OF AND EXPEND THE BALANCE OF THE COMBINED EXPENDITURE LIMIT AUTHORIZED FOR THAT CANDIDATE FOR THE PRIMARY ELECTION AND FOR THE GENERAL ELECTION.

(3) A PARTICIPATING CANDIDATE INVOLVED IN AN UNCONTESTED PRIMARY ELECTION MAY CHOOSE AN ALTERNATIVE APPORTIONMENT OF THE EXPENDITURE LIMIT ESTABLISHED FOR THAT CANDIDATE UNDER THIS SECTION SO THAT FOR THE GENERAL ELECTION THE

CANDIDATE MAY RECEIVE NO MORE THAN 70% OF THE COMBINED EXPENDITURE LIMIT ESTABLISHED FOR THAT CANDIDATE FOR THE PRIMARY ELECTION AND FOR THE GENERAL ELECTION.

(4) A PARTICIPATING CANDIDATE INVOLVED IN A CONTESTED PRIMARY ELECTION WHO CHOOSES AN ALTERNATIVE APPORTIONMENT OF THE EXPENDITURE LIMIT ESTABLISHED FOR THAT CANDIDATE SO THAT FOR THE PRIMARY ELECTION THE CANDIDATE RECEIVES MORE THAN 50% OF THE COMBINED EXPENDITURE LIMIT ESTABLISHED FOR THE CANDIDATE FOR THE PRIMARY ELECTION AND FOR THE GENERAL ELECTION IS NOT ELIGIBLE TO RECEIVE ANY FURTHER PUBLIC CONTRIBUTION UNDER THIS SECTION IF THE CANDIDATE THEREAFTER IS ENGAGED IN AN UNCONTESTED GENERAL ELECTION.

15–111. DISBURSEMENTS BY THE COMPTROLLER.

(A) (1) (I) BEGINNING ON MAY 1 OF THE YEAR OF THE ELECTION, THE STATE BOARD SHALL AUTHORIZE THE COMPTROLLER TO MAKE A DISBURSEMENT FROM THE FUND TO EACH PARTICIPATING CANDIDATE WHOM THE STATE BOARD AS OF THAT DATE HAS CERTIFIED TO RECEIVE A PUBLIC CONTRIBUTION FOR THE PRIMARY ELECTION.

(II) BEFORE THE FILING DEADLINE FOR THE PRIMARY ELECTION FOR CANDIDATES FOR THE GENERAL ASSEMBLY, THE COMPTROLLER MAY NOT MAKE AGGREGATE DISBURSEMENTS TO A PARTICIPATING CANDIDATE THAT EXCEED 15% OF THE EXPENDITURE LIMIT SPECIFIED FOR THAT CANDIDATE FOR THE PRIMARY ELECTION.

(2) DURING THE PERIOD FROM MAY 1 OF THE YEAR OF THE ELECTION UNTIL THE FILING DEADLINE FOR CANDIDATES FOR ELECTION TO THE GENERAL ASSEMBLY, IF A PARTICIPATING CANDIDATE WHO WAS UNOPPOSED IS LATER OPPOSED, IN ACCORDANCE WITH § 15–110 OF THIS TITLE, THE STATE BOARD PROMPTLY SHALL AUTHORIZE THE COMPTROLLER TO MAKE A DISTRIBUTION FROM THE FUND TO THE NOW OPPOSED PARTICIPATING CANDIDATE.

(3) A PARTICIPATING CANDIDATE MAY USE THE PUBLIC CONTRIBUTION DISBURSED UNDER THIS SUBSECTION ONLY FOR EXPENSES INCURRED FOR THE PRIMARY ELECTION.

(4) THE STATE BOARD MAY DIRECT THE COMPTROLLER TO DISBURSE A PUBLIC CONTRIBUTION TO A PARTICIPATING CANDIDATE FOR THE PRIMARY ELECTION UNTIL 45 DAYS BEFORE THE DATE OF THE PRIMARY ELECTION.

(5) WITHIN 15 DAYS AFTER THE PRIMARY ELECTION, A PARTICIPATING CANDIDATE SHALL RETURN TO THE STATE BOARD ANY PART OF THE PUBLIC CONTRIBUTION THAT THE CANDIDATE DID NOT SPEND FOR THE PRIMARY ELECTION.

(B) (1) WITHIN 72 HOURS AFTER THE STATE BOARD CERTIFIES THE RESULTS OF THE PRIMARY ELECTION, THE STATE BOARD SHALL DIRECT THE COMPTROLLER TO DISBURSE A PUBLIC CONTRIBUTION TO EACH PARTICIPATING CANDIDATE WHO HAS BEEN CERTIFIED BY THE STATE BOARD TO RECEIVE A PUBLIC CONTRIBUTION FOR THE GENERAL ELECTION.

(2) WITHIN 45 DAYS AFTER THE GENERAL ELECTION, A PARTICIPATING CANDIDATE SHALL RETURN TO THE STATE BOARD ANY PART OF THE PUBLIC CONTRIBUTION THAT THE CANDIDATE DID NOT SPEND FOR THE GENERAL ELECTION.

(C) A PARTICIPATING CANDIDATE NOMINATED BY PETITION IS ELIGIBLE TO RECEIVE A PUBLIC CONTRIBUTION FROM THE FUND FOR THE GENERAL ELECTION AFTER MAY 1 OF THE YEAR OF THE ELECTION IF:

(1) THE CANDIDATE'S NOMINATION HAS BEEN CERTIFIED BY THE STATE BOARD; AND

(2) THE CANDIDATE DOES NOT PARTICIPATE IN A PRIMARY ELECTION.

(D) THE COMPTROLLER SHALL DEPOSIT A PUBLIC CONTRIBUTION IN THE PUBLICLY FUNDED CAMPAIGN ACCOUNT OF A PARTICIPATING CANDIDATE NO LATER THAN 5 DAYS AFTER THE STATE BOARD DIRECTS THAT THE DISBURSEMENT BE MADE.

15–112. PARTICIPATING CANDIDATE – SUPPLEMENTAL PUBLIC DISTRIBUTION.

(A) A PARTICIPATING CANDIDATE MAY RECEIVE A SUPPLEMENTAL PUBLIC CONTRIBUTION OF MATCHING FUNDS FROM THE FUND IF:

(1) THE PARTICIPATING CANDIDATE IS OPPOSED BY A NONPARTICIPATING CANDIDATE IN A PRIMARY ELECTION OR IN A GENERAL ELECTION; AND

(2) THE NONPARTICIPATING CANDIDATE RECEIVES CONTRIBUTIONS OR INCURS EXPENDITURES THAT EXCEED THE EXPENDITURE LIMIT ESTABLISHED FOR THE PARTICIPATING CANDIDATE.

(B) THE AGGREGATE AMOUNT OF THE PUBLIC CONTRIBUTION THAT A PARTICIPATING CANDIDATE MAY RECEIVE UNDER THIS TITLE MAY NOT EXCEED 150% OF THE EXPENDITURE LIMIT ESTABLISHED FOR THE PRIMARY AND GENERAL ELECTIONS UNDER § 15–110 OF THIS TITLE FOR THAT CANDIDATE.

(C) (1) IF A NONPARTICIPATING CANDIDATE MAKES EXPENDITURES THAT EXCEED THE EXPENDITURE LIMIT ESTABLISHED FOR A PARTICIPATING CANDIDATE FOR THAT OFFICE, THE NONPARTICIPATING CANDIDATE THEREAFTER SHALL FILE A CAMPAIGN FINANCE REPORT OF ALL OF THE CANDIDATE'S EXPENDITURES BIWEEKLY THROUGH AND INCLUDING THE WEEK AFTER THE ELECTION.

(2) IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION, DURING THE 30 DAYS PRECEDING AN ELECTION, A NONPARTICIPATING CANDIDATE SHALL NOTIFY THE STATE BOARD WITHIN 48 HOURS OF EACH EXPENDITURE OVER $500 THAT THE CANDIDATE MAKES OR BECOMES OBLIGATED TO MAKE.

(D) IN ACCORDANCE WITH REGULATIONS OR WRITTEN GUIDELINES THAT THE STATE BOARD ADOPTS, THE STATE BOARD MAY MAKE AN INDEPENDENT DETERMINATION WHETHER A NONPARTICIPATING CANDIDATE HAS MADE AN EXPENDITURE THAT IS SUBJECT TO THIS SECTION.

15–113. PARTICIPATING CANDIDATE WHO OPTS OUT – RETURN OF PUBLIC MONEY AND PENALTY.

AFTER BEING CERTIFIED AS A PARTICIPATING CANDIDATE BY THE STATE BOARD, IF THE CANDIDATE ELECTS TO OPT OUT OF THE PUBLIC FINANCING SYSTEM ESTABLISHED UNDER THIS TITLE, THE CANDIDATE SHALL:

(1) FILE A STATEMENT OF WITHDRAWAL WITH THE STATE BOARD ON THE FORM PRESCRIBED BY THE STATE BOARD; AND

(2) WITHIN 5 BUSINESS DAYS AFTER FILING THE STATEMENT OF WITHDRAWAL, REPAY TO THE STATE BOARD FOR REDEPOSIT IN THE FUND THE FULL AMOUNT OF THE MONEY DISBURSED TO THE CANDIDATE BY THE COMPTROLLER, TOGETHER WITH THE INTEREST AND PENALTY PRESCRIBED BY THE STATE BOARD BY REGULATION.

15–114. POLITICAL PARTY CONTRIBUTIONS AND EXPENDITURES.

(A) A PARTICIPATING CANDIDATE MAY NOT ACCEPT A CONTRIBUTION FROM A STATE OR LOCAL CENTRAL COMMITTEE OF A POLITICAL PARTY.

(B) THIS TITLE MAY NOT BE CONSTRUED TO PREVENT A POLITICAL PARTY FROM USING ITS FUNDS FOR EXPENSES FOR:

(1) THE GENERAL OPERATING EXPENSES OF THE POLITICAL PARTY;

(2) A POLITICAL PARTY CONVENTION;

(3) NOMINATING AND ENDORSING CANDIDATES;

(4) IDENTIFYING, RESEARCHING, AND DEVELOPING THE PARTY'S POSITIONS ON ISSUES;

(5) PARTY PLATFORM ACTIVITIES;

(6) VOTER REGISTRATION ACTIVITIES THAT ARE NOT CANDIDATE–SPECIFIC;

(7) GET–OUT–THE–VOTE ACTIVITIES THAT ARE NOT CANDIDATE–SPECIFIC;

(8) TRAVEL EXPENSES FOR LEADERS AND STAFF OF THE POLITICAL PARTY WHO ARE NOT CANDIDATES; OR

(9) OTHER PARTY–BUILDING ACTIVITIES THAT ARE NOT CANDIDATE–SPECIFIC.

15–115. JUDICIAL REVIEW.

(A) EXCEPT AS PROVIDED UNDER § 15–107(D) OF THIS TITLE, AN ACTION OF THE STATE BOARD UNDER THIS TITLE MAY BE REVIEWED BY A CIRCUIT COURT IN ACCORDANCE WITH § 10–222(C) OF THE STATE GOVERNMENT ARTICLE.

(B) A PETITION TO REVIEW AN ACTION OF THE STATE BOARD UNDER THIS SECTION SHALL BE BROUGHT WITHIN 60 DAYS AFTER THE STATE BOARD ACTS.

15–116. PENALTIES.

(A) A PARTICIPATING CANDIDATE MAY NOT KNOWINGLY OR INTENTIONALLY:

(1) ACCEPT A CONTRIBUTION TO WHICH THE CANDIDATE IS NOT ENTITLED;

(2) MAKE AN EXPENDITURE IN AN AMOUNT THAT IS GREATER THAN THE AMOUNT THAT THE CANDIDATE RECEIVES FROM THE FUND; OR

(3) MISUSE A CONTRIBUTION OR MONEY RECEIVED FROM THE FUND.

(B) IF THE STATE BOARD DETERMINES THAT A PARTICIPATING CANDIDATE KNOWINGLY OR INTENTIONALLY RECEIVED A CONTRIBUTION OR MADE AN EXPENDITURE THAT EXCEEDS CONTRIBUTION OR EXPENDITURE LIMITS SPECIFIED UNDER THIS TITLE OR FAILED TO DISCLOSE THE CONTRIBUTION OR EXPENDITURE, THE PARTICIPATING CANDIDATE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING $2,500 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH.

(C) IN THE DISCRETION OF THE STATE BOARD, AN INDIVIDUAL WHO VIOLATES THIS TITLE MAY BE BARRED FROM FURTHER PARTICIPATION AS A PARTICIPATING CANDIDATE UNDER THIS TITLE.

(D) (1) A PERSON MAY NOT KNOWINGLY OR INTENTIONALLY PROVIDE FALSE INFORMATION TO OR CONCEAL OR WITHHOLD INFORMATION ABOUT A CONTRIBUTION OR EXPENDITURE FROM THE STATE BOARD.

(2) A PERSON THAT VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A PERSONAL FINE OF THREE TIMES THE AMOUNT OF THE ILLEGAL CONTRIBUTION, EXPENDITURE, OR FALSE DISCLOSURE, TO A MAXIMUM OF $5,000 FOR EACH VIOLATION, OR IMPRISONMENT FOR 2 YEARS OR BOTH.

15–117. SHORT TITLE.

THIS TITLE MAY BE CITED AS THE PUBLIC CAMPAIGN FINANCING ACT FOR GENERAL ASSEMBLY CANDIDATES.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) There is a Commission to Study Public Financing of Elections in Maryland.

(b) The Commission shall consist of the following 10 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) Six individuals appointed by the Governor, including:

(i) A member of the State Board of Elections;

(ii) A member of the State Ethics Commission; and

(iii) Four representatives of statewide organizations concerned with campaign finance practices, fair elections, and ethics in government;

(4) One representative appointed by the chair of the Maryland State Democratic Party Central Committee; and

(5) One representative appointed by the chair of the Maryland State Republican Party Central Committee.

(c) The Governor shall designate the chair of the Commission.

(d) The State Board of Elections and the State Ethics Commission shall provide staff for the Commission.

(e) The Commission shall:

(1) Convene following the November 2014 general election;

(2) Receive testimony as the Commission considers appropriate; and

(3) On or before December 31, 2015, report its findings and recommendations, including any proposed statutory changes to the Maryland election laws, to the Governor, and, subject to § 2–1246 of the State Government Article, the General Assembly concerning:

(i) Information relating to the practice of public funding of election campaigns in other jurisdictions in the United States;

(ii) The need for additional disclosure of campaign contributions or expenditures under this Act;

(iii) The effect and role of independent expenditures under this Act;

(iv) Whether participating candidates under this Act should receive a supplemental distribution from the Public Election Fund to match independent expenditures that are made on behalf of an opposing candidate or against a participating candidate;

(v) The effectiveness of the regulations, guidelines, and policies established by the State Board of Elections governing the disclosure and reporting of contributions and expenditures by participating candidates and nonparticipating candidates in accordance with this Act;

(vi) Funding sources that the General Assembly should consider for the purposes of this Act; and

(vii) Any other matter the Commission determines to be appropriate.

SECTION 4. AND BE IT FURTHER ENACTED, That, on termination of the Public Financing Act under Title 15 of the Election Law Article, as enacted by Section 1 of this Act, the Comptroller shall:

(1) Preserve and maintain the money in the Fair Campaign Financing Fund for gubernatorial candidates under that Act on July 1, 2009, the effective date of the termination; and

(2) Transfer that money, together with accrued interest on January 1, 2011, to the Public Election Fund under the Public Campaign Financing Act for General Assembly Candidates established under Title 15 of the Election Law Article, as enacted by Section 2 of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That the catchlines contained in this Act are not law and may not be considered to have been enacted as part of this Act.

SECTION 6. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 7. AND BE IT FURTHER ENACTED, That the State Board of Elections shall undertake actions as required to manage and supervise the system of public financing of elections for General Assembly candidates established under Title 15 of the Election Law Article, as enacted by Section 2 of this Act, to include the development and adoption of comprehensive regulations to implement the purposes of this Act on or before January 1, 2011, as required under § 15–102 of the Election Law Article under Section 2 of this Act.

SECTION 8. AND BE IT FURTHER ENACTED, That Sections 1, 4, and 7 of this Act shall take effect July 1, 2009.

SECTION 9. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect July 1, 2014. It shall remain effective for a period of 2 years and, at the end of June 30, 2016, with no further action required by the General Assembly, Section 3 of this Act shall be abrogated and of no further force and effect.

SECTION 10. AND BE IT FURTHER ENACTED, That, except as provided in Sections 8 and 9 of this Act, this Act shall take effect January 1, 2011.".

The preceding 2 amendments were read only.

Senator Dyson moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Conway, Chair, for the Committee on Education, Health, and Environmental Affairs reported favorably with amendments:

Senate Bill 672 – Senators Raskin, Frosh, Harrington, King, Madaleno, Muse, Pinsky, and Rosapepe

AN ACT concerning

Environment – Stormwater Management – Stormwater User Charge

SB0672/584635/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 672
(First Reading File Bill)

On page 1, in line 9, after "manner;" insert "prohibiting a county or municipality from assessing a stormwater user charge on certain State–owned property;".

On page 3, after line 9, insert:

"**(F) A COUNTY OR MUNICIPALITY MAY NOT ASSESS A STORMWATER USER CHARGE UNDER THIS SECTION ON ANY PROPERTY, INCLUDING IMPERVIOUS SURFACE, THAT IS OWNED BY THE STATE.**".

The preceding amendment was read only.

Senator Stoltzfus moved, duly seconded, that the Bill and Amendment be laid over under the Rule.

The motion was adopted.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #10

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 87 – Chair, Budget and Taxation Committee (By Request – Departmental – Assessments and Taxation)

AN ACT concerning

Property Tax – Homestead Tax Credit – Eligibility

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 552 – Senators DeGrange, Astle, Brinkley, Colburn, Conway, Currie, Dyson, Exum, Forehand, Garagiola, Gladden, Glassman, Greenip, Haines, Harrington, Harris, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Lenett, Madaleno, McFadden, Middleton, Miller, Munson, Muse, Peters, Pugh, Raskin, Robey, Simonaire, Stoltzfus, Stone, and Zirkin

AN ACT concerning

Tax Amnesty Program

SB0552/979631/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 552
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in lines 5 and 6, strike "one–half of the" and substitute "all"; in lines 15 and 16, strike ", including one–half of any interest,"; in line 17, strike ", plus one–half of any interest,"; and in lines 21 and 22, strike ", including one–half of any interest,".

On page 3, in line 2, strike "plus one–half of the interest"; in lines 7 and 8, strike "plus one–half of any interest"; in lines 10 and 11, strike "one–half of the"; and in lines 30 and 31 and line 32, in each instance, strike ", plus one–half of any interest,".

On page 4, in lines 3 and 4, strike "plus one–half of any interest"; and in line 18, strike "interest charges or".

AMENDMENT NO. 2

On page 3, in line 20, strike "or"; and in line 24, strike "Program." and substitute "Program; or

3. Any taxpayer eligible for the July 1, 2004, through November 1, 2004, Settlement Period, as provided in Chapter 557 of the Acts of 2004, which was applicable to the Maryland corporation income tax assessed by the Comptroller based on issues that were ruled on by the Maryland Court of Appeals in the decisions in the Comptroller of the Treasury v. SYL, Inc., and the Comptroller of the Treasury v. Crown Cork & Seal Company (Delaware), Inc., 375 Md. 78 (2003), whether or not the taxpayer participated in the Settlement Period.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 604 – Senator Currie

AN ACT concerning

Tax Credits for Qualifying Employees with Disabilities – Sunset Repeal

SB0604/189937/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 604
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Repeal" and substitute "Extension"; in line 3, strike "repealing" and substitute "extending"; and in the same line, strike "altering certain".

AMENDMENT NO. 2

On page 2, in lines 4, 5, 7, 10, 12, 15, 21, 22, 24, 27, 29, and 32, in each instance, strike the bracket; in lines 5, 10, 22, and 27, in each instance, strike "2012" and substitute "**2013**"; in lines 7, 13, 24, and 30, in each instance, strike "2009" and substitute "**2010**"; and in lines 13 and 30, in each instance, strike "11" and substitute "**12**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 605 – Senator Currie

AN ACT concerning

State Employment Opportunity Credit – Sunset Repeal

SB0605/919234/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 605
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Currie" and substitute "Senators Currie, Jones, and McFadden"; in line 2, strike "Repeal" and substitute "Extension"; and in line 3, strike "repealing" and substitute "extending".

AMENDMENT NO. 2

On page 1, in line 24, strike the brackets; in the same line, strike "2012" and substitute "**2013**"; in line 26, strike the bracket; and in the same line, strike "2009" and substitute "**2010**".

On page 2, in line 3, strike "2012" and substitute "**2013**"; in line 4, strike "14" and substitute "**15**"; in the same line, strike "2009" and substitute "**2010**"; and in line 6, strike the bracket.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 621 – Senators King, Forehand, Garagiola, Harrington, Peters, Raskin, and Rosapepe

AN ACT concerning

Sales and Use and Property Tax – Exemptions – Solar Energy Equipment and Property

SB0621/139731/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 621
(First Reading File Bill)

On page 2, in lines 4 and 14, in each instance, strike the opening bracket; and in the same lines, strike the closing bracket and substitute "**OR SUPPLIED TO THE ELECTRIC GRID**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 653 – Senators Harris and Peters

AN ACT concerning

Admissions and Amusement Tax – Shooting Ranges – Military, Police, and Correctional Officers

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 698 – Senators Klausmeier, Colburn, Middleton, and Rosapepe

AN ACT concerning

Income Tax Refund – Direct Deposit – Multiple Accounts

SB0698/249838/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 698
(First Reading File Bill)

AMENDMENT NO. 1

In line 4, after "accounts;" insert "providing for a delayed effective date;".

AMENDMENT NO. 2

In line 17, strike "**MORE THAN ONE ACCOUNT**" and substitute "**AT LEAST TWO ACCOUNTS**".

AMENDMENT NO. 3

In line 20, strike "October 1, 2009" and substitute "January 1, 2011".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 800 – Senator King

AN ACT concerning

Biotechnology Investment Incentive Tax Credit

SB0800/659236/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 800
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator King" and substitute "Senators King and Jones".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 1039 – Senators Currie, Harrington, Miller, Muse, Peters, Pinsky, and Rosapepe

EMERGENCY BILL

AN ACT concerning

Prince George's County Hospital Authority

SB1039/839339/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 1039
(First Reading File Bill)

On page 2, in line 30, strike "**A.**" and substitute "**1.**".

On page 3, in line 1, strike "**B.**" and substitute "**2.**"; and in line 31, strike "**SATISFY**" and substitute "**SATISFIES**".

On page 4, in line 5, strike "**SATISFY**" and substitute "**SATISFIES**"; and in line 16, strike "**ADVISORS**" and substitute "**ADVISERS**".

The preceding amendment was read only.

Senator Exum moved, duly seconded, that the Bill and Amendment be laid over under the Rule.

The motion was adopted.

THE COMMITTEE ON FINANCE REPORT #17

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 305 – Senators King, Astle, DeGrange, Lenett, Madaleno, Muse, Raskin, and Robey

AN ACT concerning

Mortality and Quality Review Committee – Sunset Repeal

SB0305/737974/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 305
(First Reading File Bill)

AMENDMENT NO. 1

In line 2, strike "Repeal" and substitute "Extension and Membership"; in line 3, strike "repealing" and substitute "altering the membership of the Mortality and Quality Review Committee; extending"; and after line 7, insert:

"BY repealing and reenacting, with amendments,
Article – Health – General
Section 5–804(a)(8)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 2

After line 12, insert:

"Article – Health – General

5–804.

(a) The Committee shall consist of 18 members appointed by the Secretary, including the following:

(8) The Deputy Secretary of **[**Public Health**]** **BEHAVIORAL HEALTH AND DISABILITIES** or the Deputy Secretary's designee;".

AMENDMENT NO. 3

In lines 15 and 17, in each instance, strike the bracket; in line 15, in each instance, strike "3" and substitute "6"; and in line 16, strike "September 30, 2009" and substitute "December 31, 2012".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 471 – Senator Kelley

AN ACT concerning

Assisted Living Managers – Certification Requirement

SB0471/397877/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 471

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Assisted Living Managers – Certification Requirement" and substitute "State Board of Examiners of Nursing Home Administrators – Composition and Executive Director"; strike beginning with "establishing" in line 3 down through "Managers;" in line 7; in line 7, strike "Board" and substitute "State Board of Examiners of Nursing Home Administrators"; strike beginning with "requiring" in line 9 down through "terms;" in line 22 and substitute "providing for the application of certain provisions of this Act;"; strike beginning with "certification" in line 23 down through "managers" in line 24 and substitute "the State Board of Examiners of Nursing Home Administrators"; and strike in their entirety lines 25 though 30, inclusive.

On page 2, strike in their entirety lines 1 through 10, inclusive; strike beginning with "9–101" in line 13 down through "Managers"" in line 15 and substitute "9–202 and 9–203"; and strike in their entirety lines 18 through 34, inclusive.

AMENDMENT NO. 2

On page 2, strike beginning with "Section(s)" in line 36 down through "That" in line 38.

On pages 3 through 5, strike in their entirety the lines beginning with line 1 on page 3 through line 25 on page 5, inclusive.

On pages 5 through 7, strike in their entirety the lines beginning with line 27 on page 5 through line 2 on page 7, inclusive.

On page 7, in lines 4 and 5, in each instance, strike "11" and substitute "**13**"; in line 6, strike "**THREE**" and substitute "**SIX**"; in line 9, after "**PROGRAM**" insert "**, IF PRACTICABLE**"; in line 10, strike the bracket; strike beginning with "and" in line 12 down through "**MANAGERS;**" in line 13; in line 14, after "**PHYSICIAN**" insert "**OR A NURSE PRACTITIONER**"; strike line 16 in its entirety; in line 17, strike "**(V)**" and substitute "**(IV)**"; in the same line, after "**WORKER;**" insert "**AND**"; strike line 18 in its entirety; and in line 19, strike "**(VII)**" and substitute "**(V)**".

On page 8, in line 20, strike "**(I)**"; and strike in their entirety lines 22 and 23.

On page 9, in line 21, after "**HAVE**" insert "**, AT A MINIMUM,**".

On pages 9 through 23, strike in their entirety the lines beginning with line 24 on page 9 through line 26 on page 23, inclusive.

On pages 23 and 24, strike in their entirety the lines beginning with line 27 on page 23 through line 17 on page 24, inclusive.

On page 24, after line 17, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That § 9–203(b)(4) of the Health Occupations Article, as enacted by Section 1 of this Act, shall be construed to apply only prospectively and may not by applied or interpreted to have any effect on or application to an executive director of the State Board of Examiners of Nursing Home Administrators appointed by the Board before the effective date of this Act.";

and in line 18, strike "4." and substitute "3.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 550 – Senators King, Astle, Brinkley, Colburn, Conway, Currie, DeGrange, Della, Exum, Forehand, Garagiola, Gladden, Glassman, Greenip, Haines, Harrington, Harris, Jacobs, Jones, Kelley, Kittleman, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Miller, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, Stoltzfus, Stone, and Zirkin

AN ACT concerning

Online Child Safety Act of 2009

SB0550/987678/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 550
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 10 down through "information;" in line 12.

On page 2, strike in their entirety lines 1 through 5, inclusive.

AMENDMENT NO. 2

On page 3, strike beginning with the colon in line 24 down through "**PROMOTE**" in line 25 and substitute "**PROMOTE**"; and strike beginning with the semicolon in line 27 down through "**STATE**" in line 30.

On page 4, in line 15, after the semicolon insert "**AND**"; in line 16, after "**(2)**" insert "**(I)**"; in lines 18, 21, and 23, strike "**(3)**", "**(4)**", and "**(5)**", respectively, and substitute "**(II)**", "**(III)**", and "**(IV)**", respectively; in line 22, strike "**INTERNET ACCESS**" and substitute "**PARENTAL CONTROL**"; and in lines 25 and 28, strike "**(I)**" and "**(II)**", respectively, and substitute "**1.**" and "**2.**", respectively.

AMENDMENT NO. 3

On page 5, strike in their entirety lines 11 through 19, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 560 – Senator Miller

AN ACT concerning

Calvert County – Education – School Personnel – Collective Bargaining Fees

SB0560/117279/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 560
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Education –" insert "Certificated"; in the same line, after "Bargaining" insert "Representation"; strike beginning with "requiring" in line 5 down through "organizations;" in line 8; in line 9, after "fees" insert "for certain certificated school personnel"; strike in its entirety line 12 and substitute "Section 6–401 and 6–407(a) and (b)"; and in line 17, strike "and 6–504(b)".

AMENDMENT NO. 2

On pages 3 through 5, strike in their entirety the lines beginning with line 30 on page 3 through line 7 on page 5.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 688 – Senator Robey

AN ACT concerning

Public Service Companies – Passenger–For–Hire Services – Limousines

SB0688/117972/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 688
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "and" in line 9 down through "plates" in line 10; and in line 17, strike "certain provisions" and substitute "a certain provision".

AMENDMENT NO. 2

On page 6, strike beginning with "**OR**" in line 5 down through "**LIMOUSINE**" in line 6; in line 6, strike "**§ 21–1127**" and substitute "**§ 21–1127(A)**"; in lines 11 and 12 strike "**: (1) THE**" and substitute "**THE**"; and strike beginning with the semicolon in line 13 down through "**ARTICLE**" in line 15.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 862 – Senator Pugh

AN ACT concerning

Child Fatality Review – Child Death Review Case Reporting System

SB0862/497771/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 862
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "that" insert "authorize access to certain information to certain persons and".

AMENDMENT NO. 2

On page 5, in line 3, strike "**REQUIRES**" and substitute "**:**

1. AUTHORIZES ACCESS TO IDENTIFIABLE INFORMATION ONLY TO THE MEMBERS AND STAFF OF THE STATE TEAM;

2. AUTHORIZES THE NATIONAL CENTER FOR CHILD DEATH REVIEW TO ACCESS ONLY DE–IDENTIFIED INFORMATION; AND

3. REQUIRES".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably:

Senate Bill 896 – Senators Garagiola, Astle, Middleton, and Pugh

AN ACT concerning

Commercial Law – Equipment Dealer Contract Act – Scope

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 959 – Senator Middleton

AN ACT concerning

Injured Workers' Insurance Fund – Regulation and Status

SB0959/107776/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 959
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "be" and substitute "operate in a manner similar to"; in line 4, after "authorized" insert "domestic workers' compensation"; strike beginning with "requiring" in line 4 down through "law;" in line 6; strike beginning with "providing" in line 8 down through "insurer;" in line 10; in line 12, after "surplus;" insert "specifying that members of the Board for the Fund are entitled to reimbursement for certain reasonable expenses; altering the frequency for payment of

Board members; altering the manner in which the Board may carry out certain provisions of law;"; in the same line, after "the" insert "Maryland Insurance"; in line 15, strike "for the Fund"; in line 16, after "manner;" insert "making certain conforming changes;"; and in line 27, after "10–101" insert "and 10–104".

On page 2, in line 3, strike "10–104," and substitute "10–112(d), 10–114(a),"; and in the same line, strike "and 10–130" and substitute "10–130, 10–131, and 10–133(a)".

AMENDMENT NO. 2

On page 3, in line 7, strike "**(A)**"; strike in their entirety lines 8 through 15, inclusive; in the line 17, after "**EXCEPT**" insert "**FOR TITLE 3, SUBTITLE 1, TITLE 6, SUBTITLE 1, TITLE 8, SUBTITLE 3, AND TITLE 11 OF THE INSURANCE ARTICLE AND**"; in the same line, strike the colon; strike line 18 in its entirety; in line 19, strike "**INSURANCE ARTICLE,**"; in line 20, strike "**ANY OTHER**" and substitute "**AN**"; in the same line, after "**AUTHORIZED**" insert "**DOMESTIC**"; strike beginning with "**; AND**" in line 20 down through "**INSURER**" in line 22; strike in their entirety lines 23 through 25, inclusive, and substitute:

"**(B) NOTWITHSTANDING SUBSECTION (A) OF THIS SECTION, THE FUND SHALL REGISTER WITH THE COMMISSIONER AND BE SUBJECT TO THE PROVISIONS OF TITLE 8, SUBTITLE 3 OF THE INSURANCE ARTICLE IF THE FUND OPERATES AS AN ADMINISTRATOR, AS DEFINED IN § 8–301 OF THE INSURANCE ARTICLE.**";

in line 27, strike "**THE**" and substitute "**(A) SUBJECT TO SUBSECTION (B) OF THIS SECTION, THE**"; in the same line, strike "**AS**" and substitute "**IN A MANNER SIMILAR TO**"; in the same line, after "**DOMESTIC**" insert "**WORKERS' COMPENSATION**"; in the same line, after "**INSURER**" insert a period; and in the same line, strike "**AND**" and substitute:

"**(B) THE FUND**".

On page 4, in line 1, strike "**FORCE**" and substitute "**INSURER**"; in line 3, strike "**AND**"; in line 5, after "**RESORT**" insert "**; AND**

(4) ENGAGE ONLY IN THE BUSINESS OF WORKERS' COMPENSATION INSURANCE IN ACCORDANCE WITH STATE LAW";

after line 5, insert:

"10–112.

(d) (1) Each member of the Board is entitled to:

(i) the salary provided in the budget of the Board; and

(ii) reimbursement for **REASONABLE** expenses **[**under the Standard State Travel Regulations.**]:**

1. INCURRED IN THE PERFORMANCE OF THE BOARD MEMBER'S DUTIES; AND

2. as provided in the budget of the Board.

(2) Each member of the Board shall be paid **[**semimonthly**] BIWEEKLY**.

10–114.

(a) The Board may adopt any **[**regulation**] POLICY** to carry out this subtitle.";

in line 19, strike "(1)"; in line 24, strike "**(2)**" and substitute "**(B)**"; and in line 27, strike "**(B)**" and substitute "**(C)**".

On page 5, in lines 5 and 10, strike "**(C)**" and "**(D)**" respectively, and substitute "**(D)**" and "**(E)**", respectively; and in line 20, strike "**(B)(2)**" and substitute "**(C)(2)**".

On page 9, after line 2, insert:

"10–131.

An employer shall apply for insurance under this subtitle in accordance with the **[**regulations**]** **POLICIES** of the Board.

10–133.

(a) The Board shall adopt **[**regulations**]** **POLICIES** that provide procedures and standards for the payment of premiums.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 981 – Senator Garagiola

AN ACT concerning

Public Service Companies – Net Energy Metering

SB0981/857477/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 981
(First Reading File Bill)

On page 2, in lines 1 and 2, in each instance, strike the bracket; in line 2, strike the first "or" and substitute a comma; in the same line, strike "**USES**" and substitute "**, OR CONTRACTS WITH A THIRD PARTY THAT OWNS AND OPERATES**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 985 – Senator Garagiola

AN ACT concerning

Health Insurance – Coverage for Off–Label Use of Drugs – Standard Reference Compendia

SB0985/447376/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 985
(First Reading File Bill)

On pages 1 and 2, strike beginning with the colon in line 22 on page 1 down through "**(V)**" in line 9 on page 2.

On page 2, in line 9, strike "**OTHER**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF BILLS

Senator Middleton moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1068 – Senators Middleton and Rosapepe

AN ACT concerning

Workgroup to Study the Future Conservation of the State's Open Space and Farmland

FOR the purpose of establishing a workgroup to study the future conservation of the State's open space and farmland; providing for the membership of the workgroup; requiring the workgroup to make certain evaluations and

determinations; requiring the workgroup to report its findings and recommendations to the Governor and General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to conserving open space and farmland in the State.

Read the first time and referred to the Committee on Rules.

Senator Madaleno moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1069 – Senator Madaleno

EMERGENCY BILL

AN ACT concerning

Income Tax – Net Operating Loss Deductions – Loss from Criminal Fraud or Embezzlement

FOR the purpose of providing an exception for certain net operating losses to a certain provision requiring certain modifications to federal adjusted gross income to determine Maryland adjusted gross income without regard to a certain special net operating loss carryback period; providing for the application of this Act; making this Act an emergency measure; and generally relating to the Maryland income tax treatment of certain net operating losses.

Read the first time and referred to the Committee on Rules.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 507)

ADJOURNMENT

At 12:58 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Wednesday, March 25, 2009.

Annapolis, Maryland
Wednesday, March 25, 2009
10:00 A.M. Session

The Senate met at 10:16 A.M.

Prayer by Pastor Mark Lehmann, Cornerstone Assembly of God, guest of Senator Douglas J. J. Peters.

The Journal of March 24, 2009 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 509)

Presentation by Senator Roy Dyson in celebration of Maryland Day.

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 507 – Senators Conway, Colburn, DeGrange, Klausmeier, and Stone

AN ACT concerning

Maryland Locksmiths Act

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0507/274439/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 507
(First Reading File Bill)

AMENDMENT NO. 1

On page 3, in line 25, after "**PROTECT**" insert "**AGAINST**".

On page 12, in line 15, strike the first "**USE**" and substitute "**USES**".

On page 18, in line 29, strike "Finance" and substitute "Education, Health, and Environmental Affairs".

AMENDMENT NO. 2

On page 1, in line 10, after "license;" insert "providing that before an individual may begin work for a licensed locksmith the licensee shall submit the individual's name to the Secretary and the individual shall apply for a national and State criminal history records check;".

On page 2, after line 19, insert:

"**(C) "EMPLOYEE" MEANS AN INDIVIDUAL EMPLOYED BY A LICENSED LOCKSMITH TO PROVIDE LOCKSMITH SERVICES ON BEHALF OF THE LICENSED LOCKSMITH.**";

and in lines 20, 27, and 29, strike "**(C)**", "**(D)**", and "**(E)**", respectively, and substitute "**(D)**", "**(E)**", and "**(F)**", respectively.

On page 3, in lines 1 and 4, strike "**(F)**" and "**(G)**", respectively, and substitute "**(G)**" and "**(H)**", respectively.

On page 4, in line 7, strike "**AND**"; and in line 9, strike "**ON THE PREMISES OF THE RETAILER**" and substitute "**:**

(I) ON THE PREMISES OF THE RETAILER; OR

(II) OFF THE PREMISES OF THE RETAILER IF THE INSTALLATION OR REPLACEMENT OF LOCKS IS INCIDENTAL TO THE RETAILER'S NORMAL COURSE OF BUSINESS;

(9) THE INSTALLATION OR REPLACEMENT OF LOCKS BY A SECURITY SYSTEMS TECHNICIAN WHO IS LICENSED UNDER TITLE 18 OF THE BUSINESS OCCUPATIONS AND PROFESSIONS ARTICLE; AND

(10) THE INSTALLATION, REPAIR, REPLACEMENT, REKEYING, OR ADJUSTING OF LOCKS OR LOCK COMPONENTS FOR PROPERTY BY AN EMPLOYEE OR AGENT OF THE PROPERTY OWNER OR A MANAGEMENT COMPANY".

On page 5, in line 25, strike "**12.5–204**" and substitute "**12.5–205**".

On page 6, after line 2, insert:

"**12.5–203.**

BEFORE AN INDIVIDUAL MAY BEGIN WORK FOR A LICENSEE AS AN EMPLOYEE:

(1) THE LICENSEE SHALL SUBMIT TO THE SECRETARY, ON THE FORM THAT THE SECRETARY PROVIDES, THE NAME OF THE INDIVIDUAL; AND

(2) THE INDIVIDUAL SHALL APPLY FOR A NATIONAL AND STATE CRIMINAL HISTORY RECORDS CHECK REQUIRED UNDER § 12.5–204(B) OF THIS SUBTITLE.";

in line 3, strike "**12.5–203.**" and substitute "**12.5–204.**"; in line 8, after "**SUBTITLE**" insert "**AND AN INDIVIDUAL WHOSE NAME IS REQUIRED TO BE SUBMITTED TO THE SECRETARY UNDER § 12.5–203 OF THIS SUBTITLE**"; in line 13, after "**APPLICANT**" insert "**AND AN INDIVIDUAL WHOSE NAME IS REQUIRED TO BE SUBMITTED TO THE SECRETARY UNDER § 12.5–203 OF THIS SUBTITLE**"; in line 21, after the first "**THE**" insert "**MANDATORY**"; after line 23, insert:

"**(C) A LICENSEE OR APPLICANT MAY PAY FOR THE COSTS BORNE BY THE EMPLOYEE OR OTHER INDIVIDUAL REQUIRING A CRIMINAL HISTORY RECORDS CHECK UNDER SUBSECTION (B) OF THIS SECTION.**";

and in line 24, strike "**(C)**" and substitute "**(D)**".

On page 7, in line 6, strike "**(D)**" and substitute "**(E) (1)**"; in lines 8, 9, and 10, strike "**(1)**", "**(2)**", and "**(3)**", respectively, and substitute "**(I)**", "**(II)**", and "**(III)**", respectively; after line 11, insert:

"**(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT PRECLUDE THE SECRETARY FROM NOTIFYING A LICENSEE OR AN APPLICANT OF THE APPROVAL OR DISQUALIFICATION OF THE EMPLOYEE FOR EMPLOYMENT BASED ON INFORMATION OBTAINED BY THE SECRETARY UNDER THIS SECTION.**";

in line 12, strike "**(E)**" and substitute "**(F)**"; after line 15, insert:

"**(G) THE SECRETARY SHALL VERIFY PERIODICALLY THE CONTINUED EMPLOYMENT OR LICENSURE OF INDIVIDUALS REQUIRING CRIMINAL HISTORY RECORDS CHECKS IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.**";

and in lines 16 and 27, strike "**12.5–204.**" and "**12.5–205.**", respectively, and substitute "**12.5–205.**" and "**12.5–206.**", respectively.

On page 8, in lines 3, 5, and 21, strike "**12.5–203**", "**12.5–204**", and "**12.5–206.**", respectively, and substitute "**12.5–204**", "**12.5–205**", and "**12.5–207.**", respectively.

On page 9, in lines 8, 12, and 15, strike "**12.5–207.**", "**12.5–208.**", and "**12.5–204**", respectively, and substitute "**12.5–208.**", "**12.5–209.**", and "**12.5–205**", respectively.

On page 11, in lines 5, 10, and 29, strike "**12.5–209.**", "**12.5–206**", and "**12.5–210.**", respectively, and substitute "**12.5–210.**", "**12.5–207**", and "**12.5–211.**", respectively.

On page 12, in line 1, strike "**12.5–211**" and substitute "**12.5–212**".

On page 13, in line 2, strike "**12.5–204**" and substitute "**12.5–205**".

On page 14, in lines 10, 13, 24, and 29, strike "**12.5–211.**", "**12.5–210**", "**12.5–212.**", and "**12.5–213.**", respectively, and substitute "**12.5–212.**", "**12.5–211**", "**12.5–213.**", and "**12.5–214.**", respectively.

AMENDMENT NO. 3

On page 12, in line 28, after "**FELONY**" insert "**THAT IS DIRECTLY RELATED TO THE FITNESS AND QUALIFICATION OF THE EMPLOYEE TO BE INVOLVED IN PROVIDING LOCKSMITH SERVICES**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 163 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)

EMERGENCY BILL

AN ACT concerning

Program Open Space – Use of Funds – Indoor or Outdoor Recreational Facilities

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0163/784130/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 163
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "facilities;" insert "requiring certain indoor recreational facilities to meet or exceed a certain rating under certain circumstances; requiring certain indoor recreational facilities to incorporate, to the maximum extent practicable, certain site design standards; altering the percentage of funds that the State shall provide to a local governing body for the construction of an indoor recreational facility located outside of a priority funding area under certain

circumstances; altering the percentage of funds that the State shall provide to a local governing body for the acquisition of land located within a priority funding area under certain circumstances; requiring the Department of Planning, in consultation with the Department of Natural Resources, to conduct a certain evaluation; requiring the Department of Planning to report its evaluation to certain committees of the General Assembly on or before a certain date; providing for the application of this Act;"; and in line 15, after "5–903(b)" insert "and 5–905(c)(3)".

AMENDMENT NO. 2

On page 3, in line 1, strike "**FUNDS**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, FUNDS**"; and after line 6, insert:

"**(3) AN INDOOR RECREATIONAL FACILITY FUNDED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL:**

(I) IF THE FACILITY IS 7,500 SQUARE FEET OR GREATER, MEET OR EXCEED THE CURRENT VERSION OF THE U.S. GREEN BUILDING COUNCIL'S LEED GREEN BUILDING RATING SYSTEM SILVER RATING, HOWEVER, THE FACILITY IS NOT REQUIRED TO BE CERTIFIED THROUGH THE LEED CERTIFICATION PROCESS; AND

(II) INCORPORATE, TO THE MAXIMUM EXTENT PRACTICABLE, THE NONSTRUCTURAL SITE DESIGN PRACTICES IN THE MARYLAND STORMWATER DESIGN MANUAL, INCORPORATED BY REFERENCE IN COMAR 26.17.02.

5–905.

(c) (3) (i) **[**If**]** **EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, IF** the local governing body is unable to obtain federal funds pursuant to § 5–906 of this subtitle, for each approved local development project the State shall provide:

1. 75 percent of the total project cost; or

2. If the Department has certified pursuant to paragraph (1) of this subsection that acquisition goals have been met, 90 percent of the total project cost.

(ii) **[**If**]** **EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, IF** federal funds are provided on any acquisition or development project cost, the State shall provide 50 percent of the difference between the total project cost and the federal contribution. Subject to the limitation that total State funds, when added to every other available fund, may not exceed 100 percent of a project's cost, the minimum State contribution to a project shall be 25 percent. If the federal funds are less than 50 percent of the total project cost, the State shall provide an amount equal to the difference between the federal contribution and:

1. 75 percent of the total project cost; or

2. If the Department has certified pursuant to paragraph (1) of this subsection that acquisition goals have been met, 90 percent of the total project cost.

(III) 1. SUBJECT TO THE REQUIREMENT IN SUBSUBPARAGRAPH 3 OF THIS SUBPARAGRAPH, IF A LOCAL GOVERNING BODY USES ITS FUNDS APPROPRIATED UNDER § 5–903(B)(1) OF THIS SUBTITLE TO ACQUIRE LAND WITHIN A PRIORITY FUNDING AREA, AS DEFINED IN § 5–7B–02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, THE STATE SHALL PROVIDE 90 PERCENT OF THE TOTAL PROJECT COST.

2. IF A LOCAL GOVERNING BODY USES ITS FUNDS APPROPRIATED UNDER § 5–903(B)(1) OF THIS SUBTITLE TO CONSTRUCT AN INDOOR RECREATIONAL FACILITY THAT IS NOT ANCILLARY AND NECESSARY FOR OUTDOOR RECREATION, AND WILL BE LOCATED OUTSIDE OF A PRIORITY FUNDING AREA, AS DEFINED IN § 5–7B–02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, THE STATE SHALL PROVIDE 50 PERCENT OF THE TOTAL PROJECT COST.

3. THE STATE SHALL PROVIDE 90 PERCENT OF THE TOTAL PROJECT COST UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH IF THE LOCAL GOVERNING BODY AGREES TO LIMIT THE AMOUNT OF IMPERVIOUS SURFACE ON THE LAND ACQUIRED WITHIN A PRIORITY FUNDING AREA, AS DEFINED IN § 5–7B–02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE, TO NO MORE THAN 10 PERCENT OF THE LAND.

SECTION 2. AND BE IT FURTHER ENACTED, That the Department of Planning shall evaluate, in consultation with the Department of Natural Resources and local governments, the degree to which State goals for recreation, parks, open space, and land acquisition are being effectively addressed through the local side Program Open Space process. On or before October 1, 2010, the Department of Planning shall report its evaluation, as well as any recommended statutory or administrative changes, to the Senate Education, Health, and Environmental Affairs Committee and the House Environmental Matters Committee, in accordance with § 2–1246 of the State Government Article.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply prospectively and may not be applied or interpreted to have any effect on projects initiated prior to the effective date of this Act.";

and in line 7, strike "2." and substitute "4.".

The preceding 2 amendments were read and adopted by a roll call vote as follows:

Affirmative – 24 Negative – 23 (See Roll Call No. 510)

Senator Edwards moved, duly seconded, to make the Bill and Report a Special Order for the end of today's business.

The motion was adopted.

Senate Bill 280 – The President (By Request – Administration) and Senators Della, King, Lenett, Madaleno, and Rosapepe

AN ACT concerning

Smart, Green, and Growing – Smart and Sustainable Growth Act of 2009

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (5) AND THE FAVORABLE REPORT.

SB0280/644237/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 280
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the second "the" insert "adoption of certain ordinances or regulations by a local jurisdiction and the"; in lines 3 and 4, strike "a local jurisdiction" and substitute "certain governmental entities"; in line 4, after "use" insert "ordinances and regulations"; in line 5, strike "require" and substitute "clarify"; in the same line, after "plan" insert "is required"; in line 16, after the first semicolon, insert "stating the General Assembly's intent to overturn the ruling in a certain court case;"; and after line 22, insert:

"BY adding to
Article 66B – Land Use
Section 1.04(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)".

On page 2, after line 16, insert:

"BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 8–1808.1(c)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)
(As enacting by Chapter 119 of the Acts of the General Assembly of 2008)".

AMENDMENT NO. 2

On page 2, after line 37, insert:

"WHEREAS, It is the intent of the General Assembly to encourage the development of ordinances and regulations that apply to locally designated priority funding areas and allow for mixed uses and bonus densities beyond those specified in the local comprehensive plan by excluding land uses and densities or intensities in the definition of "consistency" for priority funding areas; and".

AMENDMENT NO. 3

On page 3, in line 19, strike "**1.03**" and substitute "**1.04**".

On page 4, strike in their entirety lines 12 through 24, inclusive, and substitute:

"(A) IN THIS SECTION, "ACTION" MEANS:

(1) THE ADOPTION OF AN ORDINANCE OR REGULATION UNDER:

(I) § 1.00(K) OF THIS ARTICLE;

(II) § 1.04(F) OF THIS ARTICLE; OR

(III) § 4.09 OF THIS ARTICLE;

(2) A REQUIREMENT UNDER § 9–505(A)(1) OF THE ENVIRONMENT ARTICLE AND § 19(O)(3)(III) OF ARTICLE 23A OF THE CODE; AND

(3) A REQUIRED FINDING UNDER §§ 9–506(A)(1) AND 9–507(B)(2) OF THE ENVIRONMENT ARTICLE.

(B) THIS SECTION APPLIES TO THE FOLLOWING:

(1) §§ 1.00(K), 1.04(F), AND 4.09 OF THIS ARTICLE;

(2) §§ 9–505(A)(1), 9–506(A)(1), AND 9–507(B)(2) OF THE ENVIRONMENT ARTICLE (WATER AND SEWER PLAN REVIEW); AND

(3) § 19(O)(3)(III) OF ARTICLE 23A OF THE CODE (ANNEXATION PLAN).

(C) EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, WHEN A PROVISION IN A STATUTE LISTED UNDER SUBSECTION (B) OF THIS SECTION REQUIRES THAT AN ACTION BE "CONSISTENT WITH" OR HAVE "CONSISTENCY WITH" A COMPREHENSIVE PLAN, THE TERM SHALL BE DEFINED TO MEAN AN ACTION TAKEN THAT WILL FURTHER, AND NOT BE CONTRARY TO, THE FOLLOWING ITEMS IN THE PLAN:

(1) POLICIES;

(2) TIMING OF THE IMPLEMENTATION OF THE PLAN;

(3) TIMING OF DEVELOPMENT;

(4) TIMING OF REZONING;

(5) DEVELOPMENT PATTERNS;

(6) LAND USES; AND

(7) DENSITIES OR INTENSITIES.

(D) (1) IN THIS SUBSECTION, "PRIORITY FUNDING AREA" HAS THE MEANING STATED IN § 5–7B–02 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(2) THIS SUBSECTION APPLIES TO AN ACTION UNDER SUBSECTION (A)(1)(II) AND (III) OF THIS SECTION.

(3) WITHIN A PRIORITY FUNDING AREA, WHEN THE PROVISIONS IN SUBSECTION (A)(1)(II) AND (III) OF THIS SECTION REQUIRE THAT AN ACTION BE "CONSISTENT WITH" OR HAVE "CONSISTENCY WITH" A COMPREHENSIVE PLAN, THE TERM SHALL BE DEFINED TO MEAN AN ACTION TAKEN THAT WILL FURTHER, AND NOT BE CONTRARY TO, THE FOLLOWING ITEMS IN THE PLAN:

(I) POLICIES;

(II) TIMING OF THE IMPLEMENTATION OF THE PLAN;

(III) TIMING OF DEVELOPMENT;

(IV) TIMING OF REZONING; AND

(V) DEVELOPMENT PATTERNS.".

On page 5, in line 5, strike "**4.07(A)(10)**" and substitute "**4.07(I)**"; after line 17, insert:

"**(A) A CHARTER COUNTY SHALL ENACT, ADOPT, AMEND, AND EXECUTE A PLAN AS PROVIDED IN THIS SECTION.**

(d) (1) A planning commission shall include in its comprehensive plan:

(i) All elements required in subsection **[**(a)**](B)** of this section and the visions set forth in § 1.01 of this article; and

(ii) If the chosen under subsection **[**(b)**](C)** of this section, its priority preservation area element.

(2) At least once every 6 years, the planning commission shall review and if necessary, revise or amend a comprehensive plan to include:

(i) All elements required in subsection **[**(a)**](B)** of this section and the visions set forth in §1.01 of this article; and

(ii) If chosen under subsection **[**(b)**](C)** of this section, its priority preservation area element.

(3) If the comprehensive plan for each geographic section or division is reviewed and, if necessary, revised or amended at least once every 6 years, the planning commission may prepare comprehensive plans for one or more major geographic sections or divisions of the local jurisdiction.

(e) (1) A planning commission shall implement the visions set forth in § 1.01 of this article through the comprehensive plan elements required under subsection **[**(a)**](B)** of this section.

(2) A local legislative body that has adopted a comprehensive plan may adopt regulations implementing the visions stated in § 1.01 of this article in a comprehensive plan.";

in line 18, strike "(e)" and substitute "(f)"; in line 19, strike "(c)" and substitute "**(D)**"; and in line 21, strike "(a)(1)(iii)" and substitute "**(B)(1)(III)**".

On page 6, in line 11, strike "**4.07(A)(10)**" and substitute "**4.07(I)**".

On page 8, in line 8, strike "**PROPER**" and substitute "**IF APPLICABLE, PROPER**".

AMENDMENT NO. 4

On page 12, after line 7, insert:

"Article – Natural Resources

8–1808.1.

(c) **(1) IN PARAGRAPHS (3)(I) AND (4)(I) OF THIS SUBSECTION, "CONSISTENT WITH" OR "CONSISTENCY WITH" A JURISDICTION'S COMPREHENSIVE PLAN MEANS THAT A STANDARD OR FACTOR WILL FURTHER, AND NOT BE CONTRARY TO, THE FOLLOWING ITEMS IN THE PLAN:**

(I) POLICIES;

(II) TIMING OF THE IMPLEMENTATION OF THE PLAN;

(III) TIMING OF DEVELOPMENT;

(IV) TIMING OF REZONING;

(V) DEVELOPMENT PATTERNS;

(VI) LAND USES; AND

(VII) DENSITIES OR INTENSITIES.

[(1)**] (2)** When locating new intensely developed or limited development areas, local jurisdictions shall use the following standards:

(i) Locate a new intensely developed area in a limited development area or adjacent to an existing intensely developed area;

(ii) Locate a new limited development area adjacent to an existing limited development area or an intensely developed area;

(iii) Locate a new limited development area or an intensely developed area in a manner that minimizes impacts to a habitat protection area as defined in COMAR 27.01.09, and in an area and manner that optimizes benefits to water quality;

(iv) Locate a new intensely developed area or a limited development area in a resource conservation area at least 300 feet beyond the landward edge of tidal wetlands or tidal waters, unless the local jurisdiction proposes, and the Commission approves, alternative measures for enhancement of water quality and habitat that provide greater benefits to the resources;

(v) Locate new intensely developed areas and limited development areas in a manner that minimizes their impacts to the defined land uses of the resource conservation area;

(vi) Except as provided in item (viii) of this paragraph, no more than one–half of the expansion allocated in the criteria of the Commission may be located in resource conservation areas;

(vii) New intensely developed or limited development areas involving the use of growth allocation shall conform to all criteria of the Commission and shall be designated on the comprehensive zoning map submitted by the local jurisdiction as part of its application to the Commission for program approval or at a later date in compliance with § 8–1809(g) of this subtitle; and

(viii) In Calvert, Caroline, Cecil, Charles, Dorchester, Kent, Queen Anne's, St. Mary's, Somerset, Talbot, Wicomico, and Worcester counties, if the county is unable to utilize a portion of the growth allocated to the county in items (i) and (ii) of this paragraph within or adjacent to existing intensely developed or limited development areas as demonstrated in the local plan approved by the Commission, then that portion of the allocated expansion which cannot be so located may be located in the resource conservation area in addition to the expansion allocated in item (vi) of this paragraph. A developer shall be required to cluster any development in an area of expansion authorized under this paragraph.

[(2)**] (3)** A local jurisdiction may use a standard that varies from the standards required under paragraph **[**(1)(i)**] (2)(I)** and (ii) of this subsection if:

(i) The alternative standard is consistent with the jurisdiction's adopted comprehensive plan; and

(ii) The Commission has approved the alternative standard as part of the local program.

[(3)**] (4)** In reviewing map amendments or refinements involving the use of growth allocation, the Commission shall consider the following factors:

(i) Consistency with the jurisdiction's adopted comprehensive plan and whether the growth allocation would implement the goals and objectives of the adopted plan;

(ii) 1. For a map amendment or refinement involving a new intensely developed area, whether the development is:

A. To be served by a public wastewater system;

B. To have an allowed average density of at least 3.5 units per acre, as calculated under § 5–7B–03(h) of the State Finance Procurement Article;

C. For a new intensely developed area that is greater than 20 acres, to be located in a priority funding area, as described under §§ 5–7B–02(1) and 5–7B–03 of the State Finance and Procurement Article; and

D. To have a demonstrable economic benefit to the area; and

2. For a map amendment or refinement involving a new limited development area, whether the development is:

A. To be served by a public wastewater system or septic system that uses the best available nitrogen removal technology;

B. A completion of an existing subdivision;

C. An expansion of an existing business; or

D. To be clustered;

(iii) The use of existing public infrastructure, where practical;

(iv) Consistency with State and regional environmental protection policies concerning the protection of threatened and endangered species and species in need of conservation that may be located on– or off–site;

(v) Impacts on a priority preservation area, as defined under § 2–518 of the Agriculture Article;

(vi) Environmental impacts associated with wastewater and stormwater management practices and wastewater and stormwater discharges to tidal waters, tidal wetlands, and tributary streams; and

(vii) Environmental impacts associated with location in a coastal hazard area or an increased risk of severe flooding attributable to the proposed development.

[(4)**] (5)** The Commission shall ensure that the standards and factors in paragraphs **[**(1), (2), and (3)**] (2), (3), AND (4)** of this subsection have been applied in a manner that is consistent with the purposes, policies, goals, and provisions of this subtitle, and all criteria of the Commission.".

AMENDMENT NO. 5

On page 12, after line 32, insert:

"SECTION 6. AND BE IT FURTHER ENACTED, That consistency with a local jurisdiction's comprehensive plan, as determined in accordance with § 8–1808.1(c)(3)(i) and (4)(i) of the Natural Resources Article of the Code, as enacted by Section 2 of this Act:

(1) Shall be a part of each determination made by the Critical Area Commission at a formal meeting of the Commission occurring on or after July 1, 2009, regarding a text amendment related to an alternative standard for the location of a

new intensely developed or limited development area and an award of growth allocation; and

(2) May not be applied to an alternative standard text amendment or growth allocation approved by the Critical Area Commission before July 1, 2009.";

and in line 33, strike "6." and substitute "7.".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0280/604131/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 280, AS AMENDED
(First Reading File Bill)

On page 1 of the bill, in line 19, after "1.03" insert "(a) through (f)"; and in line 20, after "1.04" insert "(b) through (g)".

On page 2 of the bill, in line 11, strike "without" and substitute "with"; and in line 13, strike "1.04(e)" and substitute "1.04(d), (e), and (f)".

On page 3 of the bill, in line 6, after "1.03" insert "(a) through (f)"; and in line 7, after "1.04" insert "(b) through (g)".

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0280/644237/1), in line 12 of Amendment No. 1, after "Supplement)" insert:

"(As enacted by Section 1 of this Act)";

and in line 19, strike "enacting" and substitute "enacted".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 666 – Senators Pinsky, Conway, Frosh, Harrington, Lenett, Madaleno, Raskin, and Rosapepe

AN ACT concerning

Natural Resources – No Net Loss of Forest Policy – Forest Conservation Act

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (3) AND THE FAVORABLE REPORT.

SB0666/744232/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 666
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "reducing" in line 3 down through "applies;" in line 4; in line 11, after "areas;" insert "requiring the Public Service Commission to ensure compliance with certain requirements when reviewing an application for a certificate of public convenience and necessity;".

On page 2, in line 8, after "5–1603(c)(3)" insert ", (f),"; in the same line, strike "5–1604(a),"; strike in their entirety lines 12 through 16, inclusive; in line 19, after "Section" insert "5–1604(a),"; and in the same line, after "5–1607(e)" insert a comma.

AMENDMENT NO. 2

On page 2, in line 32, strike "**PRIME**" and substitute "**PRODUCTIVE**".

On page 3, in line 8, strike the brackets; in the same line, strike "**20,000**"; strike beginning with the bracket in line 24 down through "(6)" in line 31; and in line 32, strike "(7)**]**" and substitute "**(6)**".

On page 4, in lines 6, 9, 13, and 15, in each instance, strike "**(6)**", "**(7)**", "**(8)**", and "**(9)**", respectively, and substitute "**(7)**", "**(8)**", "**(9)**", and "**(10)**", respectively.

On page 5, in lines 4 and 9, in each instance, strike the bracket; in line 4, strike "After December 31, 1992, the" and substitute "**THE**"; strike beginning with "give" in line 4 down through "forth" in line 6 and substitute "**ENSURE COMPLIANCE WITH THE REQUIREMENTS**"; in line 10, strike the brackets; in the same line, strike "**(F)**"; in line 20, strike the brackets; in line 21, strike "**20,000**"; and in the same line, strike "**OR GREATER**".

AMENDMENT NO. 3

On page 6, in line 5, after "(c)" insert "**(1) TREES, SHRUBS, AND PLANTS LOCATED IN SENSITIVE AREAS INCLUDING 100–YEAR FLOODPLAINS, INTERMITTENT AND PERENNIAL STREAMS AND THEIR BUFFERS, COASTAL BAYS AND THEIR BUFFERS, STEEP SLOPES, AND CRITICAL HABITATS SHALL BE:**

(I) CONSIDERED PRIORITY FOR RETENTION AND PROTECTION;

(II) LEFT IN AN UNDISTURBED CONDITION UNLESS THE APPLICANT HAS DEMONSTRATED, TO THE SATISFACTION OF THE STATE OR LOCAL AUTHORITY THAT REASONABLE EFFORTS HAVE BEEN MADE TO PROTECT THEM AND THE PLAN CANNOT REASONABLY BE ALTERED.

(2)";

strike beginning with "(1)" in line 11 down through "(2)" in line 14 and substitute "**(I)**"; in lines 16, 18, and 21 strike "(3)", "(4)", and "(5)", respectively, and substitute "**(II)**", "**(III)**", and "**(IV)**", respectively; and in lines 22 and 23 strike "(i)" and "(ii)", respectively, and substitute "**1.**" and "**2.**", respectively.

The preceding 3 amendments were read and adopted.

Senator Middleton moved, duly seconded, to make the Bill and Report a Special Order for March 26, 2009.

The motion was adopted.

Senate Bill 561 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Boiler and Pressure Vessel Safety – Inspections

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (4) AND THE FAVORABLE REPORT.

SB0561/284739/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 561
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "with" in line 10 down through "vessels," in line 11; in line 14, after "inspections;" insert "authorizing the Chief Boiler Inspector, a deputy boiler inspector, a special inspector, or an authorized inspection agency to make certain inspections with respect to the installation, repair, or alteration of boilers and pressure vessels;"; strike beginning with "altering" in line 18 down through "requirements;" in line 20; in line 21, after the second "fees;" insert "requiring certain insurers to develop, maintain, and make available to the Commissioner of Labor and Industry for inspection in a certain location a certain quality assurance program or to submit to the Chief Boiler Inspector certain evidence of certain accreditation; requiring the Chair of the Board of Boiler Rules to convene a certain workgroup to develop recommendations regarding certain changes to the Boiler and Pressure Vessel Safety Act on or before a certain date;"; in line 25, strike "and" and substitute a comma; and in the same line, after "12–909" insert ", and 12–913(a)".

AMENDMENT NO. 2

On page 7, strike beginning with "**MAKE**" in line 3 down through "**(II)**" in line 5; strike beginning with "**(III)**" in line 7 down through "**(IV)**" in line 9 and substitute "**(II)**"; in lines 11, 12, 15, and 27, strike "**(V)**", "**(2)**", "**(3)**", and "(4)", respectively, and substitute "**(III)**", "**(3)**", "**(4)**", and "**(5)**", respectively; after line 11, insert:

"**(2) THE CHIEF BOILER INSPECTOR, A DEPUTY BOILER INSPECTOR, A SPECIAL INSPECTOR, OR AN AUTHORIZED INSPECTION AGENCY MAY:**

(I) MAKE CERTIFICATE INSPECTIONS OF THE INSTALLATION OF NEW BOILERS AND PRESSURE VESSELS; AND

(II) MAKE CERTIFICATE INSPECTIONS OF THE REPAIR OR ALTERATION OF BOILERS AND PRESSURE VESSELS.";

and in line 15, strike "**AND (2)**" and substitute "**THROUGH (3)**".

On page 8, in line 15, strike "(5)" and substitute "**(6)**"; and in line 19, after "**(2)**" insert "**OR (3)**".

AMENDMENT NO. 3

On page 10, in line 4, strike "**OR**" and substitute a comma; in line 5, after "inspector" insert "**, A SPECIAL INSPECTOR, OR AN AUTHORIZED INSPECTION AGENCY**"; in line 16, strike "**AND THE COMMISSIONER**"; in line 17, strike the brackets; and in the same line, strike "**HAVE**".

AMENDMENT NO. 4

On page 11, after line 21, insert:

"12–913.

(a) An authorized insurer that provides insurance coverage for boilers or pressure vessels in the State shall:

(1) conduct the certificate inspection for each boiler and pressure vessel that the insurer insures by the date the certificate inspection is due;

(2) file with the Chief Boiler Inspector the reports required under § 12–910 of this subtitle;

(3) develop, maintain, submit, and update, as defined by regulation, a database of all boilers and pressure vessels that the insurer insures in the State and track the date when the certificate inspection for each boiler or pressure vessel is due

to ensure that the certificate inspections are due and completed as required under this subtitle; and

(4) **(I)** develop, maintain, and make available to the Commissioner **FOR INSPECTION AT THE INSURER'S PLACE OF BUSINESS IN THE STATE** a quality assurance program in accordance with regulations adopted under this subtitle**; OR**

(II) SUBMIT TO THE CHIEF BOILER INSPECTOR EVIDENCE OF NB–369 ACCREDITATION BY THE NATIONAL BOARD OF BOILER INSPECTORS.

SECTION 2. AND BE IT FURTHER ENACTED, That the Chair of the Board of Boiler Rules shall convene a workgroup consisting of members of the Board and including the participation of interested stakeholders to recommend changes needed to update the Boiler and Pressure Vessel Safety Act, codified under Title 12, Subtitle 9 of the Public Safety Article of the Annotated Code, in order to develop recommendations for policy and legislative changes to provide for public safety and make the Act consistent with current practice. On or before October 1, 2009, the workgroup shall submit a written report containing its recommendations to the Commissioner of Labor and Industry.";

in line 22, strike "2." and substitute "3."; and in line 23, strike "October" and substitute "June".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 656 – Senators Peters, Astle, Colburn, Conway, Dyson, Garagiola, Munson, and Rosapepe

AN ACT concerning

Procurement – Service Disabled Veteran Business Enterprise Participation

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0656/814034/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 656
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Rosapepe" and substitute "Rosapepe, Harrington, Harris, Pinsky, Lenett, and Greenip".

On page 2, strike in their entirety lines 6 through 10, inclusive.

AMENDMENT NO. 2

On page 9, in line 1, strike "**IN ACCORDANCE WITH TITLE 16 OF THIS ARTICLE, A**" and substitute "**A**"; strike beginning with "**BE**" in line 4 down through "**AND,**" in line 5; strike beginning with "**BE**" in line 8 down through "**AND,**" in line 9; and in line 12, strike "**DEBARMENT OR**".

On pages 9 and 10, strike in their entirety the lines beginning with line 26 on page 9 through line 19 on page 10, inclusive.

The preceding 2 amendments were read only.

Senator Conway moved, duly seconded, to make the Bill and Amendments a Special Order for March 26, 2009.

The motion was adopted.

Senate Bill 663 – Senator Pinsky

AN ACT concerning

Election Law – Public Campaign Financing Act for Candidates for the General Assembly

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0663/744134/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 663
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Pinsky" and substitute "Senators Pinsky and Miller".

On pages 1 and 2, strike in their entirety the lines beginning with line 2 on page 1 through line 18 on page 2, inclusive, and substitute:

"Election Law – Campaign Finance Reform Act of 2009

FOR the purpose of repealing the Public Financing Act for gubernatorial candidates; altering certain limits on certain contributions and transfers; providing that contributions shall be considered as being made by one contributor if the contributions are by a sole proprietor, regardless of the number of sole proprietorships owned by that individual; authorizing the governing body of a county to enact laws to regulate public campaign finance activity for certain county elective offices and certain candidates for election to those offices; specifying certain provisions and limitations applicable to any county laws enacted to regulate public campaign finance activity; establishing a system of public financing of campaigns for certain General Assembly candidates; requiring the State Board of Elections to administer the system of public financing for General Assembly candidates; specifying certain powers and duties of the State Board; creating the Public Election Fund and providing for the inclusion of certain money in the Fund; transferring the money in the Fair Campaign Financing Fund for gubernatorial candidates to the Public Election Fund; defining certain terms; specifying certain procedures, requirements, and conditions participating candidates must meet to receive a distribution from the Public Election Fund; requiring that participating candidates adhere to certain campaign expenditure limits; authorizing participating candidates to receive certain additional contributions from individuals and certain supplemental distributions from the Public Election Fund; requiring the Comptroller to perform certain duties in connection with the establishment, maintenance, and administration of the Public Election Fund; regulating contributions and expenditures made by political parties on behalf of participating candidates; providing for judicial review of certain actions by the State Board, subject to a

certain exception; providing for certain penalties; providing that certain catchlines are not law and may not be considered to have been enacted as part of this Act; requiring the State Board to request a certain determination from the Comptroller on or before a certain date; requiring the State Board to adopt certain regulations; making provisions of this Act severable; creating a Commission to Study Public Financing of Elections in Maryland; providing for the membership, duties, and staffing of the Commission; requiring the Commission to report its findings and recommendations to the Governor and the General Assembly on or before a certain date; requiring the State Board to provide certain reports to certain persons on or before certain dates on certain matters; providing for the effective dates of this Act; providing for a delayed effective date for certain provisions of this Act; providing for the termination of certain provisions of this Act; and generally relating to the Campaign Finance Reform Act of 2009.

BY repealing
Article – Election Law
Section 15–101 through 15–111 and the title "Title 15. Public Financing Act"
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–226, 13–227, and 13–235
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY adding to
Article – Election Law
Section 13–502.1; and 15–101 through 15–117 to be under the new title "Title 15. Public Campaign Financing Act for General Assembly Candidates"
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 15–101 through 15–111 and the title "Title 15. Public Financing Act" of Article – Election Law of the Annotated Code of Maryland be repealed.".

AMENDMENT NO. 2

On pages 2 through 26, strike in their entirety the lines beginning with line 19 on page 2 through line 18 on page 26, inclusive, and substitute:

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

Article – Election Law

13–226.

(a) The limits on contributions in this section do not apply to:

(1) a contribution to a ballot issue committee; or

(2) those contributions defined as transfers.

(b) Subject to subsection (c) of this section, a person may not, either directly or indirectly, in an election cycle make:

(1) aggregate contributions in excess of:

(i) **[**$4,000**] $4,400** to any one campaign finance entity; or

(ii) **[**$10,000**] $15,000** to all campaign finance entities; or

(2) a contribution of money in excess of $100 except by check or credit card.

(c) (1) Notwithstanding subsection (b) of this section, a central committee of a political party may make aggregate in–kind contributions during an election cycle that are not in excess of:

(i) for a State central committee, $1 for every two registered voters in the State; and

(ii) for a local central committee, $1 for every two registered voters in the county.

(2) For the purposes of paragraph (1) of this subsection, the number of registered voters is determined, regardless of party affiliation, as of the first day of the election cycle.

(d) The limit on contributions to the campaign finance entity of a candidate applies regardless of the number of offices sought by the candidate or campaign finance entities formed to support the candidate.

(e) Contributions **SHALL BE CONSIDERED AS BEING MADE BY ONE CONTRIBUTOR IF THE CONTRIBUTIONS ARE MADE:**

(1) by a corporation and any wholly–owned subsidiary of the corporation, or by two or more corporations owned by the same stockholders**[**, shall be considered as being made by one contributor**]; OR**

(2) BY A SOLE PROPRIETOR, REGARDLESS OF THE NUMBER OF SOLE PROPRIETORSHIPS OWNED BY THAT INDIVIDUAL.

13–227.

(a) In this section, a "campaign finance entity" includes a nonfederal out–of–state political committee.

(b) The limit on transfers set forth in subsection (c) of this section does not apply to a transfer:

(1) by a campaign finance entity to a ballot issue committee;

(2) between or among:

(i) political committees that are State or local central committees of the same political party;

(ii) a slate and the campaign finance entities of its members; and

(iii) the campaign finance entities of a candidate.

(c) During an election cycle, a campaign finance entity may not directly or indirectly make transfers in a cumulative amount of more than **[**$6,000**]** **$6,600** to any one other campaign finance entity.

(d) (1) All affiliated campaign finance entities are treated as a single entity in determining:

(i) the amount of transfers made by a campaign finance entity; and

(ii) the amount of transfers received by a campaign finance entity.

(2) Campaign finance entities are deemed to be affiliated if they:

(i) are organized and operated in coordination and cooperation with each other; or

(ii) otherwise conduct their operations and make their decisions relating to transfers and other contributions under the control of the same individual or entity.

(e) The limit on transfers to the campaign finance entities of a candidate prescribed in subsection (c) of this section applies regardless of the number of offices sought by the candidate.

13–235.

(a) This section applies to the following officials:

(1) the Governor;

(2) the Lieutenant Governor;

(3) the Attorney General;

(4) the Comptroller; and

(5) a member of the General Assembly.

(b) Except as provided in subsection (c) or (d) of this section, during a regular session of the General Assembly an official described in subsection (a) of this section, or a person acting on behalf of the official, may not, as to a candidate for federal, State, or local office, or a campaign finance entity of the candidate or any other campaign finance entity organized under this title and operated in coordination with a candidate:

(1) receive a contribution;

(2) conduct a fund–raising event;

(3) solicit or sell a ticket to a fund–raising event; or

(4) deposit or use any contribution of money that was not deposited prior to the session.

(c) An official described in subsection (a) of this section, or a person acting on behalf of the official, is not subject to this section when engaged in activities solely related to the official's election to an elective federal or local office for which the official is a filed candidate.

(d) **[**Under the Public Financing Act, a gubernatorial ticket, during the year of the election only, may accept eligible private contributions and any disbursement of funds by the State Board that is based on the eligible private contributions**] UNDER THE PUBLIC CAMPAIGN FINANCING ACT FOR GENERAL ASSEMBLY CANDIDATES, A PARTICIPATING CANDIDATE, DURING THE YEAR OF THE ELECTION ONLY, MAY ACCEPT SEED MONEY, QUALIFYING CONTRIBUTIONS, AND ANY DISBURSEMENT OF FUNDS BY THE STATE BOARD THAT IS BASED ON THE QUALIFYING CONTRIBUTIONS**.

(e) (1) As to a violation of this section, the campaign finance entity of the official in violation is liable for a civil penalty as provided in this subsection.

(2) The State Board, represented by the State Prosecutor, may institute a civil action in the circuit court for any county seeking the civil penalty provided in this subsection.

(3) A campaign finance entity that receives a contribution as a result of the violation shall:

(i) refund the contribution to the contributor; and

(ii) pay a civil penalty that equals the sum of $1,000 plus the amount of the contribution.

13–502.1. REGULATION OF LOCAL CAMPAIGN FINANCE ACTIVITY.

(A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE GOVERNING BODY OF A COUNTY MAY ENACT LAWS TO REGULATE PUBLIC CAMPAIGN FINANCE ACTIVITY FOR COUNTY ELECTIVE OFFICES AND CANDIDATES FOR ELECTION TO THOSE OFFICES WHO CHOOSE TO ACCEPT PUBLIC CAMPAIGN FINANCING.

(B) A LAW ENACTED UNDER SUBSECTION (A) OF THIS SECTION MAY NOT REGULATE COUNTY ELECTIVE OFFICES OR CANDIDATES FOR ELECTION TO THOSE OFFICES WHO DO NOT RECEIVE ANY PUBLIC CAMPAIGN FINANCING.

(C) A LAW ENACTED UNDER SUBSECTION (A) OF THIS SECTION SHALL:

(1) PROHIBIT THE USE OF PUBLIC CAMPAIGN FINANCING FOR ANY ELECTION OTHER THAN THAT OF A COUNTY ELECTIVE OFFICE;

(2) REQUIRE A CANDIDATE WHO ACCEPTS PUBLIC CAMPAIGN FINANCING TO:

(I) ESTABLISH A CAMPAIGN FINANCE ENTITY SOLELY FOR THE CAMPAIGN FOR THAT COUNTY ELECTIVE OFFICE; AND

(II) USE FUNDS FROM THAT CAMPAIGN FINANCE ENTITY ONLY FOR THAT CAMPAIGN FOR COUNTY ELECTIVE OFFICE; AND

(3) PROHIBIT THE TRANSFER OF FUNDS INTO THE CAMPAIGN FINANCE ENTITY ESTABLISHED FOR THE COUNTY ELECTIVE OFFICE BY A

CANDIDATE WHO ACCEPTS PUBLIC CAMPAIGN FINANCING FROM ANY OTHER CAMPAIGN FINANCE ENTITY PREVIOUSLY ESTABLISHED FOR THAT CANDIDATE.

(D) A LAW ENACTED UNDER SUBSECTION (A) OF THIS SECTION SHALL:

(1) PROVIDE FOR A PUBLIC ELECTION FUND FOR COUNTY ELECTIVE OFFICES ADMINISTERED BY THE CHIEF FINANCIAL OFFICER OF THE COUNTY; AND

(2) REQUIRE THAT THE SYSTEM FOR PUBLIC CAMPAIGN FINANCE ACTIVITY FOR COUNTY ELECTIVE OFFICES BE REGULATED IN ACCORDANCE WITH STATE LAW BY THE STATE BOARD OF ELECTIONS.

(E) A LAW ENACTED UNDER SUBSECTION (A) OF THIS SECTION MAY:

(1) ESTABLISH A SYSTEM OF PUBLIC CAMPAIGN FINANCING; AND

(2) INCLUDE PROVISIONS RELATING TO CONTRIBUTIONS, EXPENDITURES, REPORTING, CAMPAIGN MATERIAL, AND, AS PROVIDED UNDER ARTICLE 25A, § 5 OF THE CODE, ADMINISTRATIVE PENALTIES.

(F) A LAW ENACTED UNDER SUBSECTION (A) OF THIS SECTION:

(1) MAY BE MORE STRINGENT THAN ANY APPLICABLE LAW OF THE STATE AND MODIFIED TO THE EXTENT NECESSARY TO MAKE THE PROVISIONS RELEVANT TO THE COUNTY; BUT

(2) MAY NOT CONFLICT WITH ANY APPLICABLE LAW OF THE STATE OR THE UNITED STATES.

TITLE 15. PUBLIC CAMPAIGN FINANCING ACT FOR GENERAL ASSEMBLY CANDIDATES.

15–101. DEFINITIONS.

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

(B) "COMPTROLLER" MEANS THE STATE COMPTROLLER OF THE TREASURY.

(C) "FUND" MEANS THE PUBLIC ELECTION FUND.

(D) "PARTICIPATING CANDIDATE" MEANS A CANDIDATE FOR ELECTION AS A MEMBER OF THE GENERAL ASSEMBLY WHO IS DETERMINED BY THE STATE BOARD AS ELIGIBLE TO RECEIVE A PUBLIC CONTRIBUTION UNDER THIS TITLE.

(E) "PUBLIC CONTRIBUTION" MEANS A SUM DISBURSED FROM THE FUND TO A PARTICIPATING CANDIDATE IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE.

(F) "QUALIFYING CONTRIBUTION" MEANS A CONTRIBUTION THAT:

(1) IS FROM A REGISTERED VOTER WHO RESIDES IN THE LEGISLATIVE DISTRICT OR SUBDISTRICT OF THE CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY; AND

(2) IS AT LEAST $5.

(G) "SEED MONEY" MEANS A SUM OF LAWFUL CONTRIBUTIONS THAT:

(1) ARE RAISED BY A CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY AS A FIRST STEP TO SEEK QUALIFICATION FOR PUBLIC FINANCING UNDER THIS TITLE;

(2) INCLUDE NO CONTRIBUTION OF MORE THAN $250 FOR EACH DONOR; AND

(3) ARE RECEIVED NO EARLIER THAN THE COMMENCEMENT OF THE ELECTION CYCLE FOR THE ELECTION IN WHICH THE INDIVIDUAL

PROPOSES TO BE A CANDIDATE AND NO LATER THAN THE MAY 1 IMMEDIATELY PRECEDING THE PRIMARY ELECTION FOR THAT OFFICE.

15–102. DUTIES.

(A) THE STATE BOARD SHALL MANAGE AND SUPERVISE THE SYSTEM OF PUBLIC FINANCING OF ELECTIONS ESTABLISHED UNDER THIS TITLE.

(B) THE STATE BOARD SHALL ADOPT REGULATIONS AS NECESSARY TO EFFECT THE PURPOSES OF THIS TITLE.

(C) THE STATE BOARD SHALL:

(1) ENSURE THAT THAT SYSTEM OF PUBLIC FINANCING:

(I) ACCOMODATES QUALIFYING CANDIDATES ON A FIRST–COME, FIRST–SERVED BASIS;

(II) ESTABLISHES AN INITIAL LIMIT ON THE NUMBER OF PARTICIPATING CANDIDATES DURING AN ELECTION CYCLE; AND

(III) ALLOWS FOR AN INCREASE OR DECREASE IN THE NUMBER OF PARTICIPATING CANDIDATES DURING THE ELECTION CYCLE IN CORRELATION TO THE AMOUNT OF MONEY IN THE FUND;

(2) DEVELOP AN ELECTRONIC DATABASE THAT IS ACCESSIBLE TO THE PUBLIC ON THE INTERNET AND THAT CONTAINS THE INFORMATION NECESSARY FOR THE PROPER ADMINISTRATION OF THIS TITLE, INCLUDING:

(I) CONTRIBUTIONS TO AND EXPENDITURES BY PARTICIPATING CANDIDATES AND OTHER CANDIDATES AND THEIR AUTHORIZED CAMPAIGN FINANCE ENTITIES; AND

(II) PUBLIC CONTRIBUTIONS FROM THE FUND THAT ARE DISBURSED TO PARTICIPATING CANDIDATES;

(3) PROVIDE FORMS AND ELECTRONIC SOFTWARE AS NECESSARY TO ENSURE COMPLIANCE WITH THIS TITLE;

(4) DEVELOP AN EDUCATION PROGRAM THAT INCLUDES INFORMATIONAL MATERIALS AND COMPLIANCE MANUALS TO INFORM CANDIDATES AND THE PUBLIC ABOUT THE PURPOSE AND EFFECT OF THIS TITLE; AND

(5) PROVIDE A WRITTEN REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, AFTER EACH ELECTION CYCLE THAT INCLUDES:

(I) AN EVALUATION OF THIS TITLE AND ITS EFFECT ON PARTICIPATING CANDIDATES;

(II) ANY RECOMMENDATIONS TO IMPROVE THIS TITLE;

(III) A DETAILED SUMMARY REGARDING QUALIFYING CONTRIBUTIONS AND ANY BENEFITS RECEIVED OR EXPERIENCED BY PARTICIPATING CANDIDATES;

(IV) EXPENDITURES MADE BY PARTICIPATING AND NONPARTICIPATING CANDIDATES; AND

(V) ANY OTHER INFORMATION THE STATE BOARD DETERMINES TO BE APPROPRIATE.

15–103. DISCRETIONARY POWERS.

THE STATE BOARD MAY:

(1) EMPLOY STAFF, INCLUDING LEGAL COUNSEL, SUFFICIENT TO PERFORM ITS FUNCTIONS UNDER THIS TITLE;

(2) INVESTIGATE MATTERS GOVERNED BY THIS TITLE;

(3) PUBLICIZE THE NAMES OF CANDIDATES FOR NOMINATION OR ELECTION TO A LEGISLATIVE OFFICE WHO VIOLATE THIS TITLE;

(4) ON WRITTEN REQUEST OF A CANDIDATE, A CAMPAIGN FINANCE ENTITY, OR THE PUBLIC, RENDER A WRITTEN PUBLIC ADVISORY OPINION REGARDING QUESTIONS THAT ARISE UNDER THIS TITLE;

(5) CONDUCT RANDOM AUDITS OF PARTICIPATING CANDIDATES TO ENSURE COMPLIANCE WITH THIS TITLE;

(6) SUBPOENA DOCUMENTS FROM ANY CANDIDATE OR CAMPAIGN FINANCE ENTITY SUBJECT TO THIS ARTICLE;

(7) LEVY FINES FOR CIVIL INFRACTIONS IN ACCORDANCE WITH THIS TITLE;

(8) BE A PARTY TO OR OTHERWISE PARTICIPATE IN ANY CIVIL OR CRIMINAL ACTION FILED FOR A VIOLATION OF THIS TITLE; AND

(9) SEEK AN INJUNCTION IN AN APPROPRIATE COURT IF:

(I) THERE IS A SUBSTANTIAL LIKELIHOOD THAT A VIOLATION OF THIS TITLE IS OCCURRING OR IS ABOUT TO OCCUR;

(II) FAILURE TO ACT IN AN EXPEDITIOUS MANNER WILL RESULT IN IRREPARABLE HARM TO A PARTY AFFECTED BY THE POTENTIAL VIOLATION;

(III) EXPEDITIOUS ACTION WILL NOT CAUSE UNDUE HARM OR PREJUDICE TO THE INTEREST OF ANY OTHER PERSON; AND

(IV) THE PUBLIC INTEREST WILL BE BEST SERVED BY THE ISSUANCE OF THE INJUNCTION.

15–104. THE FUND.

(A) (1) THERE IS A PUBLIC ELECTION FUND.

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

(3) THE FUND SHALL BE USED TO:

(I) PROVIDE, BEGINNING WITH THE ELECTION CYCLE THAT BEGINS ON JANUARY 1, 2011, PUBLIC FINANCING FOR THE ELECTION CAMPAIGNS OF PARTICIPATING CANDIDATES IN A PRIMARY ELECTION OR GENERAL ELECTION; AND

(II) PAY FOR THE ADMINISTRATIVE AND ENFORCEMENT COSTS OF THE STATE BOARD RELATED TO THIS TITLE.

(4) THE COMPTROLLER SHALL:

(I) ADMINISTER THE FUND IN ACCORDANCE WITH THE PROVISIONS OF THIS TITLE; AND

(II) CREDIT TO THE FUND ALL MONEY COLLECTED IN ACCORDANCE WITH THIS TITLE.

(B) (1) FOR EVERY INDIVIDUAL, OTHER THAN A NONRESIDENT ALIEN, FILING A PERSONAL STATE INCOME TAX RETURN, THE COMPTROLLER SHALL ESTABLISH, FOR EACH TAXABLE YEAR, A TAX CHECKOFF SYSTEM THAT ALLOWS THE TAXPAYER TO DIRECT ON THE INDIVIDUAL'S INCOME TAX RETURN FORM THAT $5 OF THE TAXPAYER'S STATE TAX LIABILITY BE DIRECTED TO THE PUBLIC ELECTION FUND.

(2) THE COMPTROLLER SHALL INCLUDE WITH EACH INDIVIDUAL INCOME TAX RETURN PACKAGE A DESCRIPTION OF THE PURPOSES FOR WHICH THE FUND WAS ESTABLISHED AND FOR WHICH THE FUND MAY BE USED.

(C) IN ADDITION TO THE MONEY DERIVED FROM THE TAX CHECKOFF SYSTEM UNDER SUBSECTION (B) OF THIS SECTION, THE FUND SHALL CONSIST OF THE FOLLOWING MONEY:

(1) UNSPENT SEED MONEY COLLECTED BY CANDIDATES WHO FAIL TO QUALIFY FOR PUBLIC FINANCING UNDER THIS TITLE;

(2) EXCESS SEED MONEY COLLECTED BY ANY CANDIDATE WHO SEEKS TO BECOME CERTIFIED AS A PARTICIPATING CANDIDATE, REGARDLESS OF WHETHER THE CANDIDATE BECOMES CERTIFIED;

(3) QUALIFYING CONTRIBUTIONS REQUIRED OF A CANDIDATE WHO SEEKS TO BECOME CERTIFIED AS A PARTICIPATING CANDIDATE, INCLUDING QUALIFYING CONTRIBUTIONS IN EXCESS OF THE AMOUNT PRESCRIBED UNDER § 15–106 OF THIS TITLE THAT ARE RAISED BY THE CANDIDATE;

(4) UNSPENT MONEY THAT:

(I) IS DISTRIBUTED TO A PARTICIPATING CANDIDATE WHO DOES NOT REMAIN A CANDIDATE UNTIL THE PRIMARY OR GENERAL ELECTION FOR WHICH THE MONEY WAS DISBURSED; OR

(II) IS RETAINED BY A PARTICIPATING CANDIDATE AFTER THE PRIMARY OR GENERAL ELECTION FOR WHICH THE MONEY WAS DISBURSED;

(5) FINES LEVIED BY THE STATE BOARD AGAINST CANDIDATES FOR VIOLATIONS OF THE ELECTION LAW;

(6) VOLUNTARY DONATIONS MADE DIRECTLY TO THE FUND;

(7) INTEREST GENERATED BY THE FUND; AND

(8) THE BALANCE OF THE MONEY ON JANUARY 1, 2011, AS CERTIFIED BY THE COMPTROLLER, THAT WAS TRANSFERRED FROM THE FAIR CAMPAIGN FINANCING FUND FOR GUBERNATORIAL CANDIDATES ON ITS TERMINATION ON JULY 1, 2009, AND PRESERVED AND MAINTAINED BY THE COMPTROLLER FOR THE PURPOSES OF THE PUBLIC ELECTION FUND.

15–105. SEED MONEY; PUBLICLY FUNDED CAMPAIGN ACCOUNT REQUIRED.

(A) A CANDIDATE WHO SEEKS TO QUALIFY FOR PUBLIC FINANCING UNDER THIS TITLE SHALL:

(1) FILE NOTICE OF THE CANDIDATE'S INTENT WITH THE STATE BOARD NO LATER THAN APRIL 15 OF THE YEAR OF THE ELECTION ON THE FORM PRESCRIBED BY THE STATE BOARD; AND

(2) IN CONJUNCTION WITH THE STATE BOARD AND BEFORE RAISING SEED MONEY OR ANY OTHER CONTRIBUTION GOVERNED BY THIS TITLE, ESTABLISH A PUBLICLY FUNDED CAMPAIGN ACCOUNT FOR THE CANDIDATE FOR THE PURPOSE OF RECEIVING CONTRIBUTIONS AND MAKING EXPENDITURES IN ACCORDANCE WITH THE REQUIREMENTS OF THIS ARTICLE.

(B) A CANDIDATE WHO SEEKS TO QUALIFY FOR PUBLIC FINANCING UNDER THIS TITLE MAY ACCEPT SEED MONEY ONLY AS SPECIFIED IN THIS SECTION, INCLUDING:

(1) AGGREGATE SEED MONEY OF NO MORE THAN:

(I) $3,500 FOR A CANDIDATE FOR ELECTION TO THE SENATE OF MARYLAND; OR

(II) $3,500 FOR A CANDIDATE FOR ELECTION TO THE HOUSE OF DELEGATES; AND

(2) PERSONAL CONTRIBUTIONS FROM THE CANDIDATE AND FROM THE CANDIDATE'S SPOUSE OF NO MORE THAN $500 EACH, WHETHER CONTRIBUTED AS SEED MONEY OR AS A QUALIFYING CONTRIBUTION.

(C) A CANDIDATE SHALL REMIT TO THE FUND ANY SEED MONEY RAISED BY THE CANDIDATE IN EXCESS OF:

(1) $3,500, IF A CANDIDATE FOR THE SENATE OF MARYLAND; OR

(2) $3,500, IF A CANDIDATE FOR THE HOUSE OF DELEGATES.

(D) A CANDIDATE WHO SEEKS TO BECOME A PARTICIPATING CANDIDATE FOR ELECTION TO THE GENERAL ASSEMBLY MAY SPEND SEED MONEY, TO THE LIMIT ALLOWED UNDER THIS SECTION, DURING THE QUALIFYING CONTRIBUTIONS PERIOD.

15–106. QUALIFYING CONTRIBUTIONS FOR GENERAL ASSEMBLY CANDIDATES.

(A) TO QUALIFY AS A PARTICIPATING CANDIDATE AND BE ELIGIBLE FOR A PUBLIC CONTRIBUTION FROM THE FUND:

(1) A CANDIDATE FOR ELECTION TO THE SENATE OF MARYLAND THEN SHALL COLLECT:

(I) AT LEAST 350 QUALIFYING CONTRIBUTIONS; AND

(II) ADDITIONAL CONTRIBUTIONS TOTALING AT LEAST $1,000; AND

(2) A CANDIDATE FOR ELECTION TO THE HOUSE OF DELEGATES THEN SHALL COLLECT:

(I) AT LEAST 350 QUALIFYING CONTRIBUTIONS; AND

(II) ADDITIONAL CONTRIBUTIONS TOTALING AT LEAST $1,000.

(B) THE STATE BOARD SHALL ADOPT REGULATIONS THAT:

(1) SPECIFY HOW AND WHEN QUALIFYING CONTRIBUTIONS MUST BE SUBMITTED TO THE STATE BOARD; AND

(2) ALLOW FOR ANY CONTRIBUTION OR QUALIFYING CONTRIBUTION UNDER THIS SECTION TO BE MADE THROUGH THE INTERNET.

(C) A CANDIDATE WHO SEEKS TO BECOME A PARTICIPATING CANDIDATE SHALL DEPOSIT ALL QUALIFYING CONTRIBUTIONS RECEIVED IN THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT AND THEREAFTER DELIVER THE AMOUNT RECEIVED TO THE STATE BOARD FOR DEPOSIT IN THE FUND.

(D) A CONTRIBUTOR MAY MAKE A QUALIFYING CONTRIBUTION FOR A CANDIDATE BY CASH, CHECK, OR MONEY ORDER MADE PAYABLE TO THE FUND, OR THROUGH THE INTERNET IN ACCORDANCE WITH THE REGULATIONS OF THE STATE BOARD.

(E) A CANDIDATE SHALL INCLUDE WITH EACH QUALIFYING CONTRIBUTION THAT THE CANDIDATE SUBMITS TO THE STATE BOARD FOR DEPOSIT IN THE FUND A RECEIPT THAT INCLUDES:

(1) THE PRINTED NAME OF THE CONTRIBUTOR;

(2) THE ADDRESS OF THE CONTRIBUTOR; AND

(3) A SIGNED STATEMENT BY WHICH THE CONTRIBUTOR ATTESTS THAT THE CONTRIBUTOR UNDERSTANDS THE PURPOSE OF THE CONTRIBUTION AND THAT THE CONTRIBUTION WAS MADE WITHOUT COERCION OR REIMBURSEMENT.

(F) A CANDIDATE MAY COLLECT QUALIFYING CONTRIBUTIONS ONLY DURING THE PERIOD THAT:

(1) BEGINS ON NOVEMBER 1 IN THE YEAR PRECEDING THE PRIMARY ELECTION FOR THE OFFICE THE CANDIDATE SEEKS; AND

(2) ENDS ON THE DAY THAT IS 45 DAYS BEFORE THE DATE OF THE PRIMARY ELECTION FOR THE OFFICE THAT THE CANDIDATE SEEKS.

(G) A CANDIDATE MAY NOT ACCEPT A CONTRIBUTION FROM:

(1) A BUSINESS ENTITY;

(2) A POLITICAL PARTY;

(3) A REGULATED LOBBYIST;

(4) THE CAMPAIGN FINANCE ENTITY OF A CANDIDATE;

(5) A POLITICAL ACTION COMMITTEE; OR

(6) ANY OTHER POLITICAL COMMITTEE.

(H) A CANDIDATE WHO IS AN INCUMBENT MEMBER OF THE GENERAL ASSEMBLY WHO SEEKS TO QUALIFY FOR PUBLIC FINANCING UNDER THIS TITLE IS BOUND BY THE FUNDRAISING RESTRICTIONS SPECIFIED UNDER § 13–235 OF THIS ARTICLE.

(I) A CANDIDATE SHALL SATISFY ANY OTHER CONDITIONS GOVERNING QUALIFYING CONTRIBUTIONS PRESCRIBED UNDER REGULATIONS ADOPTED BY THE STATE BOARD.

15–107. QUALIFICATION OF CANDIDATE – DETERMINATION BY STATE BOARD.

(A) THE STATE BOARD SHALL REVIEW AND MAKE A DETERMINATION WHETHER TO CERTIFY A CANDIDATE AS A PARTICIPATING CANDIDATE NO LATER THAN 15 DAYS AFTER RECEIPT OF THE FOLLOWING INFORMATION FROM THE CANDIDATE:

(1) A DECLARATION THAT THE CANDIDATE WILL ABIDE BY THE REGULATIONS AND POLICIES PRESCRIBED BY THE STATE BOARD; AND

(2) A CAMPAIGN FINANCE REPORT THAT STATES, IN ADDITION TO THE LIST OF QUALIFYING CONTRIBUTIONS REQUIRED UNDER § 15–107 OF THIS TITLE:

(I) ALL EXPENDITURES MADE BY THE CANDIDATE DURING THE CAMPAIGN; AND

(II) ALL RECEIPTS ASSOCIATED WITH THOSE CONTRIBUTIONS AND EXPENDITURES.

(B) A CANDIDATE CERTIFIED BY THE STATE BOARD AS A PARTICIPATING CANDIDATE SHALL RECEIVE THE PUBLIC CONTRIBUTION SPECIFIED UNDER THIS TITLE FOR THAT LEGISLATIVE OFFICE.

(C) FOR ANY ELECTION, A CANDIDATE MAY SUBMIT AN APPLICATION TO THE STATE BOARD TO QUALIFY FOR PUBLIC FINANCING UNDER THIS TITLE ONLY ONCE.

(D) A DETERMINATION BY THE STATE BOARD AS TO WHETHER A CANDIDATE IS ELIGIBLE FOR PUBLIC FINANCING:

(1) IS FINAL; AND

(2) IS NOT SUBJECT TO JUDICIAL REVIEW.

15–108. DISTRIBUTION TO PARTICIPATING CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.

(A) AFTER THE STATE BOARD DETERMINES THAT A CANDIDATE HAS SATISFIED THE REQUIREMENTS TO BECOME A PARTICIPATING CANDIDATE, THE STATE BOARD SHALL AUTHORIZE THE DISBURSEMENT OF A PUBLIC CONTRIBUTION FROM THE FUND TO THE PUBLICLY FUNDED CAMPAIGN ACCOUNT FOR THAT PARTICIPATING CANDIDATE IN ACCORDANCE WITH THE REQUIREMENTS OF THIS TITLE.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A PARTICIPATING CANDIDATE, OR A PERSON ACTING ON BEHALF OF THE PARTICIPATING CANDIDATE, MAY NOT MAKE A CAMPAIGN EXPENDITURE FOR THE CANDIDATE OTHER THAN FROM THE CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.

(C) A PARTICIPATING CANDIDATE MAY MAINTAIN A PETTY CASH FUND IN ACCORDANCE WITH § 13–220(C) OF THIS ARTICLE.

(D) (1) A PARTICIPATING CANDIDATE AND THE CAMPAIGN FINANCE ENTITY FOR THE PARTICIPATING CANDIDATE MAY USE THE PUBLICLY FUNDED CAMPAIGN ACCOUNT ONLY IN ACCORDANCE WITH THIS ARTICLE.

(2) THE STATE BOARD MAY GAIN ACCESS AT ANY TIME TO THE RECORDS AND TRANSACTIONS OF A PARTICIPATING CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.

(3) IN ACCORDANCE WITH THE STATE BOARD REGULATIONS AND GUIDELINES, THE STATE BOARD MAY TERMINATE A PARTICIPATING CANDIDATE'S PUBLICLY FUNDED CAMPAIGN ACCOUNT.

15–109. PARTICIPATING CANDIDATE – JOINING A SLATE PROHIBITED.

A PARTICIPATING CANDIDATE MAY NOT BE A MEMBER OF A SLATE IN ANY ELECTION IN WHICH THE CANDIDATE IS GOVERNED BY THIS TITLE.

15–110. EXPENDITURE LIMITS FOR PARTICIPATING CANDIDATES TO THE GENERAL ASSEMBLY.

(A) IN THIS SECTION, AN "UNCONTESTED" ELECTION MEANS AN ELECTION IN WHICH:

(1) ONLY ONE CANDIDATE QUALIFIES TO RUN FOR NOMINATION FOR OR ELECTION TO AN OFFICE; OR

(2) THE NUMBER OF CANDIDATES WHO QUALIFY TO RUN FOR NOMINATION FOR OR ELECTION TO AN OFFICE OR MULTIPLE OFFICES OF THE SAME CATEGORY EQUALS THE NUMBER OF CANDIDATES.

(B) A PARTICIPATING CANDIDATE FOR ELECTION TO THE SENATE OF MARYLAND MAY NOT EXPEND FOR CAMPAIGN PURPOSES AN AMOUNT IN EXCESS OF THE LIMITS SPECIFIED IN THIS SUBSECTION.

	PRIMARY	GENERAL	TOTAL
CONTESTED SENATE	$50,000	$50,000	$100,000
UNCONTESTED SENATE	8,000	4,000	12,000

(C) A PARTICIPATING CANDIDATE FOR ELECTION TO THE HOUSE OF DELEGATES MAY NOT EXPEND FOR CAMPAIGN PURPOSES AN AMOUNT IN EXCESS OF THE LIMITS SPECIFIED IN THIS SUBSECTION.

	PRIMARY	GENERAL	TOTAL
CONTESTED HOUSE			
(THREE MEMBER)	$40,000	$40,000	$80,000
(TWO MEMBER)	35,000	35,000	70,000
(SINGLE MEMBER)	20,000	20,000	40,000
UNCONTESTED HOUSE			
(THREE MEMBER)	$8,000	$4,000	$12,000
(TWO MEMBER)	6,000	3,500	9,500
(SINGLE MEMBER)	5,000	3,000	8,000

(D) (1) THIS SUBSECTION APPLIES TO A PARTICIPATING CANDIDATE FOR ELECTION TO THE SENATE OF MARYLAND OR TO THE HOUSE OF DELEGATES WHO IS ENGAGED IN:

(I) A CONTESTED PRIMARY ELECTION AND A CONTESTED GENERAL ELECTION; OR

(II) AN UNCONTESTED PRIMARY ELECTION.

(2) A PARTICIPATING CANDIDATE WHO IS INVOLVED IN A CONTESTED PRIMARY ELECTION AND IN A CONTESTED GENERAL ELECTION MAY CHOOSE AN ALTERNATIVE APPORTIONMENT OF THE EXPENDITURE LIMIT ESTABLISHED FOR THAT CANDIDATE UNDER THIS SECTION SO THAT:

(I) FOR THE PRIMARY ELECTION, THE CANDIDATE MAY RECEIVE A PUBLIC CONTRIBUTION OF AND EXPEND AN AMOUNT THAT DOES NOT EXCEED 70% OF THE COMBINED EXPENDITURE LIMIT ESTABLISHED FOR THAT CANDIDATE FOR THE PRIMARY ELECTION AND FOR THE GENERAL ELECTION; AND

(II) SUBJECT TO PARAGRAPH (1) OF THIS SUBSECTION, FOR THE GENERAL ELECTION THE CANDIDATE MAY RECEIVE A PUBLIC CONTRIBUTION OF AND EXPEND THE BALANCE OF THE COMBINED EXPENDITURE LIMIT AUTHORIZED FOR THAT CANDIDATE FOR THE PRIMARY ELECTION AND FOR THE GENERAL ELECTION.

(3) A PARTICIPATING CANDIDATE INVOLVED IN AN UNCONTESTED PRIMARY ELECTION MAY CHOOSE AN ALTERNATIVE APPORTIONMENT OF THE EXPENDITURE LIMIT ESTABLISHED FOR THAT CANDIDATE UNDER THIS SECTION SO THAT FOR THE GENERAL ELECTION THE CANDIDATE MAY RECEIVE NO MORE THAN 70% OF THE COMBINED EXPENDITURE LIMIT ESTABLISHED FOR THAT CANDIDATE FOR THE PRIMARY ELECTION AND FOR THE GENERAL ELECTION.

(4) A PARTICIPATING CANDIDATE INVOLVED IN A CONTESTED PRIMARY ELECTION WHO CHOOSES AN ALTERNATIVE APPORTIONMENT OF THE EXPENDITURE LIMIT ESTABLISHED FOR THAT CANDIDATE SO THAT FOR THE PRIMARY ELECTION THE CANDIDATE RECEIVES MORE THAN 50% OF THE COMBINED EXPENDITURE LIMIT ESTABLISHED FOR THE CANDIDATE FOR THE PRIMARY ELECTION AND FOR THE GENERAL ELECTION IS NOT ELIGIBLE TO RECEIVE ANY FURTHER PUBLIC CONTRIBUTION UNDER THIS SECTION IF THE CANDIDATE THEREAFTER IS ENGAGED IN AN UNCONTESTED GENERAL ELECTION.

15–111. DISBURSEMENTS BY THE COMPTROLLER.

(A) (1) (I) BEGINNING ON MAY 1 OF THE YEAR OF THE ELECTION, THE STATE BOARD SHALL AUTHORIZE THE COMPTROLLER TO MAKE A DISBURSEMENT FROM THE FUND TO EACH PARTICIPATING CANDIDATE WHOM

THE STATE BOARD AS OF THAT DATE HAS CERTIFIED TO RECEIVE A PUBLIC CONTRIBUTION FOR THE PRIMARY ELECTION.

(II) BEFORE THE FILING DEADLINE FOR THE PRIMARY ELECTION FOR CANDIDATES FOR THE GENERAL ASSEMBLY, THE COMPTROLLER MAY NOT MAKE AGGREGATE DISBURSEMENTS TO A PARTICIPATING CANDIDATE THAT EXCEED 15% OF THE EXPENDITURE LIMIT SPECIFIED FOR THAT CANDIDATE FOR THE PRIMARY ELECTION.

(2) DURING THE PERIOD FROM MAY 1 OF THE YEAR OF THE ELECTION UNTIL THE FILING DEADLINE FOR CANDIDATES FOR ELECTION TO THE GENERAL ASSEMBLY, IF A PARTICIPATING CANDIDATE WHO WAS UNOPPOSED IS LATER OPPOSED, IN ACCORDANCE WITH § 15–110 OF THIS TITLE, THE STATE BOARD PROMPTLY SHALL AUTHORIZE THE COMPTROLLER TO MAKE A DISTRIBUTION FROM THE FUND TO THE NOW OPPOSED PARTICIPATING CANDIDATE.

(3) A PARTICIPATING CANDIDATE MAY USE THE PUBLIC CONTRIBUTION DISBURSED UNDER THIS SUBSECTION ONLY FOR EXPENSES INCURRED FOR THE PRIMARY ELECTION.

(4) THE STATE BOARD MAY DIRECT THE COMPTROLLER TO DISBURSE A PUBLIC CONTRIBUTION TO A PARTICIPATING CANDIDATE FOR THE PRIMARY ELECTION UNTIL 45 DAYS BEFORE THE DATE OF THE PRIMARY ELECTION.

(5) WITHIN 15 DAYS AFTER THE PRIMARY ELECTION, A PARTICIPATING CANDIDATE SHALL RETURN TO THE STATE BOARD ANY PART OF THE PUBLIC CONTRIBUTION THAT THE CANDIDATE DID NOT SPEND FOR THE PRIMARY ELECTION.

(B) (1) WITHIN 72 HOURS AFTER THE STATE BOARD CERTIFIES THE RESULTS OF THE PRIMARY ELECTION, THE STATE BOARD SHALL DIRECT THE COMPTROLLER TO DISBURSE A PUBLIC CONTRIBUTION TO EACH PARTICIPATING CANDIDATE WHO HAS BEEN CERTIFIED BY THE STATE BOARD TO RECEIVE A PUBLIC CONTRIBUTION FOR THE GENERAL ELECTION.

(2) WITHIN 45 DAYS AFTER THE GENERAL ELECTION, A PARTICIPATING CANDIDATE SHALL RETURN TO THE STATE BOARD ANY PART OF THE PUBLIC CONTRIBUTION THAT THE CANDIDATE DID NOT SPEND FOR THE GENERAL ELECTION.

(C) A PARTICIPATING CANDIDATE NOMINATED BY PETITION IS ELIGIBLE TO RECEIVE A PUBLIC CONTRIBUTION FROM THE FUND FOR THE GENERAL ELECTION AFTER MAY 1 OF THE YEAR OF THE ELECTION IF:

(1) THE CANDIDATE'S NOMINATION HAS BEEN CERTIFIED BY THE STATE BOARD; AND

(2) THE CANDIDATE DOES NOT PARTICIPATE IN A PRIMARY ELECTION.

(D) THE COMPTROLLER SHALL DEPOSIT A PUBLIC CONTRIBUTION IN THE PUBLICLY FUNDED CAMPAIGN ACCOUNT OF A PARTICIPATING CANDIDATE NO LATER THAN 5 DAYS AFTER THE STATE BOARD DIRECTS THAT THE DISBURSEMENT BE MADE.

15–112. PARTICIPATING CANDIDATE – SUPPLEMENTAL PUBLIC DISTRIBUTION.

(A) A PARTICIPATING CANDIDATE MAY RECEIVE A SUPPLEMENTAL PUBLIC CONTRIBUTION OF MATCHING FUNDS FROM THE FUND IF:

(1) THE PARTICIPATING CANDIDATE IS OPPOSED BY A NONPARTICIPATING CANDIDATE IN A PRIMARY ELECTION OR IN A GENERAL ELECTION; AND

(2) THE NONPARTICIPATING CANDIDATE RECEIVES CONTRIBUTIONS OR INCURS EXPENDITURES THAT EXCEED THE EXPENDITURE LIMIT ESTABLISHED FOR THE PARTICIPATING CANDIDATE.

(B) THE AGGREGATE AMOUNT OF THE PUBLIC CONTRIBUTION THAT A PARTICIPATING CANDIDATE MAY RECEIVE UNDER THIS TITLE MAY NOT EXCEED

150% OF THE EXPENDITURE LIMIT ESTABLISHED FOR THE PRIMARY AND GENERAL ELECTIONS UNDER § 15–110 OF THIS TITLE FOR THAT CANDIDATE.

(C) (1) IF A NONPARTICIPATING CANDIDATE MAKES EXPENDITURES THAT EXCEED THE EXPENDITURE LIMIT ESTABLISHED FOR A PARTICIPATING CANDIDATE FOR THAT OFFICE, THE NONPARTICIPATING CANDIDATE THEREAFTER SHALL FILE A CAMPAIGN FINANCE REPORT OF ALL OF THE CANDIDATE'S EXPENDITURES BIWEEKLY THROUGH AND INCLUDING THE WEEK AFTER THE ELECTION.

(2) IN ADDITION TO THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION, DURING THE 30 DAYS PRECEDING AN ELECTION, A NONPARTICIPATING CANDIDATE SHALL NOTIFY THE STATE BOARD WITHIN 48 HOURS OF EACH EXPENDITURE OVER $500 THAT THE CANDIDATE MAKES OR BECOMES OBLIGATED TO MAKE.

(D) IN ACCORDANCE WITH REGULATIONS OR WRITTEN GUIDELINES THAT THE STATE BOARD ADOPTS, THE STATE BOARD MAY MAKE AN INDEPENDENT DETERMINATION WHETHER A NONPARTICIPATING CANDIDATE HAS MADE AN EXPENDITURE THAT IS SUBJECT TO THIS SECTION.

15–113. PARTICIPATING CANDIDATE WHO OPTS OUT – RETURN OF PUBLIC MONEY AND PENALTY.

AFTER BEING CERTIFIED AS A PARTICIPATING CANDIDATE BY THE STATE BOARD, IF THE CANDIDATE ELECTS TO OPT OUT OF THE PUBLIC FINANCING SYSTEM ESTABLISHED UNDER THIS TITLE, THE CANDIDATE SHALL:

(1) FILE A STATEMENT OF WITHDRAWAL WITH THE STATE BOARD ON THE FORM PRESCRIBED BY THE STATE BOARD; AND

(2) WITHIN 5 BUSINESS DAYS AFTER FILING THE STATEMENT OF WITHDRAWAL, REPAY TO THE STATE BOARD FOR REDEPOSIT IN THE FUND THE FULL AMOUNT OF THE MONEY DISBURSED TO THE CANDIDATE BY THE COMPTROLLER, TOGETHER WITH THE INTEREST AND PENALTY PRESCRIBED BY THE STATE BOARD BY REGULATION.

15–114. POLITICAL PARTY CONTRIBUTIONS AND EXPENDITURES.

(A) A PARTICIPATING CANDIDATE MAY NOT ACCEPT A CONTRIBUTION FROM A STATE OR LOCAL CENTRAL COMMITTEE OF A POLITICAL PARTY.

(B) THIS TITLE MAY NOT BE CONSTRUED TO PREVENT A POLITICAL PARTY FROM USING ITS FUNDS FOR EXPENSES FOR:

(1) THE GENERAL OPERATING EXPENSES OF THE POLITICAL PARTY;

(2) A POLITICAL PARTY CONVENTION;

(3) NOMINATING AND ENDORSING CANDIDATES;

(4) IDENTIFYING, RESEARCHING, AND DEVELOPING THE PARTY'S POSITIONS ON ISSUES;

(5) PARTY PLATFORM ACTIVITIES;

(6) VOTER REGISTRATION ACTIVITIES THAT ARE NOT CANDIDATE–SPECIFIC;

(7) GET–OUT–THE–VOTE ACTIVITIES THAT ARE NOT CANDIDATE–SPECIFIC;

(8) TRAVEL EXPENSES FOR LEADERS AND STAFF OF THE POLITICAL PARTY WHO ARE NOT CANDIDATES; OR

(9) OTHER PARTY–BUILDING ACTIVITIES THAT ARE NOT CANDIDATE–SPECIFIC.

15–115. JUDICIAL REVIEW.

(A) EXCEPT AS PROVIDED UNDER § 15–107(D) OF THIS TITLE, AN ACTION OF THE STATE BOARD UNDER THIS TITLE MAY BE REVIEWED BY A CIRCUIT COURT IN ACCORDANCE WITH § 10–222(C) OF THE STATE GOVERNMENT ARTICLE.

(B) A PETITION TO REVIEW AN ACTION OF THE STATE BOARD UNDER THIS SECTION SHALL BE BROUGHT WITHIN 60 DAYS AFTER THE STATE BOARD ACTS.

15–116. PENALTIES.

(A) A PARTICIPATING CANDIDATE MAY NOT KNOWINGLY OR INTENTIONALLY:

(1) ACCEPT A CONTRIBUTION TO WHICH THE CANDIDATE IS NOT ENTITLED;

(2) MAKE AN EXPENDITURE IN AN AMOUNT THAT IS GREATER THAN THE AMOUNT THAT THE CANDIDATE RECEIVES FROM THE FUND; OR

(3) MISUSE A CONTRIBUTION OR MONEY RECEIVED FROM THE FUND.

(B) IF THE STATE BOARD DETERMINES THAT A PARTICIPATING CANDIDATE KNOWINGLY OR INTENTIONALLY RECEIVED A CONTRIBUTION OR MADE AN EXPENDITURE THAT EXCEEDS CONTRIBUTION OR EXPENDITURE LIMITS SPECIFIED UNDER THIS TITLE OR FAILED TO DISCLOSE THE CONTRIBUTION OR EXPENDITURE, THE PARTICIPATING CANDIDATE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING $2,500 OR IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH.

(C) IN THE DISCRETION OF THE STATE BOARD, AN INDIVIDUAL WHO VIOLATES THIS TITLE MAY BE BARRED FROM FURTHER PARTICIPATION AS A PARTICIPATING CANDIDATE UNDER THIS TITLE.

(D) (1) A PERSON MAY NOT KNOWINGLY OR INTENTIONALLY PROVIDE FALSE INFORMATION TO OR CONCEAL OR WITHHOLD INFORMATION ABOUT A CONTRIBUTION OR EXPENDITURE FROM THE STATE BOARD.

(2) A PERSON THAT VIOLATES THIS SUBSECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A PERSONAL FINE OF THREE TIMES THE AMOUNT OF THE ILLEGAL CONTRIBUTION, EXPENDITURE, OR FALSE DISCLOSURE, TO A MAXIMUM OF $5,000 FOR EACH VIOLATION, OR IMPRISONMENT FOR 2 YEARS OR BOTH.

15–117. SHORT TITLE.

THIS TITLE MAY BE CITED AS THE PUBLIC CAMPAIGN FINANCING ACT FOR GENERAL ASSEMBLY CANDIDATES.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) There is a Commission to Study Public Financing of Elections in Maryland.

(b) The Commission shall consist of the following 10 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) Six individuals appointed by the Governor, including:

(i) A member of the State Board of Elections;

(ii) A member of the State Ethics Commission; and

(iii) Four representatives of statewide organizations concerned with campaign finance practices, fair elections, and ethics in government;

(4) One representative appointed by the chair of the Maryland State Democratic Party Central Committee; and

(5) One representative appointed by the chair of the Maryland State Republican Party Central Committee.

(c) The Governor shall designate the chair of the Commission.

(d) The State Board of Elections and the State Ethics Commission shall provide staff for the Commission.

(e) The Commission shall:

(1) Convene following the November 2014 general election;

(2) Receive testimony as the Commission considers appropriate; and

(3) On or before December 31, 2015, report its findings and recommendations, including any proposed statutory changes to the Maryland election laws, to the Governor, and, subject to § 2–1246 of the State Government Article, the General Assembly concerning:

(i) Information relating to the practice of public funding of election campaigns in other jurisdictions in the United States;

(ii) The need for additional disclosure of campaign contributions or expenditures under this Act;

(iii) The effect and role of independent expenditures under this Act;

(iv) Whether participating candidates under this Act should receive a supplemental distribution from the Public Election Fund to match independent expenditures that are made on behalf of an opposing candidate or against a participating candidate;

(v) The effectiveness of the regulations, guidelines, and policies established by the State Board of Elections governing the disclosure and reporting of

contributions and expenditures by participating candidates and nonparticipating candidates in accordance with this Act;

(vi) Funding sources that the General Assembly should consider for the purposes of this Act; and

(vii) Any other matter the Commission determines to be appropriate.

SECTION 4. AND BE IT FURTHER ENACTED, That, on termination of the Public Financing Act under Title 15 of the Election Law Article, as enacted by Section 1 of this Act, the Comptroller shall:

(1) Preserve and maintain the money in the Fair Campaign Financing Fund for gubernatorial candidates under that Act on July 1, 2009, the effective date of the termination; and

(2) Transfer that money, together with accrued interest on January 1, 2011, to the Public Election Fund under the Public Campaign Financing Act for General Assembly Candidates established under Title 15 of the Election Law Article, as enacted by Section 2 of this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That the catchlines contained in this Act are not law and may not be considered to have been enacted as part of this Act.

SECTION 6. AND BE IT FURTHER ENACTED, That if any provision of this Act or the application thereof to any person or circumstance is held invalid for any reason in a court of competent jurisdiction, the invalidity does not affect other provisions or any other application of this Act which can be given effect without the invalid provision or application, and for this purpose the provisions of this Act are declared severable.

SECTION 7. AND BE IT FURTHER ENACTED, That the State Board of Elections shall undertake actions as required to manage and supervise the system of public financing of elections for General Assembly candidates established under Title 15 of the Election Law Article, as enacted by Section 2 of this Act, to include the development and adoption of comprehensive regulations to implement the purposes of

this Act on or before January 1, 2011, as required under § 15–102 of the Election Law Article under Section 2 of this Act.

SECTION 8. AND BE IT FURTHER ENACTED, That Sections 1, 4, and 7 of this Act shall take effect July 1, 2009.

SECTION 9. AND BE IT FURTHER ENACTED, That Section 3 of this Act shall take effect July 1, 2014. It shall remain effective for a period of 2 years and, at the end of June 30, 2016, with no further action required by the General Assembly, Section 3 of this Act shall be abrogated and of no further force and effect.

SECTION 10. AND BE IT FURTHER ENACTED, That, except as provided in Sections 8 and 9 of this Act, this Act shall take effect January 1, 2011.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted by a roll call vote as follows:

Affirmative – 26 Negative – 21 (See Roll Call No. 511)

FLOOR AMENDMENT

SB0663/283228/1

BY: Senator Pinsky

AMENDMENTS TO SENATE BILL 663, AS AMENDED

AMENDMENT NO. 1

On page 17 of the Education, Health, and Environmental Affairs Committee Amendments (SB0663/744134/1), in Amendment No. 2, strike in their entirety lines 16 through 20, inclusive, and substitute:

"**(8) THE BALANCE OF THE MONEY, AS CERTIFIED BY THE COMPTROLLER, IN THE FAIR CAMPAIGN FINANCING FUND FOR GUBERNATORIAL CANDIDATES ON JANUARY 1, 2011.**".

AMENDMENT NO. 2

On page 36 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 2, strike in their entirety lines 3 through 12, inclusive, and substitute:

"SECTION 4. AND BE IT FURTHER ENACTED, That, the balance of any money in the Fair Campaign Financing Fund established to provide public funding for gubernatorial candidates and administered by the Comptroller in accordance with Title 15 of Article – Election Law of the Annotated Code of Maryland on the effective date of this Act shall be transferred to the Public Election Fund and administered by the Comptroller for the purposes of the Public Campaign Financing Act for General Assembly Candidates established under this Act.".

AMENDMENT NO. 3

On page 37 of the Education, Health, and Environmental Affairs Committee Amendments, in line 3 of Amendment No. 2, strike "Sections 1, 4, and" and substitute "Section".

The preceding 3 amendments were read and adopted.

FLOOR AMENDMENT

SB0663/383628/1

BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 663, AS AMENDED

AMENDMENT NO. 1

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments (SB0663/744134/1), in line 6 of Amendment No. 1, after "Fund:" insert "authorizing an individual to designate a certain contribution to the Public Election Fund by the tax checkoff system; requiring a certain checkoff system to state certain information; requiring the Comptroller to include a certain tax checkoff on the individual income tax return;".

AMENDMENT NO. 2

On page 16 of the Education, Health, and Environmental Affairs Committee Amendments, in line 9 of Amendment No. 2, strike "**DIRECT**" and substitute "**MAKE A**

$5 CONTRIBUTION"; in line 10, strike beginning with "**FORM**" through "**DIRECTED**"; after line 11, insert:

"**(2) THE COMPTROLLER SHALL INCLUDE ON THE INDIVIDUAL INCOME TAX RETURN FORM A CHECKOFF DESIGNATED AS THE "PUBLIC ELECTION FUND".**

(3) THE CHECKOFF SHALL STATE THAT:

(I) THE INDIVIDUAL, OR EACH SPOUSE IN THE CASE OF A JOINT RETURN, MAY CONTRIBUTE $5 TO THE PUBLIC ELECTION FUND; AND

(II) 1. THE INDIVIDUAL SHALL DEDUCT THE AMOUNT OF THE CONTRIBUTION FROM ANY REFUND TO WHICH THE INDIVIDUAL IS ENTITLED; OR

2. IF THE INDIVIDUAL IS NOT ENTITLED TO A REFUND, THE INDIVIDUAL SHALL ADD THE AMOUNT OF THE CONTRIBUTION TO THE INCOME TAX TO BE PAID WITH THE RETURN.";

and in line 12, strike "**(2)**" and substitute "**(4)**".

The preceding 2 amendments were read and adopted by a roll call vote as follows:

Affirmative – 33 Negative – 14 (See Roll Call No. 512)

FLOOR AMENDMENT

SB0663/123823/1

BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 663, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0663/744134/1), in line 19 of Amendment No. 1, strike "transferring" and substitute "refunding"; in lines 20 and 21, strike "to the Public Election Fund" and substitute "on a pro rata basis to certain individuals".

AMENDMENT NO. 2

On page 17 of the Education, Health, and Environmental Affairs Committee Amendments, in line 14 of Amendment No. 2, after "**FUND;**" insert "**AND**"; and strike beginning with "**; AND**" in line 15 down through "**FUND**" in line 20.

On page 36 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 2, strike beginning with "Transfer" in line 9 down through "Act" in line 12 and substitute "Provide a pro rata refund from the balance remaining in the Fair Campaign Financing Fund on January 1, 2011, to any individual who contributed to the Fund through the tax add–on system established under § 15–103 of the Election Law Article".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 15 Negative – 31 (See Roll Call No. 513)

FLOOR AMENDMENT

SB0663/573627/1

BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 663, AS AMENDED

AMENDMENT NO. 1

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments (SB0663/744134/1), in line 1 of Amendment No. 1, after "Fund;" insert "prohibiting certain persons from being involved in the collection of certain contributions;".

AMENDMENT NO. 2

On page 21 of the Education, Health, and Environmental Affairs Committee Amendments, after line 17 of Amendment No. 2, insert:

"**(H) THE FOLLOWING PERSONS MAY NOT BE INVOLVED IN THE COLLECTION OF THE CONTRIBUTIONS THAT A CANDIDATE IS REQUIRED TO**

COLLECT UNDER SUBSECTION (A) OF THIS SECTION TO QUALIFY AS A PARTICIPATING CANDIDATE:

(1) A REGULATED LOBBYIST;

(2) AN ENTITY THAT EMPLOYS OR CONTRACTS WITH A REGULATED LOBBYIST;

(3) AN ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE; OR

(4) AN ORGANIZATION THAT IS EXEMPT FROM TAXATION UNDER § 501(C)(4) OF THE INTERNAL REVENUE CODE.";

and in line 18 of Amendment No. 2, strike "**(H)**" and substitute "**(I)**".

On page 22 of the Education, Health, and Environmental Affairs Committee Amendments, in line 3 of Amendment No. 2, strike "**(I)**" and substitute "**(J)**".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0663/373321/1

BY: Senator Jacobs

AMENDMENT TO SENATE BILL 663, AS AMENDED

On page 4 of the Education, Health, and Environmental Affairs Committee Amendments (SB0663/744134/1), in line 4 of Amendment No. 2, strike "or"; in line 5, after "entities" insert "**IF THE CONTRIBUTIONS ARE MADE BY AN INDIVIDUAL**"; and after line 5, insert:

"**(III) $10,000 TO ALL CAMPAIGN FINANCE ENTITIES IF THE CONTRIBUTIONS ARE MADE BY A CORPORATION; OR**".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 22 Negative – 24 (See Roll Call No. 514)

FLOOR AMENDMENT

SB0663/803328/1

BY: Senator Mooney

AMENDMENTS TO SENATE BILL 663, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0663/744134/1), in Amendment No. 1, strike beginning with "if" in line 8 down through "individual" in line 10 and substitute "under certain circumstances; requiring a certain provision of law to be applied prospectively".

AMENDMENT NO. 2

On page 4 of the Education, Health, and Environmental Affairs Committee Amendments, after line 20 of Amendment No. 2, insert:

"**(E) (1) IN THIS SUBSECTION, "BUSINESS ENTITY" INCLUDES A CORPORATION, A GENERAL OR LIMITED PARTNERSHIP, A LIMITED LIABILITY COMPANY, OR A REAL ESTATE INVESTMENT TRUST.**";

and in line 21, strike "(e)" and substitute "**(2)**".

On page 5 of the Education, Health, and Environmental Affairs Committee Amendments, in lines 1 and 4 of Amendment No. 2, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; and strike beginning with "a" in line 1 down through the bracket in line 3 and substitute "**TWO OR MORE BUSINESS ENTITIES IF:**

1. ONE BUSINESS ENTITY IS A WHOLLY–OWNED SUBSIDIARY OF ANOTHER; OR

2. THE BUSINESS ENTITIES ARE OWNED OR CONTROLLED BY AT LEAST 80% OF THE SAME INDIVIDUALS".

On page 36 of the Education, Health, and Environmental Affairs Committee Amendments, after line 21 of Amendment No. 2, insert:

"SECTION 7. AND BE IT FURTHER ENACTED, That § 13–226(e)(2)(i) of the Election Law Article, as enacted by 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 contribution made by a business entity before the effective date of Section 2 of this Act."; and in line 22, strike "7." and substitute "8.".

On page 37 of the Education, Health, and Environmental Affairs Committee Amendments, in line 3 of Amendment No. 2, strike "8." and substitute "9."; in the same line, strike "7" and substitute "8"; in line 5, strike "9." and substitute "10."; in line 9, strike "10." and substitute "11."; and in line 10, strike "8 and 9" and substitute "9 and 10".

The preceding 2 amendments were read and adopted by a roll call vote as follows:

Affirmative – 25 Negative – 21 (See Roll Call No. 515)

FLOOR AMENDMENT

SB0663/283721/1

BY: Senator Rosapepe

AMENDMENT TO SENATE BILL 663, AS AMENDED

On page 31 of the Education, Health, and Environmental Affairs Committee Amendments (SB0663/744134/1), strike in its entirety line 14 of Amendment No. 2 and substitute:

"**(3) NOMINATING, ENDORSING, AND PROMOTING CANDIDATES OR COORDINATING EXPENDITURES WITH CANDIDATES FOR THESE PURPOSES;**".

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 18 Negative – 28 (See Roll Call No. 516)

FLOOR AMENDMENT

SB0663/923024/1

BY: Senator Muse

AMENDMENTS TO SENATE BILL 663, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On pages 1 through 3 of the Education, Health, and Environmental Affairs Committee Amendments (SB0663/744134/1), strike Amendment No. 1 in its entirety.

On pages 1 and 2 of the bill, strike in their entirety the lines beginning with line 2 on page 1 through line 18 on page 2, inclusive, and substitute:

"Election Law – Study Commission on Public Funding of General Assembly Campaigns

FOR the purpose of establishing a Study Commission on Public Funding of General Assembly Campaigns; specifying the composition, powers, and duties of the Commission; prohibiting members of the Commission from receiving certain compensation; providing for the staffing of the Commission; requiring the Commission to report its findings and recommendations, including suggested legislative changes, to the Governor and the General Assembly by a certain date; providing for the termination of this Act; and generally relating to the Study Commission on Public Funding of General Assembly Campaigns.".

AMENDMENT NO. 2

On pages 3 through 37 of the Education, Health, and Environmental Affairs Committee Amendments, strike Amendment No. 2 in its entirety.

On pages 2 through 26 of the bill, strike in their entirety the lines beginning with line 19 on page 2 through line 18 on page 26, inclusive, and substitute:

"SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(a) There is a Study Commission on Public Funding of General Assembly Campaigns.

(b) The Commission shall consist of the following 15 members:

(1) Three members of the Senate of Maryland, one of whom shall be a member of the minority party, appointed by the President of the Senate;

(2) Three members of the House of Delegates, one of whom shall be a member of the minority party, appointed by the Speaker of the House; and

(3) Seven individuals appointed by the Governor, including:

(i) A member of the State Board of Elections;

(ii) A member of the State Ethics Commission;

(iii) A member of a statewide organization concerned with campaign finance practices, fair elections, and ethics in government; and

(iv) Four additional individuals; and

(4) (i) One member of the public appointed by the Minority Leader of the Senate; and

(ii) One member of the public appointed by the Minority Leader of the House.

(c) The Governor shall designate the chair of the Commission.

(d) 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.

(d) The State Board of Elections and the State Ethics Commission shall provide staff for the Commission.

(e) The Commission shall:

(1) Collect information relating to the practice of public funding of election campaigns in other jurisdictions in the United States;

(2) Analyze current practices in Maryland relating to campaign contributions, funding, and activities, including:

(i) The nature and extent of campaign contributions for elections in Maryland by donors, including individuals, corporations, political committees, unions, and other persons or entities, and the characteristics of such donors;

(ii) The changes or trends in the total amount of contributions to candidates for elections in Maryland over the past several decades and the nature of such changes or trends, including but not limited to changes in the contribution patterns of any of the donors listed in item (i) of this item;

(iii) The effectiveness of current Maryland election laws in maintaining confidence in the fairness and openness of elections, in preserving the democratic process, and in preventing undue influence or the appearance of undue influence by particular donors; and

(iv) The effect that the increasing need to raise substantial campaign contributions has on the ability of elected officials to perform their duties effectively and to serve the interests of all of their constituents equitably;

(3) Receive testimony as the Commission considers appropriate;

(4) Consider the effects of public funding of election campaigns and, if appropriate, make recommendations for implementing a system of public funding of General Assembly campaigns in Maryland;

(5) Examine the State election code as it relates to changes needed to implement public funding of General Assembly campaigns; and

(6) On or before January 1, 2011, report its finding and recommendations, including any proposed statutory changes to the Maryland election laws, to the Governor and, subject to § 2–1246 of the State Government Article, to the General Assembly for consideration by the General Assembly in the 2011 Session.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009. It shall remain effective for a period of 2 years and, at the end of June 30, 2011, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 20 Negative – 27 (See Roll Call No. 517)

Senator Zirkin moved, duly seconded, to recommit the Bill.

The motion was adopted by a roll call vote as follows:

Affirmative – 27 Negative – 20 (See Roll Call No. 518)

Senate Bill 672 – Senators Raskin, Frosh, Harrington, King, Madaleno, Muse, Pinsky, and Rosapepe

AN ACT concerning

Environment – Stormwater Management – Stormwater User Charge

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENT (1) AND THE FAVORABLE REPORT.

SB0672/584635/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 672
(First Reading File Bill)

On page 1, in line 9, after "manner;" insert "prohibiting a county or municipality from assessing a stormwater user charge on certain State–owned property;".

On page 3, after line 9, insert:

"**(F) A COUNTY OR MUNICIPALITY MAY NOT ASSESS A STORMWATER USER CHARGE UNDER THIS SECTION ON ANY PROPERTY, INCLUDING IMPERVIOUS SURFACE, THAT IS OWNED BY THE STATE.**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted by a roll call vote as follows:

Affirmative – 23 Negative – 22 (See Roll Call No. 519)

FLOOR AMENDMENT

SB0672/353621/1

BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 672, AS AMENDED

AMENDMENT NO. 1

In the Education, Health, and Environmental Affairs Committee Amendments (SB0672/584635/1), in line 1, strike "prohibiting" and substitute "requiring"; in line 2, strike "from assessing" and substitute "to assess"; and in the same line, strike "certain".

AMENDMENT NO. 2

In the Education, Health, and Environmental Affairs Committee Amendments, in line 4, strike "**MAY NOT**" and substitute "**SHALL**"; and in line 5, strike "**ANY**".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 14 Negative – 32 (See Roll Call No. 520)

FLOOR AMENDMENT

SB0672/153324/1

BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 672
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "requiring" and substitute "authorizing"; in line 5, after "municipality" insert "that establishes a stormwater user charge"; in the same

line, strike "a" and substitute "the"; and in lines 7 and 9, in each instance, after "manner" insert "under certain circumstances".

AMENDMENT NO. 2

On page 2, in line 3, strike "**SHALL**" and substitute "**MAY**"; in line 9, after "**MUNICIPALITY**" insert "**THAT ESTABLISHES A STORMWATER USER CHARGE UNDER THIS SECTION**"; in the same line, strike "**A**" and substitute "**THE**"; in line 26, strike "**A**" and substitute "**IF A**"; in the same line, strike "**SHALL SET**" and substitute "**SETS**"; and in line 27, after "**CHARGE**" insert "**, THE CHARGE SHALL BE**".

On page 3, in line 4, strike "**A**" and substitute "**IF A**"; in the same line, strike "**SHALL SET**" and substitute "**SETS**"; and in line 5, after "**CHARGE**" insert "**, THE CHARGE SHALL BE**".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 18 Negative – 29 (See Roll Call No. 521)

Senator Glassman moved, duly seconded, to make the Bill a Special Order for the end of today's business .

The motion was adopted.

Senate Bill 1039 – Senators Currie, Harrington, Miller, Muse, Peters, Pinsky, and Rosapepe

EMERGENCY BILL

AN ACT concerning

Prince George's County Hospital Authority

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENT (1) AND THE FAVORABLE REPORT.

SB1039/839339/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 1039
(First Reading File Bill)

On page 2, in line 30, strike "**A.**" and substitute "**1.**".

On page 3, in line 1, strike "**B.**" and substitute "**2.**"; and in line 31, strike "**SATISFY**" and substitute "**SATISFIES**".

On page 4, in line 5, strike "**SATISFY**" and substitute "**SATISFIES**"; and in line 16, strike "**ADVISORS**" and substitute "**ADVISERS**".

The preceding amendment was read only.

Senator Exum moved, duly seconded, to make the Bill and Amendments a Special Order for March 26, 2009.

The motion was adopted.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 163 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)

EMERGENCY BILL

AN ACT concerning

Program Open Space – Use of Funds – Indoor or Outdoor Recreational Facilities

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0163/173424/1

BY: Senator Edwards

AMENDMENTS TO SENATE BILL 163, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0163/784130/1), in line 8 of Amendment No. 1, after "area" insert ", or to acquire land for a public school or to develop a project on public school grounds,".

AMENDMENT NO. 2

On page 3 of the Education, Health, and Environmental Affairs Committee Amendments, in lines 8 and 22 of Amendment No. 2, in each instance, after "**ARTICLE,**" insert "**OR TO ACQUIRE LAND FOR A PUBLIC SCHOOL OR TO DEVELOP A PROJECT ON PUBLIC SCHOOL GROUNDS,**".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 21 Negative – 24 (See Roll Call No. 522)

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #15

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 267 – The President (By Request – Administration) and Senators Forehand, Frosh, Harrington, Lenett, and Raskin

AN ACT concerning

Family Law – Protective Orders – Surrender of Firearms

SB0267/198971/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 267
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "making it mandatory, rather than discretionary, for" and substitute "requiring"; in line 6, after "duration;" insert "requiring a law

enforcement officer to provide certain information to a respondent when a firearm is surrendered and to transport and store the firearm in a certain manner; providing for the retaking of surrendered firearms by the respondent except under certain circumstances;"; strike beginning with "the" in line 6 down through "of" in line 7; in line 7, after "orders" insert "and surrender of firearms"; and after line 12, insert:

"BY adding to
Article – Family Law
Section 4–506.1
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 2
On page 5, after line 29, insert:

"**4–506.1.**

(A) IF A RESPONDENT SURRENDERS A FIREARM UNDER § 4–506 OF THIS SUBTITLE, A LAW ENFORCEMENT OFFICER SHALL:

(1) PROVIDE TO THE RESPONDENT INFORMATION ON THE PROCESS FOR RETAKING POSSESSION OF THE FIREARM; AND

(2) TRANSPORT AND STORE THE FIREARM IN A PROTECTIVE CASE, IF ONE IS AVAILABLE, AND IN A MANNER INTENDED TO PREVENT DAMAGE TO THE FIREARM DURING THE TIME THE PROTECTIVE ORDER IS IN EFFECT.

(B) THE RESPONDENT MAY RETAKE POSSESSION OF THE FIREARM AT THE EXPIRATION OF THE FINAL PROTECTIVE ORDER UNLESS:

(1) THE PROTECTIVE ORDER IS EXTENDED UNDER § 4–507(A)(2) OF THIS SUBTITLE; OR

(2) THE RESPONDENT IS NOT OTHERWISE LEGALLY ENTITLED TO OWN OR POSSESS THE FIREARM.".

AMENDMENT NO. 3

On page 1, strike line 2 in its entirety and substitute "Domestic Violence – Firearms – Protective Orders and Handgun Permits"; in line 6, before "making" insert "specifying that an applicant for a handgun permit who is eligible for relief under the spousal domestic violence law for whose benefit a court has issued a temporary or final protective order meets a certain standard in order to be issued a handgun permit by the Secretary of State Police;"; in the same line, after "technical" insert "and stylistic"; in line 7, before the period insert "and the issuance of handgun permits to certain applicants for whose benefit a court has issued a temporary or final protective order"; and before line 13, insert:

"BY repealing and reenacting, without amendments,
Article – Public Safety
Section 5–301(a) and (d)
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 5–306
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)".

AMENDMENT NO. 4

On page 6, after line 17, insert:

"Article – Public Safety

5–301.

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

(d) "Permit" means a permit issued by the Secretary to carry, wear, or transport a handgun.

5–306.

(a) Subject to subsection (b) of this section, the Secretary shall issue a permit within a reasonable time to **[**a person**]** **AN APPLICANT** who the Secretary finds:

(1) is an adult;

(2) (i) has not been convicted of a felony or of a misdemeanor for which a sentence of imprisonment for more than 1 year has been imposed; or

(ii) if convicted of a crime described in item (i) of this item, has been pardoned or has been granted relief under 18 U.S.C. § 925(c);

(3) has not been convicted of a crime involving the possession, use, or distribution of a controlled dangerous substance;

(4) is not presently an alcoholic, addict, or habitual user of a controlled dangerous substance unless the habitual use of the controlled dangerous substance is under legitimate medical direction; and

(5) based on an investigation:

(i) has not exhibited a propensity for violence or instability that may reasonably render the **[**person's**]** **APPLICANT'S** possession of a handgun a danger to the **[**person**]** **APPLICANT** or to another; and

(ii) has good and substantial reason to wear, carry, or transport a handgun, such as**:**

1. a finding that the permit is necessary as a reasonable precaution against apprehended danger**; OR**

2. THE APPLICANT IS A PERSON ELIGIBLE FOR RELIEF FOR WHOSE BENEFIT A COURT HAS ISSUED A TEMPORARY OR FINAL PROTECTIVE ORDER UNDER TITLE 4, SUBTITLE 5 OF THE FAMILY LAW ARTICLE.

(b) An applicant under the age of 30 years is qualified only if the Secretary finds that the applicant has not been:

(1) committed to a detention, training, or correctional institution for juveniles for longer than 1 year after an adjudication of delinquency by a juvenile court; or

(2) adjudicated delinquent by a juvenile court for:

(i) an act that would be a crime of violence if committed by an adult;

(ii) an act that would be a felony in this State if committed by an adult; or

(iii) an act that would be a misdemeanor in this State that carries a statutory penalty of more than 2 years if committed by an adult.".

The preceding 4 amendments were read only.

Senator Greenip moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 268 – The President (By Request – Administration) and Senators Brochin, Forehand, Frosh, Harrington, Lenett, and Raskin

AN ACT concerning

Family Law – Temporary Protective Orders – Surrender of Firearms

SB0268/958573/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 268
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "possession" insert "and to refrain from possessing any firearm"; in the same line, after "time" insert "under certain circumstances"; in line 7, strike "provide for the safe storage of the firearm" and substitute "transport and store the firearm in a certain manner"; and in line 8, after "respondent" insert "except".

AMENDMENT NO. 2

On page 2, in line 32, after "**POSSESSION**" insert "**, AND TO REFRAIN FROM POSSESSION OF ANY FIREARM,**".

AMENDMENT NO. 3

On page 2, in line 33, after "**ORDER**" insert "**IF THE ABUSE CONSISTED OF:**

1. THE USE OF A FIREARM BY THE RESPONDENT AGAINST A PERSON ELIGIBLE FOR RELIEF;

2. A THREAT BY THE RESPONDENT TO USE A FIREARM AGAINST A PERSON ELIGIBLE FOR RELIEF;

3. SERIOUS BODILY HARM TO A PERSON ELIGIBLE FOR RELIEF CAUSED BY THE RESPONDENT; OR

4. A THREAT BY THE RESPONDENT TO CAUSE SERIOUS BODILY HARM TO A PERSON ELIGIBLE FOR RELIEF".

AMENDMENT NO. 4

On page 4, in line 5, strike "**PROVIDE FOR THE SAFE STORAGE OF THE FIREARM**" and substitute "**TRANSPORT AND STORE THE FIREARM IN A PROTECTIVE CASE, IF ONE IS AVAILABLE, AND IN A MANNER INTENDED TO PREVENT DAMAGE TO THE FIREARM**"; and in line 23, strike "or".

The preceding 4 amendments were read only.

Senator Greenip moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 522 – Senators Forehand, Conway, Garagiola, Pinsky, Pugh, Raskin, and Rosapepe

AN ACT concerning

Domestic Violence – Violation of Protective Order – Arrest

SB0522/898076/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 522
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Rosapepe" and substitute "Rosapepe, Jacobs, Mooney, and Simonaire".

AMENDMENT NO. 2

On page 1, in line 6, after "violation;" insert "clarifying that an officer is required to arrest with or without a warrant and take into custody a person who the officer has probable cause to believe has violated a certain order of protection that was issued by a court of another state or a Native American tribe under certain circumstances;"; and in line 10, after "Section" insert "4–508.1(c) and".

AMENDMENT NO. 3

On page 1, after line 15, insert:

"4–508.1.

(c) A law enforcement officer shall arrest with or without a warrant and take into custody a person whom the officer has probable cause to believe **[**is in violation of**]** **HAS VIOLATED** an order for protection that was issued by a court of another state or a Native American tribe and is in effect at the time of the violation if the person seeking the assistance of the law enforcement officer:

(1) has filed with the District Court or circuit court for the jurisdiction in which the person seeks assistance a copy of the order; or

(2) displays or presents to the law enforcement officer a copy of the order that appears valid on its face.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 601 – Senator Zirkin

AN ACT concerning

Domestic Violence – Temporary Protective Orders – Extension

SB0601/778370/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 601
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Zirkin" and substitute "Senators Zirkin, Brochin, Forehand, Gladden, Mooney, Muse, Raskin, Simonaire, and Stone".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 714 – Senator Forehand

AN ACT concerning

Domestic Violence – Interim and Temporary Protective Orders – Custody of Minor Child

SB0714/558473/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 714
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Interim and Temporary"; in line 4, after "of" insert "authorizing a District Court Commissioner to order a law enforcement officer to use all reasonable and necessary force to enforce a temporary custody provision of an interim protective order;"; strike beginning with "an" in line 5 down through "or" in line 6 and substitute "a"; in line 6, after "order;" insert "requiring that enforcement of a temporary custody provision of an interim, temporary, or final protective order occur after service of the protective order;"; in line 10, strike "and" and substitute a comma; and in the same line, after "4–505(a)" insert ", and 4–506(e)".

AMENDMENT NO. 2

On page 2, in line 24, strike "**JUDGE**" and substitute "**COMMISSIONER**"; in line 25, after "**(C)(4)(II)**" insert "**OR (5)**"; and in the same line, strike "**JUDGE**" and substitute "**COMMISSIONER**".

AMENDMENT NO. 3

On page 2, strike beginning with "**AT**" in line 27 down through "**POSSIBLE**" in line 28; and in line 28, strike "**ENTRY**" and substitute "**SERVICE**".

On page 5, in line 21, strike "**AT THE TIME OF SERVICE OR AS SOON AS POSSIBLE**"; in the same line, strike "**ENTRY**" and substitute "**SERVICE**"; and after line 22, insert:

"4–506.

(e) If the judge awards temporary custody of a minor child under subsection (d)(7) of this section, the judge may order a law enforcement officer to use all reasonable and necessary force to return the minor child to the custodial parent **[**at the time of service or as soon as possible**]** after **[**entry**]** **SERVICE** of the final protective order.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 736 – Senators Raskin, Forehand, and Stone

AN ACT concerning

Domestic Violence – Cruelty Toward a Pet or Service Animal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 811 – Senator Muse

AN ACT concerning

Domestic Violence – Duration of Protective Order – Subsequent Act of Abuse

SB0811/288770/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 811
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Muse" and substitute "Senators Muse, Frosh, Gladden, Brochin, Forehand, Haines, Jacobs, Mooney, Raskin, Simonaire, and Stone".

AMENDMENT NO. 2

On page 1, in line 8, strike "4–506(h)" and substitute "4–506(b) and (h)".

AMENDMENT NO. 3

On page 1, after line 14, insert:

"(b) (1) (i) The temporary protective order shall state the date and time of the final protective order hearing.

(ii) Unless continued for good cause, the final protective order hearing shall be held no later than 7 days after the temporary protective order is served on the respondent.

(2) The temporary protective order shall include notice to the respondent:

(i) in at least 10–point bold type, that if the respondent fails to appear at the final protective order hearing, the respondent may be served by first–class mail at the respondent's last known address with the final protective order and all other notices concerning the final protective order;

(ii) specifying all the possible forms of relief under subsection (d) of this section that the final protective order may contain;

(iii) that the final protective order shall be effective for the period stated in the order, not to exceed **[**12 months**] 1 YEAR OR, UNDER THE CIRCUMSTANCES DESCRIBED IN SUBSECTION (H)(2) OF THIS SECTION, 2 YEARS**, unless the judge extends the term of the order**[**,**]** under § 4–507(a)(2) of this subtitle or the court issues a permanent order under subsection (i) of this section; and

(iv) in at least 10–point bold type, that the respondent must notify the court in writing of any change of address.".

AMENDMENT NO. 4

On page 1, strike beginning with "**IF**" in line 18 down through the second "**THE**" in line 21 and substitute "**ALL RELIEF GRANTED IN A**".

On page 1, in line 23, after "**YEARS**" insert "**IF:**

(I) THE COURT ISSUES A FINAL PROTECTIVE ORDER UNDER THIS SECTION AGAINST A RESPONDENT ON BEHALF OF A PERSON ELIGIBLE FOR

RELIEF FOR AN ACT OF ABUSE COMMITTED WITHIN 1 YEAR AFTER THE DATE THAT A PRIOR FINAL PROTECTIVE ORDER ISSUED AGAINST THE SAME RESPONDENT ON BEHALF OF THE SAME PERSON ELIGIBLE FOR RELIEF EXPIRES; AND

(II) THE PRIOR FINAL PROTECTIVE ORDER WAS ISSUED FOR A PERIOD OF AT LEAST 6 MONTHS".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #16

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 219 – Senators Frosh, Dyson, Forehand, Jacobs, Madaleno, Mooney, Raskin, Robey, and Stone

AN ACT concerning

Vehicle Laws – Violations by Drivers Under the Age of 18 Years – Driver's License Suspensions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 261 – The President (By Request – Administration) (Task Force to Combat Driving Under the Influence of Drugs and Alcohol) and Senators Forehand and Dyson

AN ACT concerning

Criminal Law – Alcoholic Beverages – Underage Individuals – Prohibitions and Penalties

SB0261/898876/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 261
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Dyson" and substitute ", Dyson, Jacobs, and Mooney"; strike beginning with ", or" in line 4 down through "beverages" in line 5 and substitute "an alcoholic beverage"; and strike beginning with "requiring" in line 8 down through "circumstances;" in line 11.

On page 2, strike in their entirety lines 3 through 12, inclusive.

AMENDMENT NO. 2

On page 2, in line 29, after the semicolon insert "**OR**".

On pages 2 and 3, strike beginning with "**; OR**" in line 30 on page 2 down through "**BEVERAGE**" in line 2 on page 3.

AMENDMENT NO. 3

On page 9, after line 13, insert:

"**(A) THIS SECTION DOES NOT APPLY TO A PERSON WHO:**

(1) WAS ACTING IN THE CAPACITY OF A LICENSEE, OR AN EMPLOYEE OF A LICENSEE, UNDER ARTICLE 2B OF THE CODE; AND

(2) HAS COMMITTED A VIOLATION OF AND IS SUBJECT TO THE PENALTIES UNDER ARTICLE 2B, § 12–108 OF THE CODE.";

and in line 14, strike "**(A)**" and substitute "**(B)**".

AMENDMENT NO. 4

On page 9, strike beginning with the period in line 15 down through "**PAY**" in line 17 and substitute "**AND ON CONVICTION IS SUBJECT TO**".

AMENDMENT NO. 5

On pages 9 and 10, strike in their entirety the lines beginning with line 21 on page 9 through line 22 on page 10, inclusive.

The preceding 5 amendments were read only.

Senator Zirkin moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 262 – The President (By Request – Administration) (Task Force to Combat Driving Under the Influence of Drugs and Alcohol) and Senator Forehand

AN ACT concerning

Vehicle Laws – Repeated Drunk and Drugged Driving Offenses – Suspension of License

SB0262/618678/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 262
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Forehand" and substitute "Senators Forehand, Jacobs, and Mooney"; in line 7, after "offenses;" insert "requiring the Administration to include a certain additional statement when issuing a notice of suspension of a drivers license; authorizing the Administration, under certain circumstances, to modify a certain suspension and issue a certain restrictive license during a certain mandatory period of suspension; providing that a person who participates in the Ignition Interlock System Program for at least a certain number of months is exempt from certain requirements;"; and in line 11, strike "(e)(2), (3), and (4)" and substitute "(e) and (f)".

AMENDMENT NO. 2

On page 2, in line 1, after "(e)" insert:

"(1) In this subsection, "motor vehicle" does not include a commercial motor vehicle.";

strike lines 12 through 15, inclusive, and substitute:

"(i) States that the person's license shall be suspended for 1 year; **[**and**]**

(II) STATES THAT A RESTRICTIVE LICENSE MAY BE ISSUED DURING THE MANDATORY PERIOD OF SUSPENSION AS PROVIDED UNDER PARAGRAPH (5) OF THIS SUBSECTION; AND

[(ii)**]** **(III)** Advises the person of the right to request a hearing under this paragraph.";

and after line 24, insert:

"**(5) IF REQUESTED BY THE PERSON, THE ADMINISTRATION MAY MODIFY A SUSPENSION UNDER PARAGRAPH (4) OF THIS SUBSECTION TO:**

(I) IMPOSE A MINIMUM SUSPENSION PERIOD OF AT LEAST 45 DAYS;

(II) ORDER THE PERSON TO MAINTAIN FOR THE REMAINDER OF THE 1–YEAR PERIOD OF SUSPENSION, AN IGNITION INTERLOCK SYSTEM ON EACH MOTOR VEHICLE OWNED OR OPERATED BY THE PERSON; AND

(III) IMPOSE A RESTRICTION ON THE PERSON'S LICENSE FOR THE REMAINDER OF THE 1–YEAR PERIOD OF SUSPENSION THAT:

1. PROHIBITS THE PERSON FROM DRIVING A MOTOR VEHICLE THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM; AND

2. ALLOWS THE PERSON TO DRIVE ONLY TO AND FROM WORK, SCHOOL, AN ALCOHOL TREATMENT PROGRAM, OR AN IGNITION INTERLOCK SERVICE FACILITY.

(6) A PERSON WHO PARTICIPATES IN THE IGNITION INTERLOCK SYSTEM PROGRAM FOR AT LEAST 3 MONTHS UNDER PARAGRAPH (5) OF THIS SUBSECTION IS EXEMPT FROM THE REQUIREMENTS OF PARAGRAPHS (7) THROUGH (11) OF THIS SUBSECTION.

[(5)**]** **(7)** The Administration shall, within 90 days of the expiration of the 1–year period of suspension, issue to the person a notice, unless this notice requirement was waived at a hearing described in paragraph (4) of this subsection, that:

(i) States that the person shall maintain for not less than 3 months and not more than 1 year, dating from the expiration of the 1–year period of suspension, an ignition interlock system on each motor vehicle owned by the person;

(ii) States that the Administration shall impose a restriction on the person's license that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system for a period of not less than 3 months and not more than 1 year, dating from the expiration of the 1–year period of suspension; and

(iii) Advises the person of the right to request a hearing under this paragraph.

[(6)**]** **(8)** After notice under paragraph **[**(5)**]** **(7)** of this subsection, or a waiver of notice, the Administration shall order a person to maintain for not less than 3 months and not more than 1 year, dating from the expiration of the 1–year period of suspension, an ignition interlock system on each motor vehicle owned by the person and impose a license restriction that prohibits the person from driving a motor vehicle that is not equipped with an ignition interlock system if:

(i) The person does not request a hearing;

(ii) The Administration finds at a hearing that the person owns one or more motor vehicles and that no financial hardship, as described in paragraphs

[(7) and (8)**] (9) AND (10)** of this subsection, will be created by requiring the person to maintain an ignition interlock system on each motor vehicle owned by the person; or

(iii) The person fails to appear for a hearing requested by the person.

[(7)**] (9)** If the Administration finds at a hearing that maintenance of an ignition interlock system on a motor vehicle owned by the person creates a financial hardship on the person, the family of the person, or a co–owner of the motor vehicle, the Administration:

(i) Shall impose a restriction on the license of the person for not less than 3 months and not more than 1 year, dating from the expiration of the 1–year period of suspension, that prohibits the person from driving any motor vehicle that is not equipped with an ignition interlock system; and

(ii) May not require the person to maintain an ignition interlock system on any motor vehicle to which the financial hardship applies.

[(8)**] (10)** An exemption under paragraph **[**(7)(ii)**] (9)(II)** of this subsection applies only under circumstances that:

(i) Are specific to the person's motor vehicle; and

(ii) Meet criteria contained in regulations that shall be adopted by the Administration.

[(9)**] (11)** If a person requests a hearing and the Administration finds that the person does not own a motor vehicle at the expiration of the 1–year period of suspension, the Administration shall impose a restriction on the license of the person for not less than 3 months and not more than 1 year, dating from the expiration of the 1–year period of suspension, that prohibits the person from driving any motor vehicle that is not equipped with an ignition interlock system.

[(10)**] (12)** Each notice and hearing under this subsection shall meet the requirements of Title 12, Subtitle 2 of this article.

[(11)**] (13)** This subsection does not limit any provision of this article that allows or requires the Administration to:

(i) Revoke or suspend a license of a person; or

(ii) Prohibit a person from driving a motor vehicle that is not equipped with an ignition interlock system.

[(12)**]** **(14)** A suspension imposed under this subsection shall be concurrent with any other suspension or revocation imposed by the Administration that arises out of the circumstances of the conviction for a violation of § 21–902(a) of this article described in this subsection.

(f) **[**(1)**]** Subject to **[**paragraph (2)**]** **SUBSECTIONS (D) AND (E)** of this **[**subsection,**]** **SECTION,** the Administration may modify any suspension under this section or any suspension under § 16–205.1 of this subtitle and issue a restrictive license to a licensee who participates in the Ignition Interlock System Program established under § 16–404.1 of this title.

[(2) The Administration may not modify a suspension and issue a restrictive license during a mandatory period of suspension described in subsection (e) of this section.**]**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 263 – The President (By Request – Administration) (Task Force to Combat Driving Under the Influence of Drugs and Alcohol) and Senator Forehand

AN ACT concerning

Vehicle Laws – Alcohol Restriction on Driver's License – Penalties for Violations

SB0263/788273/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 263
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Forehand" and substitute "Senators Forehand, Jacobs, and Mooney".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 265 – The President (By Request – Administration) and Senators Frosh, Robey, Forehand, and Dyson

AN ACT concerning

Vehicle Laws – Young Drivers – Driving Privileges

SB0265/788770/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 265
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Dyson" and substitute "Dyson, Gladden, Jacobs, and Muse"; in line 2, strike "Young Drivers – Driving Privileges" and substitute "Teen Driver Safety"; in line 4, strike "learner's instructional permit, provisional license, and full" and substitute "provisional driver's license or original"; strike beginning with "increasing" in line 5 down through "absences;" in line 10 and substitute "requiring the Administration to fingerprint an applicant for a driving instructor's license and apply for certain criminal history records information about the applicant in a certain manner; providing that certain criminal history records are confidential and available only for a certain purpose;"; in line 15, strike "a full" and

substitute "an original driver's"; strike beginning with "altering" in line 16 down through "unsupervised;" in line 17; in line 18, strike "requiring" and substitute "authorizing"; in line 19, strike "certain restrictions" and substitute "a certain restriction"; in line 25, strike "driving privileges for young drivers" and substitute "teen driver safety"; in line 28, after "Section" insert "15–804,"; in the same line, strike "16–105(a) and (d)" and substitute "16–105(d)"; and in the same line, strike "16–113(d),".

On page 2, in line 5, after "Section" insert "15–102, 15–802, and"; in the same line, strike "and 16–113(d–1) and (i)"; and strike in their entirety lines 8 through 12, inclusive.

AMENDMENT NO. 2

On page 2, in line 28, in each instance, strike the bracket; and in the same line, strike "**16 YEARS**".

AMENDMENT NO. 3

On page 3, after line 1, insert:

"15–102.

(a) Each application for a license under this title shall be made on the form that the Administration requires.

(b) In addition to any other information required by this title, each application for a license under this title shall include:

(1) The name and address of the applicant;

(2) The address of the fixed location from which the licensed activity of the applicant will be conducted;

(3) A statement of the maximum amount charged as a dealer processing charge under § 15–311.1 of this title; and

(4) Any other information that the Administration requires.

(c) Each application for a license under this title shall:

(1) Contain a certification by the applicant that the information given in it is true; and

(2) Be signed by:

(i) The applicant, if the applicant is an individual;

(ii) A partner or other authorized representative, if the application is made for a partnership; or

(iii) An officer or other authorized representative, if the application is made for a corporation or any other business entity.

(d) Except for an application for a drivers' school license, each application for a license under this title shall be accompanied by the annual fee required for that license.

15–802.

A person may not act as a driving instructor unless the person is licensed by the Administration under this subtitle.

15–804.

(A) In addition to the information required under § 15–102 of this title, each application for a license shall include:

(1) The name and business address of the drivers' school by whom the applicant is or will be employed; or

(2) A statement that the applicant himself is licensed to conduct a drivers' school.

(B) (1) IN THIS SUBSECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(2) THE ADMINISTRATION SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH APPLICANT.

(3) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE ADMINISTRATION SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(I) TWO COMPLETE SETS OF THE APPLICANT'S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(II) THE FEE AUTHORIZED UNDER § 10–221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(4) IN ACCORDANCE WITH §§ 10–201 THROUGH 10–234 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE APPLICANT AND THE ADMINISTRATION THE APPLICANT'S CRIMINAL HISTORY RECORDS INFORMATION.

(5) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SUBSECTION:

(I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

(II) SHALL BE USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED BY THIS SUBSECTION.

(6) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SUBSECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10–223 OF THE CRIMINAL PROCEDURE ARTICLE.";

strike in their entirety lines 3 through 18, inclusive; and in line 26, strike "6" and substitute "**9**".

AMENDMENT NO. 4

On page 5, in line 27, strike "or revoked" and substitute "**, REVOKED, OR CANCELLED**".

On pages 6 and 7, strike in their entirety the lines beginning with line 1 on page 6 through line 7 on page 7, inclusive.

AMENDMENT NO. 5

On page 9, in line 5, strike "provisional"; in line 8, strike "**SHALL:**" and substitute "**MAY**"; in line 9, strike "**1. SUSPEND**" and substitute "**SUSPEND**"; in the same line, after "**FOR**" insert "**UP TO**"; strike in their entirety lines 11 and 12; in line 17, strike "**SHALL**" and substitute "**MAY**"; in line 18, after "**FOR**" insert "**UP TO**"; and in line 21, strike "**YOUNGER**" and substitute "**YOUNG**".

AMENDMENT NO. 6

On page 10, in line 2, strike "**SHALL**" and substitute "**MAY**"; in line 3, after "**LICENSE**" insert "**FOR NOT LESS THAN 180 DAYS**"; in line 19, strike "a passenger" and substitute "**:**

(I) FOR THE FIRST 5 MONTHS AFTER THE PROVISIONAL LICENSE IS ISSUED, A PASSENGER WHO IS";

in the same line, after "years" insert "**; AND**

(II) AFTER THE EXPIRATION OF THE 5–MONTH PERIOD, MORE THAN ONE PASSENGER WHO IS UNDER THE AGE OF 18 YEARS";

in line 20, in each instance, strike the bracket; strike beginning with "**EXCEPT**" in line 20 down through "**THE**" in line 21; strike beginning with the colon in line 21 down

through "Does" in line 26 and substitute "**DOES**"; in lines 27 and 29, strike "1." and "2.", respectively, and substitute "**(I)**" and "**(II)**", respectively; in line 28, strike the first "or"; and in the same line, after "stepbrother" insert "**, OR COUSIN**".

On page 11, in line 13, strike "under the age of 16 years"; and in the same line, after "a" insert "provisional or an original".

The preceding 6 amendments were read only.

Senator Kittleman moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 296 – Senators Stone and Della

EMERGENCY BILL

AN ACT concerning

Automotive Dismantlers, Recyclers, and Scrap Processors – Notice of Vehicle Acquisition

SB0296/808673/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 296
(First Reading File Bill)

On page 2, in line 14, in each instance, strike the bracket; and in the same line, after "Administration" insert "**OR BY THE APPROPRIATE GOVERNMENT AGENCY OF ANOTHER STATE**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 668 – Senators Raskin, Forehand, and Stone

AN ACT concerning

Vehicle Laws – Manufacturers, Distributors, and Factory Branches – Prohibited Acts

Senator Della moved, duly seconded, to make the Bill and Report a Special Order for March 27, 2009.

The motion was adopted.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #17

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 70 – Chair, Judicial Proceedings Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Child Support Enforcement – Medical Support for Children

SB0070/108177/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 70
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after "modified;" insert "requiring cash medical support to be added to the basic child support obligation under the child support guidelines and

divided by the parents in proportion to their adjusted actual incomes; prohibiting the court from ordering the obligee to pay cash medical support under certain circumstances;".

AMENDMENT NO. 2

On page 2, after line 5, insert:

"**(4) "ADJUSTED ACTUAL INCOME" HAS THE MEANING STATED IN § 12–201 OF THIS TITLE.**

(5) "BASIC CHILD SUPPORT OBLIGATION" HAS THE MEANING STATED IN § 12–201 OF THIS TITLE.";

in lines 6, 14, 17, 25, and 29, strike "**(4)**", "**(5)**", "**(6)**", "**(7)**", and "**(8)**", respectively, and substitute "**(6)**", "**(8)**", "**(9)**", "**(10)**", and "**(11)**", respectively; in line 13, after "**INSURANCE**" insert "**, INCLUDING EXTRAORDINARY MEDICAL EXPENSES**"; and after line 13, insert:

"**(7) "EXTRAORDINARY MEDICAL EXPENSES" HAS THE MEANING STATED IN § 12–201 OF THIS TITLE.**".

AMENDMENT NO. 3

On page 3, in line 10, after "(c)" insert "**(1)**"; in lines 15 and 17, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; and after line 18, insert:

"**(2) CASH MEDICAL SUPPORT ORDERED UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL BE ADDED TO THE BASIC CHILD SUPPORT OBLIGATION AND DIVIDED BY THE PARENTS IN PROPORTION TO THEIR ADJUSTED ACTUAL INCOMES.**".

AMENDMENT NO. 4

On page 3, after line 21, insert:

"**(E) THE COURT MAY NOT ORDER THE OBLIGEE TO PAY CASH MEDICAL SUPPORT TOWARD THE COST OF HEALTH INSURANCE PROVIDED BY A PUBLIC ENTITY FOR WHICH THE OBLIGEE DOES NOT PAY A PREMIUM, INCLUDING THE**

MARYLAND CHILDREN'S HEALTH PROGRAM UNDER TITLE 15, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE.".

On page 3 in lines 22 and 30, on page 4 in line 28, on page 5 in lines 9, 16, and 30, and on page 6 in lines 6, 9, 12, and 17, strike "**(E)**", "**(F)**", "**(G)**","**(H)**", "**(I)**", "**(J)**", "**(K)**", "**(L)**", "**(M)**", and "**(N)**", respectively, and substitute "**(F)**", "**(G)**","**(H)**", "**(I)**", "**(J)**", "**(K)**", "**(L)**", "**(M)**", "**(N)**" and "**(O)**", respectively.

AMENDMENT NO. 5

On page 3, in lines 25 and 28, in each instance, strike "**10%**" and substitute "**5%**".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 201 – Senators Kelley, Currie, Middleton, and Stone

AN ACT concerning

Real Property – Condominiums – Required Insurance Coverage

SB0201/648479/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 201
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, Forehand, and Jacobs".

AMENDMENT NO. 2

On page 1, in line 2, strike "Required Insurance Coverage" and substitute "Repair or Replacement of Damage or Destruction by Council of Unit Owners"; in line 4, after "of" insert "the common elements and"; in line 5, after "owners" insert "other than the developer"; in line 6, after "condominium" insert "under certain circumstances"; strike beginning with "clarifying" in line 6 down through "changes" in line 9 and substitute "clarifying the coverage of certain property insurance required to be maintained by a council of unit owners; providing that the owner of the unit where the cause of certain damage or destruction originated is responsible for a certain insurance deductible up to a certain amount; repealing a condition that a certain responsibility of the unit owner be provided in the bylaws; repealing a provision that the council of unit owners' property insurance deductible is a common expense under certain circumstances; requiring the council of unit owners to inform unit owners of certain responsibilities relating to the property insurance deductible under certain circumstances; requiring a contract for the initial sale of a unit and a contract for the resale of a unit to include a certain notice of the unit owner's responsibility relating to the property insurance deductible under certain circumstances; declaring the intent of the General Assembly"; in line 13, strike "and" and substitute a comma; in the same line, after "11–114" insert ", 11–126(b)(16) and (17), and 11–135(a)(4)(xii) and (5) and (b)"; and after line 15, insert:

"BY adding to
Article – Real Property
Section 11–126(b)(17) and 11–135(a)(6)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 3

On page 1, in line 20, strike all the brackets; in the same line, strike the first comma; and strike beginning with "**OR**" in line 20 down through "**TITLE**" in line 21 and substitute "**AND SUBJECT TO § 11–114 OF THIS SUBTITLE**".

On page 2, in line 5, after "owners" insert "**OTHER THAN THE DEVELOPER**"; and in line 21, strike "Each" and substitute "**FOR PROPERTY AND CASUALTY LOSSES TO THE COMMON ELEMENTS AND THE UNITS, EXCLUSIVE OF IMPROVEMENTS AND BETTERMENTS INSTALLED IN THE UNITS BY UNIT OWNERS OTHER THAN THE DEVELOPER, EACH**".

On page 3, strike beginning with "condominium" in line 12 down through "**IS**" in line 13 and substitute "**COMMON ELEMENTS AND THE UNITS, EXCLUSIVE OF IMPROVEMENTS AND BETTERMENTS INSTALLED IN THE UNITS BY UNIT OWNERS OTHER THAN THE DEVELOPER,**".

AMENDMENT NO. 4

On page 3, strike beginning with "Except" in line 27 down through "if" in line 28 and substitute "**IF**"; strike beginning with "the" in line 29 down through "that" in line 31; strike beginning with the comma in line 33 down through "may" in line 34; and in line 34, after "not" insert "**TO**".

AMENDMENT NO. 5

On page 3, after line 34, insert:

"**2. THE COUNCIL OF UNIT OWNERS SHALL INFORM EACH UNIT OWNER ANNUALLY IN WRITING OF:**

A. THE UNIT OWNER'S RESPONSIBILITY FOR THE COUNCIL OF UNIT OWNERS' PROPERTY INSURANCE DEDUCTIBLE; AND

B. THE AMOUNT OF THE DEDUCTIBLE.".

On page 4, after line 28, insert:

"11–126.

(b) The public offering statement required by subsection (a) of this section shall be sufficient for the purposes of this section if it contains at least the following:

(16) A statement of whether the unit being purchased is subject to an extended lease under § 11–137 of this title, or local law, and a copy of any extended lease; **[**and**]**

(17) A WRITTEN NOTICE OF THE UNIT OWNER'S RESPONSIBILITY FOR THE COUNCIL OF UNIT OWNERS' PROPERTY INSURANCE DEDUCTIBLE AND THE AMOUNT OF THE DEDUCTIBLE; AND

[(17)**]** **(18)** Any other information required by regulation duly adopted and issued by the Secretary of State.

11–135.

(a) Except as provided in subsection (b) of this section, a contract for the resale of a unit by a unit owner other than a developer is not enforceable unless the contract of sale contains in conspicuous type a notice in the form specified in subsection (g)(1) of this section, and the unit owner furnishes to the purchaser not later than 15 days prior to closing:

(4) A certificate containing:

(xii) A description of any recreational or other facilities which are to be used by the unit owners or maintained by them or the council of unit owners, and a statement as to whether or not they are to be a part of the common elements; **[**and**]**

(5) A statement by the unit owner as to whether the unit owner has knowledge:

(i) That any alteration to the unit or to the limited common elements assigned to the unit violates any provision of the declaration, bylaws, or rules and regulations;

(ii) Of any violation of the health or building codes with respect to the unit or the limited common elements assigned to the unit; and

(iii) That the unit is subject to an extended lease under § 11–137 of this title or under local law, and if so, a copy of the lease must be provided**; AND**

(6) A WRITTEN NOTICE OF THE UNIT OWNER'S RESPONSIBILITY FOR THE COUNCIL OF UNIT OWNERS' PROPERTY INSURANCE DEDUCTIBLE AND THE AMOUNT OF THE DEDUCTIBLE.

(b) A contract for the resale by a unit owner other than a developer of a unit in a condominium containing less than 7 units is not enforceable unless the contract of sale contains in conspicuous type a notice in the form specified in subsection (g)(2) of this section, and the unit owner furnishes to the purchaser not later than 15 days prior to closing:

(1) A copy of the declaration (other than the plats);

(2) The bylaws;

(3) The rules and regulations of the condominium; **[**and**]**

(4) A statement by the unit owner of the unit owner's expenses during the preceding 12 months relating to the common elements**; AND**

(5) A WRITTEN NOTICE OF THE UNIT OWNER'S RESPONSIBILITY FOR THE COUNCIL OF UNIT OWNERS' PROPERTY INSURANCE DEDUCTIBLE AND THE AMOUNT OF THE DEDUCTIBLE.".

AMENDMENT NO. 6

On page 4, before line 29, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that this Act:

(a) Overturn the Court of Appeals ruling in Diane Anderson, et al. v. Council of Unit Owners of The Gables on Tuckerman Condominium, et al., 404 Md. 560 (2008);

(b) Place an affirmative duty on the council of unit owners of a condominium association to:

(1) Repair damage or destruction to the condominium that originated in a unit; and

(2) Purchase property insurance that reflects this duty; and

(c) Make the cost of the property insurance purchased by the council of unit owners of a condominium association under this Act a common expense, except that in the case of damage or destruction originating from a unit, the payment of the property insurance deductible shall be the responsibility, up to the maximum amount provided under § 11–114(g) of the Real Property Article, of the owner of the unit where the cause of the damage or destruction originated.";

in line 29, strike "2." and substitute "3."; and in line 30, strike "October" and substitute "June".

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 303 – Senators Kramer, Astle, Madaleno, Robey, and Rosapepe

AN ACT concerning

Silver Alert Program – Establishment

SB0303/438675/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 303
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Rosapepe" and substitute "Rosapepe, Frosh, Gladden, Brochin, Forehand, Haines, Jacobs, Muse, Raskin, Simonaire, and Stone".

AMENDMENT NO. 2

On page 1, in line 15, strike "Board" and substitute "Department"; strike beginning with the first "to" in line 16 down through "credit" in line 17 and substitute "that meets certain requirements"; and in line 19, after "terms;" insert "making this Act subject to a certain contingency;".

AMENDMENT NO. 3

On page 3, in line 8, strike "**BOARD**" and substitute "**DEPARTMENT**"; in line 9, strike "**TO ALLOW**" and substitute "**THAT:**

1. **ALLOWS**";

and strike beginning with "**AND**" in line 10 down through "**CREDIT**" in line 11 and substitute "**;**

2. COMPLIES WITH COMAR 13A.03.02.06; AND

3. IS CONSISTENT WITH THE STUDENT SERVICE–LEARNING GUIDELINES DEVELOPED BY THE STATE DEPARTMENT OF EDUCATION".

AMENDMENT NO. 4

On page 3, in line 22, after "2009" insert ", contingent on the ability of the Department of State Police to implement the Silver Alert Program with existing budgeted resources and, if the Secretary of State Police determines by July 1, 2009, that the Department of State Police cannot implement the program with existing budgeted resources, the Secretary shall promptly notify the Executive Director of the Department of Legislative Services of that determination and, upon receipt of that notice, this Act shall be null and void without the necessity of further action by the General Assembly".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 421 – Senators Jacobs, Colburn, Forehand, Kelley, King, Kittleman, Mooney, Munson, Pugh, Raskin, and Stone

AN ACT concerning

Social Services Administration – Children at Substantial Risk of Abuse or Neglect – Identification and Notice

SB0421/318379/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 421
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "– Children" in line 2 down through "Notice" in line 3 and substitute "and Department of Health and Mental Hygiene – Parents Responsible for Child Abuse or Neglect – Birth of Subsequent Child"; in line 11, after "Administration" insert ", the Department of Health and Mental Hygiene,"; and strike line 12 in its entirety and substitute "child abuse and neglect.".

AMENDMENT NO. 2

On page 2, in line 9, strike "**FIVE**" and substitute "**5**".

AMENDMENT NO. 3

On page 2, strike beginning with "**BY**" in line 26 down through "**NEGLECT**" in line 27 and substitute "**AS RESPONSIBLE FOR ABUSE OR NEGLECT IN A CENTRAL REGISTRY AS DESCRIBED IN § 5–714(E) OF THIS SUBTITLE**".

AMENDMENT NO. 4

On page 3, strike beginning with "**THAT**" in line 4 down through "**NEGLECT**" in line 5 and substitute "**SO THAT THE LOCAL DEPARTMENT MAY REVIEW ITS RECORDS AND, WHEN APPROPRIATE, PROVIDE AN ASSESSMENT OF THE FAMILY AND OFFER SERVICES IF NEEDED**".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 667 – Senator Raskin

AN ACT concerning

Attorney General – State Legal Business – Hiring Counsel

SB0667/658674/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 667
(First Reading File Bill)

On page 5, in line 5, strike "**AND**"; after line 5, insert:

"**(4) THE OFFICE OF THE PUBLIC DEFENDER MAY EMPLOY OR BE REPRESENTED BY A LEGAL ADVISER OR COUNSEL OTHER THAN THE ATTORNEY GENERAL OR THE ATTORNEY GENERAL'S DESIGNEE; AND**";

and in line 6, strike "**(4)**" and substitute "**(5)**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 684 – Senators Kramer, Astle, DeGrange, Della, Forehand, Jones, Kelley, Klausmeier, Lenett, Madaleno, Pinsky, Pugh, Robey, Rosapepe, and Zirkin

AN ACT concerning

Senior Investment Protection Act

SB0684/428075/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 684
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line sponsor line, strike "and Zirkin" and substitute "Zirkin, Brochin, Haines, Jacobs, Raskin, Muse, Simonaire, and Stone".

AMENDMENT NO. 2

On page 1, at the top of the page, insert "EMERGENCY BILL"; strike beginning with "senior–specific" in line 3 down through "professional" in line 4 and substitute "senior or retiree credential or"; in line 5, strike "any security or in" and substitute "securities, in connection with receiving certain consideration from another person for"; in the same line, strike "another" and substitute "the other"; in line 6, strike "any security" and substitute "securities, or in connection with acting as a broker–dealer, agent, investment adviser, or investment adviser representative"; strike beginning with "specifying" in line 6 down through "term;" in line 12 and substitute "requiring the Securities Commissioner of the Securities Division, by rule or order, to define what constitutes a misleading use of a senior or retiree credential or designation for a certain purpose; providing that a violation of a certain rule or order constitutes a dishonest or unethical practice for purposes of certain provisions of law; authorizing the Commissioner, by rule or order, to provide certain exemptions from certain provisions of this Act under certain circumstances; providing that certain provisions of this Act do not limit certain powers of the Commissioner; establishing certain penalties for a willful violation of certain provisions of this Act; making certain stylistic changes; making this Act an emergency measure;"; in line 14, strike "with" and substitute "without"; in line 16, strike "11–301 and 11–302" and substitute "11–302(a) and 11–412"; after line 18, insert:

"BY adding to
Article – Corporations and Associations
Section 11–305
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)";

in line 19, strike "without" and substitute "with"; and in line 21, strike "11–412" and substitute "11–705(a)".

AMENDMENT NO. 3

On pages 2 through 4, strike in their entirety the lines beginning with line 2 on page 2 through line 8 on page 4, inclusive.

On page 4, in line 19, strike the brackets; and strike beginning with the semicolon in line 25 down through "**MISLEADING**" in line 27.

On pages 4 through 7, strike in their entirety the lines beginning with line 28 on page 4 through line 32 on page 7, inclusive, and substitute:

"**11–305.**

(A) IT IS UNLAWFUL FOR ANY PERSON TO USE A SENIOR OR RETIREE CREDENTIAL OR DESIGNATION IN A WAY THAT IS OR WOULD BE MISLEADING IN CONNECTION WITH:

(1) THE OFFER, SALE, OR PURCHASE OF SECURITIES;

(2) RECEIVING, DIRECTLY OR INDIRECTLY, ANY CONSIDERATION FROM ANOTHER PERSON FOR ADVISING THE OTHER PERSON AS TO THE VALUE OF SECURITIES OR THEIR PURCHASE OR SALE; OR

(3) ACTING AS A BROKER–DEALER, AGENT, INVESTMENT ADVISER, OR INVESTMENT ADVISER REPRESENTATIVE.

(B) THE COMMISSIONER BY RULE OR ORDER SHALL DEFINE WHAT CONSTITUTES A MISLEADING USE OF A SENIOR OR RETIREE CREDENTIAL OR DESIGNATION FOR PURPOSES OF SUBSECTION (A) OF THIS SECTION.

(C) A VIOLATION OF A RULE OR ORDER ADOPTED UNDER SUBSECTION (B) OF THIS SECTION ALSO CONSTITUTES A DISHONEST OR UNETHICAL PRACTICE FOR PURPOSES OF § 11–302(A)(3) OF THIS SUBTITLE AND § 11–417(A)(7) OF THIS TITLE.

(D) THE COMMISSIONER BY RULE OR ORDER MAY PROVIDE EXEMPTIONS FROM SUBSECTIONS (A) AND (C) OF THIS SECTION, WHERE SUCH EXEMPTIONS ARE CONSISTENT WITH THE PUBLIC INTEREST AND WITHIN THE PURPOSES FAIRLY INTENDED BY THE POLICY AND PROVISIONS OF THIS TITLE.

(E) THIS SECTION DOES NOT LIMIT ANY POWERS OF THE COMMISSIONER GRANTED UNDER THIS TITLE.".

AMENDMENT NO. 4

On page 10, after line 30, insert:

"11–705.

(a) (1) Any person who willfully violates any provision of this title, except § 11–303 **OR § 11–305** of this title or who willfully violates any rule or order under this title **EXCEPT A RULE OR ORDER UNDER § 11–305 OF THIS TITLE**, or who willfully violates § 11–303 of this title knowing the statement made to be false or misleading in any material respect, on conviction is subject to a fine not exceeding $50,000 or imprisonment not exceeding **[**three**]** **3** years or both.

(2) ANY PERSON WHO WILLFULLY VIOLATES § 11–305 OF THIS TITLE OR WHO WILLFULLY VIOLATES A RULE OR ORDER UNDER § 11–305 OF THIS TITLE, ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING $100,000 OR IMPRISONMENT NOT EXCEEDING 5 YEARS OR BOTH.

[(2)**]** **(3)** A person may not be imprisoned for the violation of any rule or order if **[**he**]** **THE PERSON** proves that **[**he**]** **THE PERSON** had no knowledge of the rule or order.

[(3)**]** **(4)** An indictment or information may not be returned under this title more than **[**five**]** **5** years after the alleged violation.".

AMENDMENT NO. 5

On page 10, strike beginning with "shall" in line 31 down through "2009" in line 32 and substitute "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".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 870 – Senator Gladden

AN ACT concerning

Marriage Ceremonies – Performance by Tax Court Judges

Senator Della moved, duly seconded, to make the Bill and Report a Special Order for March 27, 2009.

The motion was adopted.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #18

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 99 – Senator Stone

AN ACT concerning

Criminal Law – Possession of Child Pornography – Penalties

SB0099/578971/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 99
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Stone" and substitute "Senators Stone and Simonaire"; strike beginning with "altering" in line 3 down through "gratification;" in line 5; strike beginning with "making" in line 7 down through "circumstances;" in line 8; in line 12, strike "11–201(f) and"; and after line 14 , insert:

"BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 11–201(f)
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)".

AMENDMENT NO. 2

On page 1, in line 8, before "and" insert "providing that the jurisdiction of the District Court is concurrent with that of a circuit court in a criminal case in which a person is charged with a second or subsequent offense of possession of child pornography;"; and before line 15, insert:

"BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 4–301 and 4–302(a) and (d)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 3

On page 1, in line 19, strike "**(1)**"; and strike lines 20 through 22, in their entirety.

AMENDMENT NO. 4

On page 2, strike beginning with "**(1)**" in line 7 down through "**A**" in line 8 and substitute "**A**"; in lines 9 and 12, in each instance, strike the bracket; in line 10, strike the first bracket; in line 11, in each instance, strike the bracket; in the same line, strike the period; in line 12, strike "5" and substitute "**10**"; and strike beginning with the bracket in line 13 down through "**YEARS**" in line 15.

AMENDMENT NO. 5

On page 2, after line 25, insert:

"Article – Courts and Judicial Proceedings

4–301.

(a) Except as provided in §§ 3–803, 3–8A–03, and 4–302 of this article, the District Court has exclusive original jurisdiction in a criminal case in which a person at least 16 years old or a corporation is charged with violation of the vehicle laws, or the State Boat Act, or regulations adopted pursuant to the vehicle laws or State Boat Act.

(b) Except as provided in § 4–302 of this subtitle, the District Court also has exclusive original jurisdiction in a criminal case in which a person at least 18 years old or a corporation is charged with:

(1) Commission of a common–law or statutory misdemeanor regardless of the amount of money or value of the property involved;

(2) Violation of § 7–104, § 7–105, § 7–107, or § 7–108 of the Criminal Law Article, whether a felony or a misdemeanor;

(3) Violation of a county, municipal, or other ordinance, if the violation is not a felony;

(4) Criminal violation of a State, county, or municipal rule or regulation, if the violation is not a felony;

(5) Doing or omitting to do any act made punishable by a fine, imprisonment, or other penalty as provided by the particular law, ordinance, rule, or regulation defining the violation if the violation is not a felony;

(6) Violation of § 8–103 of the Criminal Law Article, whether a felony or a misdemeanor;

(7) Violation of §§ 8–203 through 8–209 of the Criminal Law Article, whether a felony or misdemeanor;

(8) Forgery or violation of Title 8, Subtitle 6 of the Criminal Law Article, whether a felony or misdemeanor;

(9) Violation of Title 27, Subtitle 4 of the Insurance Article, whether a felony or a misdemeanor;

(10) Violation of § 9–1106 of the Labor and Employment Article;

(11) Violation of § 8–301 of the Criminal Law Article, whether a felony or misdemeanor;

(12) Violation of § 2–209 of the Criminal Law Article;

(13) Violation of Title 2, Subtitle 5 of the Criminal Law Article;

(14) Violation of Title 11, Subtitle 5 of the Financial Institutions Article;

(15) Violation of §§ 10–604 through 10–608 of the Criminal Law Article, whether a felony or misdemeanor;

(16) Violation of Title 7, Subtitle 3, Part III of the Criminal Law Article, whether a felony or misdemeanor;

(17) Violation of § 20–102 of the Transportation Article, whether a felony or misdemeanor;

(18) Violation of § 8–801 of the Criminal Law Article;

(19) Violation of § 8–604 of the Criminal Law Article;

(20) Violation of Title 8, Subtitle 2, Part II of the Criminal Law Article;

(21) Violation of §§ 16–801 through 16–804 of the Election Law Article;

(22) Violation of § 3–203(c) of the Criminal Law Article; **[**or**]**

(23) VIOLATION OF § 11–208 OF THE CRIMINAL LAW ARTICLE AS A SECOND OR SUBSEQUENT OFFENSE; OR

[(23)**](24)** Violation of § 11–303(b) of the Criminal Law Article.

4–302.

(a) Except as provided in § 4–301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), **[**and**]** (23)**, AND (24)** of this subtitle, the District Court does not have jurisdiction to try a criminal case charging the commission of a felony.

(d) (1) Except as provided in paragraph (2) of this subsection, the jurisdiction of the District Court is concurrent with that of the circuit court in a criminal case:

(i) In which the penalty may be confinement for 3 years or more or a fine of $2,500 or more; or

(ii) That is a felony, as provided in § 4–301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), **[**and**]** (23)**, AND (24)** of this subtitle.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, a circuit court does not have jurisdiction to try a case charging a violation of § 5–601 or § 5–620 of the Criminal Law Article.

(ii) A circuit court does have jurisdiction to try a case charging a violation of § 5–601 or § 5–620 of the Criminal Law Article if the defendant:

1. Properly demands a jury trial;

2. Appeals as provided by law from a final judgment entered in the District Court; or

3. Is charged with another offense arising out of the same circumstances that is within a circuit court's jurisdiction.".

The preceding 5 amendments were read only.

Senator Kramer moved, duly seconded, that the Bill and Amendments be laid over under the Rule.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 218 – Senators Frosh, Brochin, Forehand, Garagiola, Jacobs, Mooney, Raskin, and Stone

AN ACT concerning

Criminal Procedure – Offender Registry – Minors

SB0218/358376/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 218
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Stone" and substitute "Stone, Muse, and Simonaire".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 266 – The President (By Request – Administration) and Senators Frosh and Lenett

AN ACT concerning

Public Safety – Department of State Police – Investigations Affecting First Amendment Rights

SB0266/868473/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 266
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Lenett" and substitute ", Lenett, Brochin, Forehand, Gladden, Muse, Raskin, and Simonaire"; strike lines 2 and 3 in their entirety and substitute "Freedom of Association and Assembly Protection Act of 2009"; strike beginning with "requiring" in line 4 down through "circumstances" in line 7 and substitute "prohibiting a law enforcement agency from conducting a covert investigation of a certain person, group, or organization unless a certain individual makes a written finding at a certain time that the covert investigation is justified for certain reasons; establishing that membership or participation in a certain group or organization does not alone establish reasonable, articulable suspicion of criminal activity"; strike beginning with "the" in line 7 down through "Police" in line 8 and substitute "a law enforcement agency"; in lines 9, 10, 11, 14, 15, and 16, in each instance, strike "the Department" and substitute "a law enforcement agency"; strike beginning with "the" in line 12 down through "Department" in line 13 and substitute "a law enforcement agency"; in line 13, after "collecting" insert "or maintaining"; in the same line, after "circumstances;" insert "requiring that information maintained in a criminal intelligence file be evaluated for the reliability of the source of the information and the validity and accuracy of the information;"; in line 15, after

"manner;" insert "establishing that a certain provision may not be interpreted to diminish the rights of a person requesting certain information;"; in line 17, strike "providing for the construction of this Act;" and substitute "requiring the Department of State Police to adopt certain regulations on or before a certain date; requiring certain law enforcement agencies to adopt certain policies on or before a certain date; requiring the Department to report to certain committees of the General Assembly on certain matters on or before a certain date;"; in line 19, strike "the Department of State Police" and substitute "law enforcement agencies"; and in line 22, strike "2–314" and substitute "3–701".

AMENDMENT NO. 2

On page 2, in line 1, strike "**2–314.**" and substitute "**3–701.**"; after line 3, insert:

"**(2) "CHIEF" MEANS THE HEAD OF A LAW ENFORCEMENT AGENCY.**";

in line 4, strike "**(2)**" and substitute "**(3) (I)**"; in line 5, after "**ORGANIZATION**" insert "**IN A MANNER THAT CONCEALS THE IDENTITY OF THE LAW ENFORCEMENT AGENCY OR THE IDENTITY OF AN OFFICER OR AGENT OF THE LAW ENFORCEMENT AGENCY**"; after line 5, insert:

"**(II) "COVERT INVESTIGATION" DOES NOT INCLUDE THE USE OF PLAINCLOTHES OFFICERS OR EMPLOYEES FOR CROWD CONTROL AND PUBLIC SAFETY PURPOSES AT PUBLIC EVENTS.**

(4) "DEPARTMENT" MEANS THE DEPARTMENT OF STATE POLICE.";

in line 6, strike "**(3)**" and substitute "**(5)**"; and after line 11, insert:

"**(6) (I) "LAW ENFORCEMENT AGENCY" MEANS A LAW ENFORCEMENT AGENCY OF A DEPARTMENT, COUNTY, OR A MUNICIPAL CORPORATION OF THE STATE.**

(II) "LAW ENFORCEMENT AGENCY" INCLUDES SHERIFFS.

(7) "LEGITIMATE LAW ENFORCEMENT OBJECTIVE" MEANS THE DETECTION, INVESTIGATION, DETERRENCE, OR PREVENTION OF CRIME OR THE APPREHENSION AND PROSECUTION OF A SUSPECTED CRIMINAL.".

AMENDMENT NO. 3

On page 2, strike beginning with the second "**THE**" in line 12 down through "**DEPARTMENT**" in line 13 and substitute "**A LAW ENFORCEMENT AGENCY**"; in line 14, after "**ACTIVITIES**" insert "**AND THE RIGHTS OF INDIVIDUALS, GROUPS, AND ORGANIZATIONS ENGAGED IN FIRST AMENDMENT ACTIVITIES**"; in line 17, strike "**A**" and substitute "**(1) A LAW ENFORCEMENT AGENCY MAY NOT CONDUCT A**"; in line 18, strike "**SHALL BE**" and substitute "**UNLESS THE CHIEF OR THE CHIEF'S DESIGNEE MAKES A WRITTEN FINDING IN ADVANCE OR AS SOON AS IS PRACTICABLE THAT THE COVERT INVESTIGATION IS JUSTIFIED BECAUSE**"; in line 19, strike "**(1)**" and substitute "**(I) IT IS**"; in the same line, after "**REASONABLE**" insert "**, ARTICULABLE**"; in line 22, strike "**(2) SHALL BE CONDUCTED ONLY IF**" and substitute "**(II)**"; in line 23, strike "**EQUIVALENT**" and substitute "**SATISFACTORY**"; after line 23, insert:

"**(2) MEMBERSHIP OR PARTICIPATION IN A GROUP OR ORGANIZATION ENGAGED IN FIRST AMENDMENT ACTIVITIES DOES NOT ALONE ESTABLISH REASONABLE, ARTICULABLE SUSPICION OF CRIMINAL ACTIVITY.**";

and in line 24, strike "**THE DEPARTMENT**" and substitute "**A LAW ENFORCEMENT AGENCY**".

On page 3, in lines 1, 10, 14, and 27, in each instance, strike "**THE DEPARTMENT**" and substitute "**A LAW ENFORCEMENT AGENCY**"; in line 7, strike "**LOGISTICAL**" and substitute "**LOGICAL**"; in the same line, strike "**AND**" and substitute "**OR**"; in line 8, strike "**PURPOSE**" and substitute "**OBJECTIVE**"; in line 10, after "**COLLECT**" insert "**OR MAINTAIN**"; in the same line, strike "**BASED**"; in line 11, strike "**ON THE**" and substitute "**ABOUT THE POLITICAL**"; in the same line, strike "**ACTIVITIES**" and substitute "**IDEOLOGIES**"; in the same line, after "**INDIVIDUALS**" insert "**, GROUPS, OR ORGANIZATIONS**"; strike beginning with "**OR**" in line 12 down through "**INTELLIGENCE**" in line 13; after line 13, insert:

"**(H) INFORMATION MAINTAINED IN A CRIMINAL INTELLIGENCE FILE SHALL BE EVALUATED FOR THE RELIABILITY OF THE SOURCE OF THE INFORMATION AND THE VALIDITY AND ACCURACY OF THE INFORMATION.**";

in line 14, strike "**(H)**" and substitute "**(I)**"; in lines 17 and 22, in each instance, strike "**THE DEPARTMENT**" and substitute "**A LAW ENFORCEMENT AGENCY**"; in line 22, strike "**(I)**" and substitute "**(J) (1)**"; in line 24, strike "**PURPOSES**" and substitute "**OBJECTIVES**"; in lines 19, 20, and 26, in each instance, strike "**DEPARTMENT**" and substitute "**LAW ENFORCEMENT AGENCY**"; after line 26, insert:

"**(2) THIS SUBSECTION MAY NOT BE INTERPRETED TO DIMINISH THE RIGHTS OF A PERSON REQUESTING INFORMATION UNDER THE MARYLAND PUBLIC INFORMATION ACT.**";

and in line 27, strike "**(J)**" and substitute "**(K)**".

AMENDMENT NO. 4

On page 3, strike in their entirety lines 30 through 36 and substitute:

"**(L) ON OR BEFORE JANUARY 1, 2010, THE DEPARTMENT SHALL ADOPT REGULATIONS GOVERNING:**

(1) THE CONDUCT BY THE DEPARTMENT OF COVERT INVESTIGATIONS OF PERSONS, GROUPS, OR ORGANIZATIONS ENGAGED IN FIRST AMENDMENT ACTIVITIES; AND

(2) EACH DEPARTMENTAL COLLECTION, DISSEMINATION, RETENTION, DATABASE INCLUSION, PURGING, AND AUDITING OF INTELLIGENCE INFORMATION RELATING TO INDIVIDUALS, GROUPS, OR ORGANIZATIONS ENGAGED IN FIRST AMENDMENT ACTIVITIES.

(M) ON OR BEFORE JANUARY 1, 2010, EACH LAW ENFORCEMENT AGENCY OTHER THAN THE DEPARTMENT SHALL ADOPT A WRITTEN, PUBLICLY AVAILABLE POLICY GOVERNING:

(1) THE CONDUCT BY THE AGENCY OF COVERT INVESTIGATIONS OF INDIVIDUALS, GROUPS, OR ORGANIZATIONS ENGAGED IN FIRST AMENDMENT ACTIVITIES; AND

(2) EACH AGENCY COLLECTION, DISSEMINATION, RETENTION, DATABASE INCLUSION, PURGING, AND AUDITING OF INTELLIGENCE INFORMATION RELATING TO INDIVIDUALS, GROUPS, OR ORGANIZATIONS ENGAGED IN FIRST AMENDMENT ACTIVITIES.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2010, the Department of State Police shall report to the Senate Judicial Proceedings Committee and the House Judiciary Committee, in accordance with § 2–1246 of the State Government Article, on the status of the Department's efforts to:

(1) revise or discontinue use of the Case Explorer database in connection with the Department's intelligence–gathering activities; and

(2) (i) contact each individual who has been described in the Case Explorer database as being suspected of involvement in terrorism, or who has been labeled in the Case Explorer database as a terrorist, but as to whom the Department has no reasonable, articulable suspicion of involvement in terrorism;

(ii) afford the individuals described in item (i) of this item an opportunity to review and obtain copies of the relevant database entries; and

(iii) subsequently purge the entries relating to the individuals described in item (i) of this item.".

On page 4, in line 1, strike "2." and substitute "3.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 486 – Senators Kelley, Forehand, Gladden, and Raskin

AN ACT concerning

Criminal Procedure – Petition for Writ of Actual Innocence – Newly Discovered Evidence

SB0486/328672/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 486
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Raskin" and substitute "Raskin, Brochin, and Frosh".

AMENDMENT NO. 2

On page 2, in line 3, strike "**SUBSTANTIAL OR**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 531 – Senators Zirkin, Frosh, Jacobs, Mooney, Muse, and Stone

AN ACT concerning

Juvenile Services – Programming – Private Facilities

SB0531/968071/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 531
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "time;" insert "providing a certain exception;"; and after line 11, insert:

"BY adding to
Article – Human Services
Section 9–238.1(d)
Annotated Code of Maryland
(2007 Volume and 2008 Supplement)".

AMENDMENT NO. 2

On page 2, in line 3, after "(5)" insert "**EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION,**";

and after line 15, insert:

"**(D) THE PROVISIONS OF SUBSECTION (A)(5) OF THIS SECTION DO NOT APPLY TO A RESIDENTIAL TREATMENT CENTER OR TO THE REGIONAL INSTITUTES FOR CHILDREN AND ADOLESCENTS.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 781 – Senator Haines

AN ACT concerning

Alcohol and Drug Treatment – Commitment of Defendant – Crime of Violence

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 850 – Senator Muse

AN ACT concerning

Public Safety – Electronic Control Devices – Requirements

SB0850/718079/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 850
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "Act;" insert "providing for the construction of this Act;"; in line 10, after "training" insert "for certain officers"; in line 12, after "training" insert "for certain officers and to establish certain standards"; and in line 14, after "term;" insert "providing for the application of this Act;".

AMENDMENT NO. 2

On page 2, in line 7, strike "**(1)**"; strike in their entirety lines 11 and 12; in line 16, strike "**FELONY**" and substitute "**CRIME OF VIOLENCE AS DEFINED IN § 14–101 OF THIS ARTICLE**"; strike beginning with "**RECEIVED**" in line 19 down through "**MANUFACTURER**" in line 21 and substitute "**COMPLETED AN ELECTRONIC CONTROL DEVICE SAFETY TRAINING COURSE THAT MEETS THE STANDARDS ESTABLISHED BY THE POLICE TRAINING COMMISSION UNDER § 3–207 OF THE PUBLIC SAFETY ARTICLE**"; and in line 28, after the first "**THE**" insert "**ORIGINAL**".

AMENDMENT NO. 3

On page 3, after line 10, insert:

"**(F) THIS SECTION DOES NOT PROHIBIT A LOCAL GOVERNMENT FROM ADOPTING A RESTRICTION OR REQUIREMENT CONCERNING THE POSSESSION OF AN ELECTRONIC CONTROL DEVICE THAT IS MORE STRINGENT THAN THE REQUIREMENTS OF THIS SECTION.**".

AMENDMENT NO. 4

On page 4, in line 33, after "**INCLUDE**" insert "**, FOR POLICE OFFICERS WHO ARE ISSUED AN ELECTRONIC CONTROL DEVICE BY A LAW ENFORCEMENT AGENCY,**".

AMENDMENT NO. 5

On page 5, in line 3, strike "**AND**"; after line 3, insert:

"**(16) TO ESTABLISH STANDARDS FOR AN ELECTRONIC CONTROL DEVICE SAFETY TRAINING COURSE THAT MUST BE COMPLETED UNDER § 4–109 OF THE CRIMINAL LAW ARTICLE; AND**";

in line 4, strike "**(16)**" and substitute "**(17)**"; and in line 21, after "**DEVICES**" insert "**, FOR POLICE OFFICERS WHO ARE ISSUED AN ELECTRONIC CONTROL DEVICE BY A LAW ENFORCEMENT AGENCY**".

AMENDMENT NO. 6

On page 6, after line 28, insert:

"SECTION 3. 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 electronic control device sold or purchased before the effective date of this Act.";

and in line 29, strike "3." and substitute "4.".

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 217 – Calvert County Delegation

AN ACT concerning

Calvert County – Alcoholic Beverages

FOR the purpose of ~~altering certain alcoholic beverages license fees in Calvert County;~~ creating a special beer, wine, and spirits tasting (BWST) license in ~~the county~~ Calvert County; providing for annual fees, application procedures, and certain

requirements for the license; specifying certain conditions under which a protest to a renewal of an alcoholic beverages license in the county may occur; altering the time during which a penalty may be imposed for late renewal of an alcoholic beverages license in the county; imposing certain fines for the sale of alcoholic beverages to an underage individual in the county; altering the salaries for the chairman, members, and alternate member of the Calvert County Board of License Commissioners; providing that this Act does not apply to the salary or compensation of the incumbent chairman, members, and alternate member of the Calvert County Board of License Commissioners; making certain stylistic changes; and generally relating to alcoholic beverages in Calvert County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section ~~3–401(a), 5–101(a), 5–201(a)(1) and (f), 6–101(a)(1), 6–201(a)(1), 6–401(a)(1), 10–301(n)(1),~~ 10–301(n)(1) and 12–108(a)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section ~~3–401(f), 5–101(f), 6–101(f), 6–201(f), 6–401(f),~~ 10–301(a)(1)(iii) and (n)(2), 12–108(a)(3)(i), and 15–109(f)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 8–404.1A
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 580 – Delegates Mizeur, Carr, Carter, Donoghue, Frick, Haynes, Healey, Hecht, Hixson, Kullen, Lafferty, Levy, Manno, Minnick, Murphy, Oaks, Reznik, Riley, Robinson, Shewell, F. Turner, Waldstreicher, ~~and Weldon~~ Weldon, Hammen, Pendergrass, Benson, Bromwell, Costa, Elliott, Hubbard, Kach, Kipke, Krebs, Montgomery, Morhaim, Nathan–Pulliam, Pena–Melnyk, Tarrant, and V. Turner

AN ACT concerning

Foster Kids Coverage Act

FOR the purpose of requiring the Maryland Medical Assistance Program to provide, subject to certain conditions, certain health care services for independent foster

care adolescents; defining a certain term; and generally relating to Maryland Medical Assistance Program services for independent foster care adolescents.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 15–101(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article – Health – General
Section 15–101(d–1)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 15–103(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 626 – Delegate Anderson

AN ACT concerning

Criminal Law – Controlled Dangerous Substance – Manufacture

FOR the purpose of removing the prohibition on the manufacture of a controlled dangerous substance from the portion of the law that prohibits distributing and dispensing a controlled dangerous substance and placing it with the portion of the law that prohibits the manufacture, distribution, or possession of certain equipment used to produce controlled dangerous substances; establishing that a violation of the prohibition against manufacturing a controlled dangerous substance or manufacturing, distributing, or possessing a machine, equipment, instrument, implement, device, or a combination of them is an "underlying crime" for purposes of defining a criminal gang; and generally relating to controlled dangerous substances.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 5–602, 5–603, and 9–801
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 648 – Delegate Harrison

AN ACT concerning

Commercial Insurance and Workers' Compensation Insurance – Renewals of Policies – Transfers of Policyholders Between Insurers

FOR the purpose of providing that, with respect to commercial insurance policies and workers' compensation insurance policies, the transfer of a policyholder between certain insurers within a certain insurance holding company system is a renewal under certain circumstances; providing that, with respect to commercial insurance and workers' compensation insurance, the issuance by an insurer of a new policy to replace an expiring policy issued by that insurer is a renewal; providing that, with respect to commercial insurance and workers' compensation insurance, the issuance by an insurer of a new policy to replace an expiring policy issued by a certain insurer within a certain insurance holding company system is a renewal under certain circumstances; making certain notice requirements applicable to all premium increases for policies of commercial insurance and policies of workers' compensation insurance, with a certain exception; establishing certain methods for satisfying a certain notice requirement; requiring, for policies of commercial insurance and policies of workers' compensation insurance, that certain notice of the transfer of a policyholder between certain insurers be provided under certain circumstances; providing for the application of this Act; providing for a delayed effective date for certain provisions of this Act; and generally relating to transfers of policyholders between insurers and renewals of policies of commercial insurance and workers' compensation insurance.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 27–501(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 27–501(q) ~~and 27–601.1~~, 27–601.1, and 27–608
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Insurance
Section 27–608.1
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 675 – Allegany County Delegation, Cecil County Delegation, and Garrett County Delegation

AN ACT concerning

Allegany, Cecil, and Garrett Counties – Deer Hunting on Private Property – Sundays

FOR the purpose of authorizing a person in Allegany County, Cecil County, or Garrett County to hunt for deer on private property with a bow and arrow on certain Sundays during certain months; and generally relating to deer hunting in Allegany, Cecil, and Garrett Counties.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 846 – Delegates Conway and Mathias

AN ACT concerning

Worcester County – Motorcycle Dealers – Sunday Operations

FOR the purpose of authorizing in Worcester County a motorcycle dealer to sell, barter, deliver, give away, show, or offer for sale a motorcycle or a certificate of title for a motorcycle on Sunday; providing for a certain effective date; and generally relating to motorcycle dealers in Worcester County.

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 18–101(a), (e), and (f)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 18–101(d)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY adding to
Article – Business Regulation
Section 18–101(g)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 941 – Cecil County Delegation

AN ACT concerning

Cecil County – Tobacco Products – Distribution to Minors

FOR the purpose of prohibiting a person from distributing certain tobacco–containing and tobacco–related products to a minor in Cecil County; establishing a certain civil infraction and certain civil penalty; authorizing a certain law enforcement officer in Cecil County to issue certain civil citations in certain circumstances; requiring certain persons issued a certain citation in Cecil County to file a certain notice with a certain District Court in order to elect to stand trial for a certain offense; and generally relating to the distribution of tobacco products to minors in Cecil County.

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 15–102.1, 15–103, and 15–104
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 1135 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Workers' Compensation – Lyme Disease Presumption
MC/PG 103–09

FOR the purpose of ~~applying the occupational disease presumption under the workers' compensation law to employees in the service and labor bargaining unit or trades bargaining unit~~ providing that certain employees of the Maryland–National Capital Park and Planning Commission who contract Lyme disease ~~under certain circumstances~~ are presumed, under certain circumstances, to have an occupational disease that was suffered in the line of

duty and is compensable in a certain manner; providing that a certain presumption only applies for a certain period of time under certain circumstances; providing that employees ~~in the service and labor bargaining unit or trades bargaining unit~~ who are eligible for benefits under this Act shall receive the benefits in addition to certain retirement benefits, subject to a certain adjustment; providing for the termination of this Act; and generally relating to the occupational disease presumption for Lyme disease under the workers' compensation law.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–503(d) and (e)
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Finance.

House Bill 1220 – Washington County Delegation

AN ACT concerning

Washington County – Regulation of Electricians and the Provision of Electrical Services

FOR the purpose of requiring a Master Electrician to be responsible for certain work performed under the authority granted by the Master Electrician's license; repealing the requirement that persons working under the authority of a Master Electrician's license must be employees of a Master Electrician; repealing a certain prohibition on the assignment or transfer of certain licenses; requiring the names of certain persons to be included on certain licenses; and generally relating to the regulation of electricians in Washington County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Washington County
Section 8–111 and 8–113(a)
Article 22 – Public Local Laws of Maryland
(2007 Edition, as amended)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 554 – Senators Lenett, Conway, Currie, Della, Forehand, Frosh, Garagiola, Gladden, Harrington, Jones, Kasemeyer, Kelley, Klausmeier, Madaleno, McFadden, Miller, Muse, Pinsky, Pugh, Raskin, and Robey

AN ACT concerning

Chesapeake Bay Nitrogen Reduction Act of 2009

STATUS OF BILL: BILL IS ON SECOND READING AND OPEN TO AMENDMENT.

FLOOR AMENDMENT

SB0554/344430/3

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 554, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0554/324537/1), in line 1 of Amendment No. 1, before "to" insert "in the Chesapeake and Atlantic Coastal Bays Critical Area"; in line 2, strike "repair or"; and in line 4, strike "repaired or".

AMENDMENT NO. 2

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments, in line 3 of Amendment No. 2, after "**STATE**" insert "**IN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA**"; in line 6, strike "**REPAIR OR REPLACE, OR HAVE REPAIRED OR**" and substitute "**REPLACE OR HAVE**"; and in line 9, strike "**REPAIRED OR**".

AMENDMENT NO. 3

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments, in line 8 of Amendment No. 3, strike "**$1,000 PER DAY**" and substitute "**$8,000**"; and strike in their entirety lines 9 and 10.

The preceding 3 amendments were read only.

Senator Stoltzfus moved, duly seconded, to make the Bill and Amendments a Special Order for March 26, 2009.

The motion was adopted.

Senate Bill 590 – Senators Pipkin and Della

AN ACT concerning

Business Regulation – State Amusement Ride Safety Advisory Board – Membership

STATUS OF BILL: BILL IS ON SECOND READING AND OPEN TO AMENDMENT.

FLOOR AMENDMENT

SB0590/693626/2

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 590
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "State;" insert "prohibiting a member of the Board from serving more than a certain number of consecutive terms except for certain members initially appointed before a certain date;".

AMENDMENT NO. 2

On page 2, after line 19, insert:

"**(5) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE TERMS.**

(II) SUBPARAGRAPH (I) OF THIS PARAGRAPH DOES NOT APPLY TO ANY MEMBER OF THE BOARD INITIALLY APPOINTED BY THE GOVERNOR BEFORE OCTOBER 1, 2009.".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 581 – Senators Frosh, Conway, Harrington, Lenett, Pinsky, and Rosapepe

AN ACT concerning

Natural Resources – Roadside Trees – Protection and Enforcement

STATUS OF BILL: BILL IS ON SECOND READING AND OPEN TO AMENDMENT.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 602 – Senators Pinsky, Colburn, Conway, Dyson, Harrington, Lenett, and Rosapepe

AN ACT concerning

Dental Hygienists – Expanded Functions

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0602/833629/1

BY: Senator Middleton

AMENDMENT TO SENATE BILL 602
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Rosapepe" and substitute "Rosapepe, and Middleton".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 523)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #43

Senate Bill 721 – ~~Senator Pinsky~~ Senators Pinsky and Harris

AN ACT concerning

Private Wastewater Treatment Act of 2009

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 524)

The Bill was then sent to the House of Delegates.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 525)

ADJOURNMENT

At 2:06 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Thursday, March 26, 2009.

Annapolis, Maryland
Thursday, March 26, 2009
10:00 A.M. Session

The Senate met at 10:20 A.M.

Prayer by: Reverend Mark L. Smith, St. Joseph's Catholic Church, guest of Senator Thomas M. Middleton.

(See Exhibit A of Appendix III)

The Journal of March 25, 2009 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 527)

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 672 – Senators Raskin, Frosh, Harrington, King, Madaleno, Muse, Pinsky, and Rosapepe

AN ACT concerning

Environment – Stormwater Management – Stormwater User Charge

STATUS OF BILL: BILL IS ON SECOND READING AND OPEN TO AMENDMENT.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #11

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 158 – Senator Stone

AN ACT concerning

Baltimore County – Property Tax Credit – Civic League of Inverness, Inc.

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 335 – Senator Colburn

AN ACT concerning

Talbot County – Property Tax Credit for Habitat for Humanity of Talbot & Dorchester Counties, Inc.

SB0335/239933/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 335
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before "Talbot" insert "Dorchester County and"; in lines 4 and 5, in each instance, strike "Talbot" and substitute "Dorchester County or Talbot"; in line 9, strike "Talbot" and substitute "Dorchester County and Talbot"; in the same line, strike "body" and substitute "bodies of Dorchester County and Talbot County"; and in line 17, after "Section" insert "9–311(d) and".

AMENDMENT NO. 2

On page 1, after line 22, insert:

"9–311.

(D) (1) THE GOVERNING BODY OF DORCHESTER COUNTY OR OF A MUNICIPAL CORPORATION IN DORCHESTER COUNTY MAY GRANT, BY LAW, A PROPERTY TAX CREDIT UNDER THIS SECTION AGAINST THE COUNTY OR

MUNICIPAL CORPORATION PROPERTY TAX THAT IS IMPOSED ON REAL PROPERTY THAT IS:

(I) OWNED BY HABITAT FOR HUMANITY OF TALBOT & DORCHESTER COUNTIES, INC. WITH THE INTENTION OF RELINQUISHING OWNERSHIP IN THE IMMEDIATE FUTURE;

(II) USED EXCLUSIVELY FOR THE PURPOSE OF REHABILITATION AND TRANSFER TO A PRIVATE OWNER; AND

(III) NOT OCCUPIED BY ADMINISTRATIVE OR WAREHOUSE BUILDINGS OWNED BY HABITAT FOR HUMANITY.

(2) HABITAT FOR HUMANITY OF TALBOT & DORCHESTER COUNTIES, INC. SHALL SUBMIT AN ANNUAL WRITTEN REPORT TO THE GOVERNING BODY OF DORCHESTER COUNTY DOCUMENTING:

(I) ALL OF HABITAT FOR HUMANITY OF TALBOT & DORCHESTER COUNTIES, INC.'S REAL PROPERTY HOLDINGS IN DORCHESTER COUNTY; AND

(II) ALL TRANSACTIONS INVOLVING HABITAT FOR HUMANITY OF TALBOT & DORCHESTER COUNTIES, INC.'S REAL PROPERTY HOLDINGS IN DORCHESTER COUNTY.

(3) THE GOVERNING BODY OF DORCHESTER COUNTY OR OF A MUNICIPAL CORPORATION IN DORCHESTER COUNTY MAY, BY LAW:

(I) SET THE AMOUNT, TERMS, SCOPE, AND DURATION OF A CREDIT GRANTED UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND

(II) ADOPT ANY PROVISION NECESSARY TO ADMINISTER A CREDIT GRANTED UNDER PARAGRAPH (1) OF THIS SUBSECTION.".

AMENDMENT NO. 3

On page 2, in line 22, after "**SUBSECTION;**" insert "**AND**"; and strike beginning with "**; AND**" in line 24 down through "**SUBSECTION**" in line 27.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 448 – Senator Edwards

AN ACT concerning

Local School Systems – Biannual Financial Status Report Requirement – Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably:

Senate Bill 617 – Senators DeGrange, Astle, Brinkley, King, Kramer, Madaleno, Munson, Peters, and Stoltzfus

EMERGENCY BILL

AN ACT concerning

Local Government – Deposits of Unexpended or Surplus Money

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 931 – Senator Currie

AN ACT concerning

Community Development Administration – Local Government Infrastructure Financing Program – Capital Reserve Funds

SB0931/369032/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 931
(First Reading File Bill)

On page 3, in line 14, strike "**(CHAPTER ___(S.B. ___/H.B. ___)(9LR3031)**" and substitute "**(CHAPTER ____(S.B. 932/H.B. 1330)**"; in line 15, after "**2009)**" insert "**OR ANY OTHER BOND BILL ENABLING ACT FOR THIS PURPOSE**"; strike beginning with "Chapter" in line 27 down through "(9lr3031)" in line 28 and substitute "Chapter ____(S.B. 932/H.B. 1330)"; and strike beginning with "Chapter" in line 28 down through "(9lr3031)" in line 29 and substitute "Chapter ____(S.B. 932/H.B. 1330)".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie, Chair, for the Committee on Budget and Taxation reported favorably with amendments:

Senate Bill 932 – Senator Currie

AN ACT concerning

Creation of a State Debt – Community Development Administration – Local Government Infrastructure Financing Program

SB0932/239536/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 932
(First Reading File Bill)

On page 3, strike beginning with "Chapter" in line 5 down through "(9lr3035)" in line 6 and substitute "Chapter ____(S.B. 931/H.B. 1331)"; and strike beginning with

"Chapter" in line 6 down through "(9lr3035)" in line 7 and substitute "Chapter____(S.B. 931/H.B. 1331)".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

LAID OVER BILLS

The presiding officer submitted the following Laid Over Bills with amendments:

Senate Bill 267 – The President (By Request – Administration) and Senators Forehand, Frosh, Harrington, Lenett, and Raskin

AN ACT concerning

Family Law – Protective Orders – Surrender of Firearms

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (4) AND THE FAVORABLE REPORT.

SB0267/198971/2

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 267
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "making it mandatory, rather than discretionary, for" and substitute "requiring"; in line 6, after "duration;" insert "requiring a law enforcement officer to provide certain information to a respondent when a firearm is surrendered and to transport and store the firearm in a certain manner; providing for the retaking of surrendered firearms by the respondent except under certain circumstances;"; strike beginning with "the" in line 6 down through "of" in line 7; in line 7, after "orders" insert "and surrender of firearms"; and after line 12, insert:

"BY adding to
Article – Family Law

Section 4–506.1
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 2

On page 5, after line 29, insert:

"**4–506.1.**

(A) IF A RESPONDENT SURRENDERS A FIREARM UNDER § 4–506 OF THIS SUBTITLE, A LAW ENFORCEMENT OFFICER SHALL:

(1) PROVIDE TO THE RESPONDENT INFORMATION ON THE PROCESS FOR RETAKING POSSESSION OF THE FIREARM; AND

(2) TRANSPORT AND STORE THE FIREARM IN A PROTECTIVE CASE, IF ONE IS AVAILABLE, AND IN A MANNER INTENDED TO PREVENT DAMAGE TO THE FIREARM DURING THE TIME THE PROTECTIVE ORDER IS IN EFFECT.

(B) THE RESPONDENT MAY RETAKE POSSESSION OF THE FIREARM AT THE EXPIRATION OF THE FINAL PROTECTIVE ORDER UNLESS:

(1) THE PROTECTIVE ORDER IS EXTENDED UNDER § 4–507(A)(2) OF THIS SUBTITLE; OR

(2) THE RESPONDENT IS NOT OTHERWISE LEGALLY ENTITLED TO OWN OR POSSESS THE FIREARM.".

The preceding 2 amendments were read and adopted.

AMENDMENT NO. 3

On page 1, strike line 2 in its entirety and substitute "Domestic Violence – Firearms – Protective Orders and Handgun Permits"; in line 6, before "making" insert "specifying that an applicant for a handgun permit who is eligible for relief under the spousal domestic violence law for whose benefit a court has issued a temporary or final protective order meets a certain standard in order to be issued a handgun permit by the Secretary of State Police;"; in the same line, after "technical" insert "and stylistic"; in line 7, before the period insert "and the issuance of handgun permits to certain

applicants for whose benefit a court has issued a temporary or final protective order"; and before line 13, insert:

"BY repealing and reenacting, without amendments,
Article – Public Safety
Section 5–301(a) and (d)
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 5–306
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)".

AMENDMENT NO. 4
On page 6, after line 17, insert:

"Article – Public Safety

5–301.

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

(d) "Permit" means a permit issued by the Secretary to carry, wear, or transport a handgun.

5–306.

(a) Subject to subsection (b) of this section, the Secretary shall issue a permit within a reasonable time to **[**a person**]** **AN APPLICANT** who the Secretary finds:

(1) is an adult;

(2) (i) has not been convicted of a felony or of a misdemeanor for which a sentence of imprisonment for more than 1 year has been imposed; or

(ii) if convicted of a crime described in item (i) of this item, has been pardoned or has been granted relief under 18 U.S.C. § 925(c);

(3) has not been convicted of a crime involving the possession, use, or distribution of a controlled dangerous substance;

(4) is not presently an alcoholic, addict, or habitual user of a controlled dangerous substance unless the habitual use of the controlled dangerous substance is under legitimate medical direction; and

(5) based on an investigation:

(i) has not exhibited a propensity for violence or instability that may reasonably render the **[**person's**]** **APPLICANT'S** possession of a handgun a danger to the **[**person**]** **APPLICANT** or to another; and

(ii) has good and substantial reason to wear, carry, or transport a handgun, such as**:**

1. a finding that the permit is necessary as a reasonable precaution against apprehended danger**; OR**

2. THE APPLICANT IS A PERSON ELIGIBLE FOR RELIEF FOR WHOSE BENEFIT A COURT HAS ISSUED A TEMPORARY OR FINAL PROTECTIVE ORDER UNDER TITLE 4, SUBTITLE 5 OF THE FAMILY LAW ARTICLE.

(b) An applicant under the age of 30 years is qualified only if the Secretary finds that the applicant has not been:

(1) committed to a detention, training, or correctional institution for juveniles for longer than 1 year after an adjudication of delinquency by a juvenile court; or

(2) adjudicated delinquent by a juvenile court for:

(i) an act that would be a crime of violence if committed by an adult;

(ii) an act that would be a felony in this State if committed by an adult; or

(iii) an act that would be a misdemeanor in this State that carries a statutory penalty of more than 2 years if committed by an adult.".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 17 Negative – 29 (See Roll Call No. 528)

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 268 – The President (By Request – Administration) and Senators Brochin, Forehand, Frosh, Harrington, Lenett, and Raskin

AN ACT concerning

Family Law – Temporary Protective Orders – Surrender of Firearms

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (4) AND THE FAVORABLE REPORT.

SB0268/958573/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 268
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "possession" insert "and to refrain from possessing any firearm"; in the same line, after "time" insert "under certain circumstances"; in line 7, strike "provide for the safe storage of the firearm" and substitute "transport and store the firearm in a certain manner"; and in line 8, after "respondent" insert "except".

AMENDMENT NO. 2

On page 2, in line 32, after "**POSSESSION**" insert "**, AND TO REFRAIN FROM POSSESSION OF ANY FIREARM,**".

AMENDMENT NO. 3

On page 2, in line 33, after "**ORDER**" insert "**IF THE ABUSE CONSISTED OF:**

1. THE USE OF A FIREARM BY THE RESPONDENT AGAINST A PERSON ELIGIBLE FOR RELIEF;

2. A THREAT BY THE RESPONDENT TO USE A FIREARM AGAINST A PERSON ELIGIBLE FOR RELIEF;

3. SERIOUS BODILY HARM TO A PERSON ELIGIBLE FOR RELIEF CAUSED BY THE RESPONDENT; OR

4. A THREAT BY THE RESPONDENT TO CAUSE SERIOUS BODILY HARM TO A PERSON ELIGIBLE FOR RELIEF".

AMENDMENT NO. 4

On page 4, in line 5, strike "**PROVIDE FOR THE SAFE STORAGE OF THE FIREARM**" and substitute "**TRANSPORT AND STORE THE FIREARM IN A PROTECTIVE CASE, IF ONE IS AVAILABLE, AND IN A MANNER INTENDED TO PREVENT DAMAGE TO THE FIREARM**"; and in line 23, strike "or".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 261 – The President (By Request – Administration) (Task Force to Combat Driving Under the Influence of Drugs and Alcohol) and Senators Forehand and Dyson

AN ACT concerning

Criminal Law – Alcoholic Beverages – Underage Individuals – Prohibitions and Penalties

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (5) AND THE FAVORABLE REPORT.

SB0261/898876/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 261
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Dyson" and substitute ", Dyson, Jacobs, and Mooney"; strike beginning with ", or" in line 4 down through "beverages" in line 5 and substitute "an alcoholic beverage"; and strike beginning with "requiring" in line 8 down through "circumstances;" in line 11.

On page 2, strike in their entirety lines 3 through 12, inclusive.

AMENDMENT NO. 2

On page 2, in line 29, after the semicolon insert "**OR**".

On pages 2 and 3, strike beginning with "**; OR**" in line 30 on page 2 down through "**BEVERAGE**" in line 2 on page 3.

AMENDMENT NO. 3

On page 9, after line 13, insert:

"**(A) THIS SECTION DOES NOT APPLY TO A PERSON WHO:**

(1) WAS ACTING IN THE CAPACITY OF A LICENSEE, OR AN EMPLOYEE OF A LICENSEE, UNDER ARTICLE 2B OF THE CODE; AND

(2) HAS COMMITTED A VIOLATION OF AND IS SUBJECT TO THE PENALTIES UNDER ARTICLE 2B, § 12–108 OF THE CODE.";

and in line 14, strike "**(A)**" and substitute "**(B)**".

AMENDMENT NO. 4

On page 9, strike beginning with the period in line 15 down through "**PAY**" in line 17 and substitute "**AND ON CONVICTION IS SUBJECT TO**".

AMENDMENT NO. 5

On pages 9 and 10, strike in their entirety the lines beginning with line 21 on page 9 through line 22 on page 10, inclusive.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0261/173221/1

BY: Senator Zirkin

AMENDMENTS TO SENATE BILL 261
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "exceptions;" insert "requiring the existence of a certain circumstance before an individual may be stopped on suspicion of or charged with committing a certain offense;".

AMENDMENT NO. 2

On page 2, in line 23, strike "**(B)**" and substitute "**(B)(1)**"; and in the same line, after "**SECTION,**" insert "**AND SUBJECT TO SUBSECTION (B)(2) OF THIS SECTION,**".

AMENDMENT NO. 3

On page 3, in line 3, after "**(B)**" insert "**(1)**"; in lines 5 and 16, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**", and "**(II)**", respectively; in line 5, 8, and 13, strike "**(I)**", "**(II)**", and "**(III)**", respectively, and substitute "**1.**", "**2.**", and "**3.**", respectively; and after line 17, insert:

"**(2) AN INDIVIDUAL MAY NOT BE STOPPED ON SUSPICION OF A VIOLATION OF SUBSECTION (A)(1) OR (2) OF THIS SECTION OR CHARGED WITH A VIOLATION OF SUBSECTION (A)(1) OR (2) OF THIS SECTION UNLESS THE INDIVIDUAL IS OBSERVED IN POSSESSION OF AN ALCOHOLIC BEVERAGE.**".

The preceding 3 amendments were read and adopted by a roll call vote as follows:

Affirmative – 34 Negative – 13 (See Roll Call No. 529)

Read the second time and ordered prepared for Third Reading.

Senate Bill 265 – The President (By Request – Administration) and Senators Frosh, Robey, Forehand, and Dyson

AN ACT concerning

Vehicle Laws – Young Drivers – Driving Privileges

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (6) AND THE FAVORABLE REPORT.

SB0265/788770/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 265
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Dyson" and substitute "Dyson, Gladden, Jacobs, and Muse"; in line 2, strike "Young Drivers – Driving Privileges" and substitute "Teen Driver Safety"; in line 4, strike "learner's instructional permit, provisional license, and full" and substitute "provisional driver's license or original"; strike beginning with "increasing" in line 5 down through "absences;" in line 10 and substitute "requiring the Administration to fingerprint an applicant for a driving instructor's license and apply for certain criminal history records information about the applicant in a certain manner; providing that certain criminal history records are confidential and available only for a certain purpose;"; in line 15, strike "a full" and substitute "an original driver's"; strike beginning with "altering" in line 16 down through "unsupervised;" in line 17; in line 18, strike "requiring" and substitute "authorizing"; in line 19, strike "certain restrictions" and substitute "a certain restriction"; in line 25, strike "driving privileges for young drivers" and substitute "teen driver safety"; in line 28, after "Section" insert "15–804,"; in the same line, strike "16–105(a) and (d)" and substitute "16–105(d)"; and in the same line, strike "16–113(d),".

On page 2, in line 5, after "Section" insert "15–102, 15–802, and"; in the same line, strike "and 16–113(d–1) and (i)"; and strike in their entirety lines 8 through 12, inclusive.

AMENDMENT NO. 2

On page 2, in line 28, in each instance, strike the bracket; and in the same line, strike "**16 YEARS**".

AMENDMENT NO. 3

On page 3, after line 1, insert:

"15–102.

(a) Each application for a license under this title shall be made on the form that the Administration requires.

(b) In addition to any other information required by this title, each application for a license under this title shall include:

(1) The name and address of the applicant;

(2) The address of the fixed location from which the licensed activity of the applicant will be conducted;

(3) A statement of the maximum amount charged as a dealer processing charge under § 15–311.1 of this title; and

(4) Any other information that the Administration requires.

(c) Each application for a license under this title shall:

(1) Contain a certification by the applicant that the information given in it is true; and

(2) Be signed by:

(i) The applicant, if the applicant is an individual;

(ii) A partner or other authorized representative, if the application is made for a partnership; or

(iii) An officer or other authorized representative, if the application is made for a corporation or any other business entity.

(d) Except for an application for a drivers' school license, each application for a license under this title shall be accompanied by the annual fee required for that license.

15–802.

A person may not act as a driving instructor unless the person is licensed by the Administration under this subtitle.

15–804.

(A) In addition to the information required under § 15–102 of this title, each application for a license shall include:

(1) The name and business address of the drivers' school by whom the applicant is or will be employed; or

(2) A statement that the applicant himself is licensed to conduct a drivers' school.

(B) (1) IN THIS SUBSECTION, "CENTRAL REPOSITORY" MEANS THE CRIMINAL JUSTICE INFORMATION SYSTEM CENTRAL REPOSITORY OF THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES.

(2) THE ADMINISTRATION SHALL APPLY TO THE CENTRAL REPOSITORY FOR A STATE AND NATIONAL CRIMINAL HISTORY RECORDS CHECK FOR EACH APPLICANT.

(3) AS PART OF THE APPLICATION FOR A CRIMINAL HISTORY RECORDS CHECK, THE ADMINISTRATION SHALL SUBMIT TO THE CENTRAL REPOSITORY:

(I) TWO COMPLETE SETS OF THE APPLICANT'S LEGIBLE FINGERPRINTS TAKEN ON FORMS APPROVED BY THE DIRECTOR OF THE CENTRAL REPOSITORY AND THE DIRECTOR OF THE FEDERAL BUREAU OF INVESTIGATION;

(II) THE FEE AUTHORIZED UNDER § 10–221(B)(7) OF THE CRIMINAL PROCEDURE ARTICLE FOR ACCESS TO MARYLAND CRIMINAL HISTORY RECORDS; AND

(III) THE MANDATORY PROCESSING FEE REQUIRED BY THE FEDERAL BUREAU OF INVESTIGATION FOR A NATIONAL CRIMINAL HISTORY RECORDS CHECK.

(4) IN ACCORDANCE WITH §§ 10–201 THROUGH 10–234 OF THE CRIMINAL PROCEDURE ARTICLE, THE CENTRAL REPOSITORY SHALL FORWARD TO THE APPLICANT AND THE ADMINISTRATION THE APPLICANT'S CRIMINAL HISTORY RECORDS INFORMATION.

(5) INFORMATION OBTAINED FROM THE CENTRAL REPOSITORY UNDER THIS SUBSECTION:

(I) IS CONFIDENTIAL AND MAY NOT BE REDISSEMINATED; AND

(II) SHALL BE USED ONLY FOR THE LICENSING PURPOSE AUTHORIZED BY THIS SUBSECTION.

(6) THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SUBSECTION MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY AS PROVIDED IN § 10–223 OF THE CRIMINAL PROCEDURE ARTICLE.";

strike in their entirety lines 3 through 18, inclusive; and in line 26, strike "6" and substitute "**9**".

AMENDMENT NO. 4

On page 5, in line 27, strike "or revoked" and substitute "**, REVOKED, OR CANCELLED**".

On pages 6 and 7, strike in their entirety the lines beginning with line 1 on page 6 through line 7 on page 7, inclusive.

AMENDMENT NO. 5

On page 9, in line 5, strike "provisional"; in line 8, strike "**SHALL:**" and substitute "**MAY**"; in line 9, strike "**1. SUSPEND**" and substitute "**SUSPEND**"; in the same line, after "**FOR**" insert "**UP TO**"; strike in their entirety lines 11 and 12; in line 17, strike "**SHALL**" and substitute "**MAY**"; in line 18, after "**FOR**" insert "**UP TO**"; and in line 21, strike "**YOUNGER**" and substitute "**YOUNG**".

AMENDMENT NO. 6

On page 10, in line 2, strike "**SHALL**" and substitute "**MAY**"; in line 3, after "**LICENSE**" insert "**FOR NOT LESS THAN 180 DAYS**"; in line 19, strike "a passenger" and substitute "**:**

(I) FOR THE FIRST 5 MONTHS AFTER THE PROVISIONAL LICENSE IS ISSUED, A PASSENGER WHO IS";

in the same line, after "years" insert "**; AND**

(II) AFTER THE EXPIRATION OF THE 5–MONTH PERIOD, MORE THAN ONE PASSENGER WHO IS UNDER THE AGE OF 18 YEARS";

in line 20, in each instance, strike the bracket; strike beginning with "**EXCEPT**" in line 20 down through "**THE**" in line 21; strike beginning with the colon in line 21 down through "Does" in line 26 and substitute "**DOES**"; in lines 27 and 29, strike "1." and "2.", respectively, and substitute "**(I)**" and "**(II)**", respectively; in line 28, strike the first "or"; and in the same line, after "stepbrother" insert "**, OR COUSIN**".

On page 11, in line 13, strike "under the age of 16 years"; and in the same line, after "a" insert "provisional or an original".

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0265/703821/1

BY: Senator Kittleman

AMENDMENT TO SENATE BILL 265, AS AMENDED

On page 5 of the Judicial Proceedings Committee Amendments (SB0265/788770/1), in line 3 of Amendment No. 6, strike "**:**" and substitute "a passenger".

On page 6 of the Judicial Proceedings Committee Amendments, in Amendment No. 6, strike beginning with "**(I)**" in line 1 down through "**IS**" in line 2; in line 3, strike "**; AND**"; and strike beginning with "**(II)**" in line 4 down through "**YEARS**" in line 5.

The preceding amendment was read and adopted by a roll call vote as follows:

Affirmative – 28 Negative – 19 (See Roll Call No. 530)

Read the second time and ordered prepared for Third Reading.

Senate Bill 99 – Senator Stone

AN ACT concerning

Criminal Law – Possession of Child Pornography – Penalties

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (5) AND THE FAVORABLE REPORT.

SB0099/578971/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 99
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Stone" and substitute "Senators Stone and Simonaire"; strike beginning with "altering" in line 3 down through "gratification;" in line 5; strike beginning with "making" in line 7 down through "circumstances;" in line 8; in line 12, strike "11–201(f) and"; and after line 14, insert:

"BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 11–201(f)

Annotated Code of Maryland
(2002 Volume and 2008 Supplement)".

The preceding amendment was read and adopted.

AMENDMENT NO. 2

On page 1, in line 8, before "and" insert "providing that the jurisdiction of the District Court is concurrent with that of a circuit court in a criminal case in which a person is charged with a second or subsequent offense of possession of child pornography;"; and before line 15, insert:

"BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 4–301 and 4–302(a) and (d)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)".

The preceding amendment was read and adopted.

AMENDMENT NO. 3

On page 1, in line 19, strike "**(1)**"; and strike lines 20 through 22, in their entirety.

The preceding amendment was read and adopted.

AMENDMENT NO. 4

On page 2, strike beginning with "**(1)**" in line 7 down through "**A**" in line 8 and substitute "**A**"; in lines 9 and 12, in each instance, strike the bracket; in line 10, strike the first bracket; in line 11, in each instance, strike the bracket; in the same line, strike the period; in line 12, strike "5" and substitute "**10**"; and strike beginning with the bracket in line 13 down through "**YEARS**" in line 15.

The preceding amendment was read and rejected by a roll call vote as follows:

Affirmative – 7 Negative – 38 (See Roll Call No. 531)

AMENDMENT NO. 5

On page 2, after line 25, insert:

"Article – Courts and Judicial Proceedings

4–301.

(a) Except as provided in §§ 3–803, 3–8A–03, and 4–302 of this article, the District Court has exclusive original jurisdiction in a criminal case in which a person at least 16 years old or a corporation is charged with violation of the vehicle laws, or the State Boat Act, or regulations adopted pursuant to the vehicle laws or State Boat Act.

(b) Except as provided in § 4–302 of this subtitle, the District Court also has exclusive original jurisdiction in a criminal case in which a person at least 18 years old or a corporation is charged with:

(1) Commission of a common–law or statutory misdemeanor regardless of the amount of money or value of the property involved;

(2) Violation of § 7–104, § 7–105, § 7–107, or § 7–108 of the Criminal Law Article, whether a felony or a misdemeanor;

(3) Violation of a county, municipal, or other ordinance, if the violation is not a felony;

(4) Criminal violation of a State, county, or municipal rule or regulation, if the violation is not a felony;

(5) Doing or omitting to do any act made punishable by a fine, imprisonment, or other penalty as provided by the particular law, ordinance, rule, or regulation defining the violation if the violation is not a felony;

(6) Violation of § 8–103 of the Criminal Law Article, whether a felony or a misdemeanor;

(7) Violation of §§ 8–203 through 8–209 of the Criminal Law Article, whether a felony or misdemeanor;

(8) Forgery or violation of Title 8, Subtitle 6 of the Criminal Law Article, whether a felony or misdemeanor;

(9) Violation of Title 27, Subtitle 4 of the Insurance Article, whether a felony or a misdemeanor;

(10) Violation of § 9–1106 of the Labor and Employment Article;

(11) Violation of § 8–301 of the Criminal Law Article, whether a felony or misdemeanor;

(12) Violation of § 2–209 of the Criminal Law Article;

(13) Violation of Title 2, Subtitle 5 of the Criminal Law Article;

(14) Violation of Title 11, Subtitle 5 of the Financial Institutions Article;

(15) Violation of §§ 10–604 through 10–608 of the Criminal Law Article, whether a felony or misdemeanor;

(16) Violation of Title 7, Subtitle 3, Part III of the Criminal Law Article, whether a felony or misdemeanor;

(17) Violation of § 20–102 of the Transportation Article, whether a felony or misdemeanor;

(18) Violation of § 8–801 of the Criminal Law Article;

(19) Violation of § 8–604 of the Criminal Law Article;

(20) Violation of Title 8, Subtitle 2, Part II of the Criminal Law Article;

(21) Violation of §§ 16–801 through 16–804 of the Election Law Article;

(22) Violation of § 3–203(c) of the Criminal Law Article; **[**or**]**

(23) VIOLATION OF § 11–208 OF THE CRIMINAL LAW ARTICLE AS A SECOND OR SUBSEQUENT OFFENSE; OR

[(23)**](24)** Violation of § 11–303(b) of the Criminal Law Article.

4–302.

(a) Except as provided in § 4–301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), **[**and**]** (23)**, AND (24)** of this subtitle, the District Court does not have jurisdiction to try a criminal case charging the commission of a felony.

(d) (1) Except as provided in paragraph (2) of this subsection, the jurisdiction of the District Court is concurrent with that of the circuit court in a criminal case:

(i) In which the penalty may be confinement for 3 years or more or a fine of $2,500 or more; or

(ii) That is a felony, as provided in § 4–301(b)(2), (6), (7), (8), (9), (10), (11), (12), (13), (14), (15), (16), (17), (18), (19), (20), (21), (22), **[**and**]** (23)**, AND (24)** of this subtitle.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, a circuit court does not have jurisdiction to try a case charging a violation of § 5–601 or § 5–620 of the Criminal Law Article.

(ii) A circuit court does have jurisdiction to try a case charging a violation of § 5–601 or § 5–620 of the Criminal Law Article if the defendant:

1. Properly demands a jury trial;

2. Appeals as provided by law from a final judgment entered in the District Court; or

3. Is charged with another offense arising out of the same circumstances that is within a circuit court's jurisdiction.".

The preceding amendment was read and adopted.

Senator Stone moved, duly seconded, to make the Bill and Report a Special Order for March 27, 2009.

The motion was adopted.

SPECIAL ORDERS

The presiding officer submitted the Special Orders of the day, as follows:

Senate Bill 666 – Senators Pinsky, Conway, Frosh, Harrington, Lenett, Madaleno, Raskin, and Rosapepe

AN ACT concerning

Natural Resources – No Net Loss of Forest Policy – Forest Conservation Act

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE FAVORABLE REPORT.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0666/383120/1

BY: Senator Middleton

AMENDMENTS TO SENATE BILL 666, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, strike beginning with "repealing" in line 6 down through "right–of–way;" in line 8.

On page 2 of the bill, in line 8, strike "and (g)".

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0666/744232/1), in Amendment No. 1, strike beginning with "requiring" in line 2 down through "necessity;" in line 4; and in line 5, strike ", (f),".

AMENDMENT NO. 2

On page 2 of the bill, in line 19, after "Section" insert "5–1603(f) and (g),".

AMENDMENT NO. 3

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments, strike Amendment No. 2 in its entirety.

On page 2 of the bill, in line 32, strike "**PRIME**" and substitute "**PRODUCTIVE**".

On page 3 of the bill, in line 8, strike the brackets; in the same line, strike "**20,000**"; and in lines 24 and 32, in each instance, strike the bracket.

On page 5 of the bill, in lines 4 and 9, in each instance, strike the bracket; in line 10, strike the brackets; in the same line, strike "**(F)**"; in line 20, strike the brackets; in line 21, strike "**20,000**"; and in the same line, strike "**OR GREATER**".

The preceding 3 amendments were read and adopted by a roll call vote as follows:

Affirmative – 33 Negative – 14 (See Roll Call No. 532)

FLOOR AMENDMENT

SB0666/703021/1

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 666, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, strike beginning with "requiring" in line 21 down through "State" in line 27 and substitute "requiring the Department of Natural Resources to cooperate with certain groups to develop a certain definition and policy; requiring the Department to submit a certain report on or before a certain date".

AMENDMENT NO. 2

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0666/744232/1), in line 1 of Amendment No. 2, strike "**PRODUCTIVE**".

On pages 2 and 3 of the bill, strike in their entirety the lines beginning with line 26 on page 2 through line 3 on page 3, inclusive, and substitute:

"**(A) THE DEPARTMENT SHALL COOPERATE WITH FORESTRY–RELATED STAKEHOLDER GROUPS TO:**

(1) DETERMINE THE MEANING OF NO NET LOSS OF FORESTS FOR THE PURPOSES OF ANY STATE POLICY; AND

(2) DEVELOP PROPOSALS FOR THE CREATION OF A POLICY OF NO NET LOSS OF FOREST IN THE STATE.

(B) ON OR BEFORE DECEMBER 1, 2011, THE DEPARTMENT, IN CONSULTATION WITH THE FORESTRY–RELATED STAKEHOLDER GROUPS, SHALL REPORT TO THE SENATE EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS COMMITTEE AND THE HOUSE ENVIRONMENTAL MATTERS COMMITTEE, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, ON PROPOSALS FOR THE DEVELOPMENT OF STATUTORY, BUDGETARY, AND REGULATORY POLICIES TO ACHIEVE NO NET LOSS OF FORESTS IN THE STATE.".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0666/363128/1

BY: Senator Harris

AMENDMENT TO SENATE BILL 666
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Rosapepe" and substitute "Rosapepe, and Harris".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 656 – Senators Peters, Astle, Colburn, Conway, Dyson, Garagiola, Munson, and Rosapepe

AN ACT concerning

Procurement – Service Disabled Veteran Business Enterprise Participation

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (2) AND THE FAVORABLE REPORT.

SB0656/814034/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 656
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Rosapepe" and substitute "Rosapepe, Harrington, Harris, Pinsky, Lenett, and Greenip".

On page 2, strike in their entirety lines 6 through 10, inclusive.

AMENDMENT NO. 2

On page 9, in line 1, strike "**IN ACCORDANCE WITH TITLE 16 OF THIS ARTICLE, A**" and substitute "**A**"; strike beginning with "**BE**" in line 4 down through "**AND,**" in line 5; strike beginning with "**BE**" in line 8 down through "**AND,**" in line 9; and in line 12, strike "**DEBARMENT OR**".

On pages 9 and 10, strike in their entirety the lines beginning with line 26 on page 9 through line 19 on page 10, inclusive.

The preceding 2 amendments were read only.

Senator Dyson moved, duly seconded, to make the Bill and Amendments a Special Order for March 27, 2009.

The motion was adopted.

Senate Bill 1039 – Senators Currie, Harrington, Miller, Muse, Peters, Pinsky, and Rosapepe

EMERGENCY BILL

AN ACT concerning

Prince George's County Hospital Authority

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENT (1) AND THE FAVORABLE REPORT.

SB1039/839339/1

BY: Budget and Taxation Committee

AMENDMENT TO SENATE BILL 1039
(First Reading File Bill)

On page 2, in line 30, strike "**A.**" and substitute "**1.**".

On page 3, in line 1, strike "**B.**" and substitute "**2.**"; and in line 31, strike "**SATISFY**" and substitute "**SATISFIES**".

On page 4, in line 5, strike "**SATISFY**" and substitute "**SATISFIES**"; and in line 16, strike "**ADVISORS**" and substitute "**ADVISERS**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 554 – Senators Lenett, Conway, Currie, Della, Forehand, Frosh, Garagiola, Gladden, Harrington, Jones, Kasemeyer, Kelley, Klausmeier, Madaleno, McFadden, Miller, Muse, Pinsky, Pugh, Raskin, and Robey

AN ACT concerning

Chesapeake Bay Nitrogen Reduction Act of 2009

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS (3) OFFERED FROM THE FLOOR BY THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS.

FLOOR AMENDMENT

SB0554/344430/3

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 554, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0554/324537/1), in line 1 of Amendment No. 1, before "to" insert "in the Chesapeake and Atlantic Coastal Bays Critical Area"; in line 2, strike "repair or"; and in line 4, strike "repaired or".

AMENDMENT NO. 2

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments, in line 3 of Amendment No. 2, after "**STATE**" insert "**IN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA**"; in line 6, strike "**REPAIR OR REPLACE, OR HAVE REPAIRED OR**" and substitute "**REPLACE OR HAVE**"; and in line 9, strike "**REPAIRED OR**".

AMENDMENT NO. 3

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments, in line 8 of Amendment No. 3, strike "**$1,000 PER DAY**" and substitute "**$8,000**"; and strike in their entirety lines 9 and 10.

The preceding 3 amendments were read only.

Senator Pipkin moved, duly seconded, to recommit the Bill.

The motion was rejected by a roll call vote as follows:

Affirmative – 17 Negative – 30 (See Roll Call No. 533)

FLOOR AMENDMENT

SB0554/344430/3

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO SENATE BILL 554, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0554/324537/1), in line 1 of Amendment No. 1, before "to" insert "in the Chesapeake and Atlantic Coastal Bays Critical Area"; in line 2, strike "repair or"; and in line 4, strike "repaired or".

AMENDMENT NO. 2

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments, in line 3 of Amendment No. 2, after "**STATE**" insert "**IN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREA**"; in line 6, strike "**REPAIR OR REPLACE, OR HAVE REPAIRED OR**" and substitute "**REPLACE OR HAVE**"; and in line 9, strike "**REPAIRED OR**".

AMENDMENT NO. 3

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments, in line 8 of Amendment No. 3, strike "**$1,000 PER DAY**" and substitute "**$8,000**"; and strike in their entirety lines 9 and 10.

The preceding 3 amendments were read and adopted by a roll call vote as follows:

Affirmative – 30 Negative – 15 (See Roll Call No. 534)

FLOOR AMENDMENT

SB0554/623026/2

BY: Senator Stoltzfus

AMENDMENTS TO SENATE BILL 554, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0554/324537/1), in line 5 of Amendment No. 1, after "technology;" insert "providing a certain exception to certain requirements;"; and in line 7, strike "penalties and enforcement mechanisms" and substitute "a penalty".

On page 1 of the bill, in line 5, strike "assist" and substitute "provide"; in the same line, strike "in paying" and substitute "with grants to pay"; in line 6, after "costs" insert "with certain funds and"; and in the same line, strike "certain".

AMENDMENT NO. 2

On page 2 of the bill, in line 4, strike "**A**" and substitute "**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A**"; and strike in their entirety lines 7 through 11, inclusive, and substitute:

"**(2) THE REQUIREMENTS SET FORTH IN PARAGRAPH (1) OF THIS SUBSECTION DO NOT APPLY IF THERE ARE INSUFFICIENT FUNDS AVAILABLE FOR THE DEPARTMENT TO PROVIDE A HOMEOWNER WITH A GRANT IN ACCORDANCE WITH THE REQUIREMENTS UNDER SUBSECTION (C) OF THIS SECTION.**

(C) WITH MONEY FROM THE BAY RESTORATION FUND UNDER § 9–1605.2(H) OF THIS TITLE, THE DEPARTMENT SHALL PROVIDE HOMEOWNERS WHO ARE REQUIRED TO INSTALL A SEWAGE DISPOSAL SYSTEM THAT UTILIZES NITROGEN REMOVAL TECHNOLOGY UNDER SUBSECTION (B) OF THIS SECTION WITH GRANTS THAT PAY 100% OF THE COST DIFFERENCE BETWEEN A CONVENTIONAL ON–SITE SEWAGE DISPOSAL SYSTEM AND A SYSTEM THAT UTILIZES NITROGEN REMOVAL TECHNOLOGY.".

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0554/324537/1), in line 2 of Amendment No. 2, strike "**(1)**" and substitute "**(I)**"; in line 6, strike "**(2)**" and substitute "**(II)**".

AMENDMENT NO. 3

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments (SB0554/324537/1), strike Amendment No. 3 in its entirety.

In the Education, Health, and Environmental Affairs Committee Amendments (SB0554/344430/3), strike Amendment No. 3 in its entirety.

On page 2 of the bill, after line 14, insert:

"**(E) (1) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS SECTION.**

(2) THE REGULATIONS ADOPTED IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE PROVISIONS TO ENSURE

THAT APPROPRIATE MANAGEMENT MEASURES ARE PROVIDED FOR THE OPERATION AND MAINTENANCE OF NITROGEN REMOVAL TECHNOLOGY.".

The preceding 3 amendments were read and rejected by a roll call vote as follows:

Affirmative – 22 Negative – 24 (See Roll Call No. 535)

FLOOR AMENDMENT

SB0554/213729/1

BY: Senator Brinkley

AMENDMENTS TO SENATE BILL 554
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after the semicolon insert "exempting the installation, repair, or replacement of certain on–site sewage disposal systems from certain taxes and fees;".

AMENDMENT NO. 2

On page 2, in line 7, after "**(C)**" insert "**(1)**"; and after line 11, insert:

"**(2) THE INSTALLATION, REPAIR, OR REPLACEMENT OF AN ON–SITE SEWAGE DISPOSAL SYSTEM THAT UTILIZES NITROGEN REMOVAL TECHNOLOGY THAT IS REQUIRED UNDER THIS SECTION AND ANY MATERIALS ASSOCIATED WITH THE INSTALLATION, REPAIR, OR REPLACEMENT ARE EXEMPT FROM:**

(I) THE STATE SALES AND USE TAX; AND

(II) ANY FEES THAT WOULD OTHERWISE BE CHARGED BY THE STATE OR THE LOCAL JURISDICTION.".

The preceding 2 amendments were read and rejected by a roll call vote as follows:

Affirmative – 20 Negative – 27 (See Roll Call No. 536)

FLOOR AMENDMENT

SB0554/653128/2

BY: Senator Glassman

AMENDMENTS TO SENATE BILL 554
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "terms;" insert "providing a subtraction modification under the Maryland income tax for certain costs related to certain disposal systems that exceed the amount of assistance the Department provides; providing for the application of certain provisions of this Act;"; and after line 13, insert:

"BY repealing and reenacting, without amendments,
Article – Tax – General
Section 10–208(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY adding to
Article – Tax – General
Section 10–208(q)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 2

On page 2, before line 15, insert:

"Article – Tax – General

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.

(Q) (1) (I) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(II) "NITROGEN REMOVAL TECHNOLOGY" HAS THE MEANING STATED IN § 9–1108 OF THE ENVIRONMENT ARTICLE.

(III) "ON–SITE SEWAGE DISPOSAL SYSTEM" HAS THE MEANING STATED IN § 9–1108 OF THE ENVIRONMENT ARTICLE.

(2) THE SUBTRACTION UNDER SUBSECTION (A) OF THIS SECTION INCLUDES THE AMOUNT BY WHICH THE COST DIFFERENCE BETWEEN A CONVENTIONAL ON–SITE SEWAGE DISPOSAL SYSTEM AND A SYSTEM THAT UTILIZES NITROGEN REMOVAL TECHNOLOGY EXCEEDS THE AMOUNT OF ASSISTANCE THE DEPARTMENT OF THE ENVIRONMENT PROVIDES THE HOMEOWNER UNDER § 9–1108 OF THE ENVIRONMENT ARTICLE.";

and in line 16, after "2009." insert "The subtraction modification under § 10–208(q) of the Tax – General Article, as enacted by this Act, shall be applicable to all taxable years beginning after December 31, 2009.".

The preceding 2 amendments were read and adopted by a roll call vote as follows:

Affirmative – 28 Negative – 19 (See Roll Call No. 537)

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 43 Members present.

(See Roll Call No. 538)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #44
CONSENT CALENDAR #4

BILL NO.	SPONSOR	CONTENT	COMMITTEE

SB 606	Carroll Co. Senators	Carroll County – Privately Employed Sanitarians Licensed by the State – Soil Percolation Tests	EHE
SB 607	Sen. Brinkley	Frederick County – Overdue Water and Sewer Charge – Restoration of Service Penalty	EHE
SB 780	Carroll Co. Senators	Counties – Purchase of Development Rights – Carroll County	EHE
SB 884	Sen. Brinkley	Frederick County – Alcoholic Beverages – Wine Festival License	EHE
SB 901	Sen. McFadden	Baltimore City Land Bank Authority – Recodification	EHE
SB 1010	Sen. Colburn	Dorchester County – New Board of License Commissioners	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 4 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 539)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #45

Senate Bill 211 – Senators Pugh, Currie, Exum, Forehand, Lenett, McFadden, Muse, ~~and Peters~~ Peters, and Jones

SECOND PRINTING

AN ACT concerning

Minority Business Enterprise Program – Participation by Race or Gender

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 540)

The Bill was then sent to the House of Delegates.

Senate Bill 349 – Senators Pinsky, Harrington, Madaleno, and Raskin

AN ACT concerning

Education – Protection of Privacy – Release of Test Results – Military Recruiters

Read the third time and passed by yeas and nays as follows:

Affirmative – 24 Negative – 23 (See Roll Call No. 541)

The Bill was then sent to the House of Delegates.

Senate Bill 500 – Senators Muse, Exum, Harrington, Peters, and Rosapepe

AN ACT concerning

Prince George's County – Board of Education – Financial Literacy ~~Curriculum Content~~ Pilot Program Course

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 542)

The Bill was then sent to the House of Delegates.

Senate Bill 597 – Senators Conway, Gladden, Jones, McFadden, ~~and Pugh~~ Pugh, and Dyson

AN ACT concerning

Secondhand Precious Metal Object Dealers and Pawnbrokers – Electronic Reporting

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 543)

The Bill was then sent to the House of Delegates.

Senate Bill 625 – Senators Frosh, Conway, Dyson, Harrington, Lenett, Muse, Pinsky, Raskin, and Rosapepe

AN ACT concerning

Maryland Building Performance Standards – Energy Conservation and Efficiency

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 2 (See Roll Call No. 544)

The Bill was then sent to the House of Delegates.

Senate Bill 628 – Senators Dyson and Middleton

AN ACT concerning

Health Occupations – Licensure of Social Workers

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 545)

The Bill was then sent to the House of Delegates.

Senate Bill 717 – Senators Greenip, Colburn, Harris, Jacobs, Kittleman, Klausmeier, Madaleno, Middleton, Munson, Peters, Pugh, Raskin, Robey, Rosapepe, Simonaire, and Stone

AN ACT concerning

Disease Prevention – Cancer Reports – Myelodysplastic Syndromes

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 546)

The Bill was then sent to the House of Delegates.

Senate Bill 734 – Senators Raskin and Frosh

AN ACT concerning

State Board of Physicians – Subpoenas – Medical Records for Mental Health Services

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 547)

The Bill was then sent to the House of Delegates.

Senate Bill 789 – Senator Klausmeier

EMERGENCY BILL

AN ACT concerning

State Board of Chiropractic and Massage Therapy Examiners – ~~Massage Therapy Advisory Committee~~ Terms of Members

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 548)

The Bill was then sent to the House of Delegates.

Senate Bill 910 – Senator Conway

AN ACT concerning

Health Occupations – Morticians and Funeral Directors – Crematory License

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 549)

The Bill was then sent to the House of Delegates.

Senate Bill 946 – Senators Pugh and McFadden

AN ACT concerning

Minority Business Enterprise Program – Report to Joint Committee on Fair Practices

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 550)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #46

Senate Bill 87 – Chair, Budget and Taxation Committee (By Request – Departmental – Assessments and Taxation)

AN ACT concerning

Property Tax – Homestead Tax Credit – Eligibility

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 551)

The Bill was then sent to the House of Delegates.

Senate Bill 552 – Senators DeGrange, Astle, Brinkley, Colburn, Conway, Currie, Dyson, Exum, Forehand, Garagiola, Gladden, Glassman, Greenip, Haines, Harrington, Harris, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Lenett, Madaleno, McFadden, Middleton, Miller, Munson, Muse, Peters, Pugh, Raskin, Robey, Simonaire, Stoltzfus, Stone, and Zirkin

AN ACT concerning

Tax Amnesty Program

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 1 (See Roll Call No. 552)

The Bill was then sent to the House of Delegates.

Senate Bill 604 – Senator Currie

AN ACT concerning

Tax Credits for Qualifying Employees with Disabilities – Sunset ~~Repeal~~ Extension

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 553)

The Bill was then sent to the House of Delegates.

Senate Bill 605 – ~~Senator Currie~~ Senators Currie, Jones, and McFadden

AN ACT concerning

State Employment Opportunity Credit – Sunset ~~Repeal~~ Extension

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 554)

The Bill was then sent to the House of Delegates.

Senate Bill 621 – Senators King, Forehand, Garagiola, Harrington, Peters, Raskin, and Rosapepe

AN ACT concerning

Sales and Use and Property Tax – Exemptions – Solar Energy Equipment and Property

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 555)

The Bill was then sent to the House of Delegates.

Senate Bill 653 – Senators Harris and Peters

AN ACT concerning

Admissions and Amusement Tax – Shooting Ranges – Military, Police, and Correctional Officers

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 556)

The Bill was then sent to the House of Delegates.

Senate Bill 689 – Senator Rosapepe

~~**Education – Study Group on Expanding Enrollment Options for High School Students**~~
High Schools and High School Students – Options for Accelerated Graduation

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 557)

The Bill was then sent to the House of Delegates.

Senate Bill 698 – Senators Klausmeier, Colburn, Middleton, and Rosapepe

AN ACT concerning

Income Tax Refund – Direct Deposit – Multiple Accounts

Read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 558)

The Bill was then sent to the House of Delegates.

Senate Bill 800 – ~~Senator King~~ Senators King and Jones

AN ACT concerning

Biotechnology Investment Incentive Tax Credit

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 559)

The Bill was then sent to the House of Delegates.

Senate Bill 802 – Senators Klausmeier, Colburn, Dyson, Jacobs, Mooney, Rosapepe, ~~and Stone~~ Stone, and Harris

AN ACT concerning

Higher Education – Edward T. Conroy ~~Tuition Waiver Program – Establishment~~ Memorial Scholarship Program – Alterations

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 560)

The Bill was then sent to the House of Delegates.

Senate Bill 810 – Senator Colburn

AN ACT concerning

Natural Resources – Oyster Shell Purchase Program – Fair Market Value

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 561)

The Bill was then sent to the House of Delegates.

Senate Bill 879 – Senator Harrington

AN ACT concerning

Gwendolyn Britt Student Health and Fitness Act

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 562)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #47

Senate Bill 47 – Senator Harrington

AN ACT concerning

Environment – Permit Applications – Notice Requirements

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 563)

The Bill was then sent to the House of Delegates.

Senate Bill 305 – Senators King, Astle, DeGrange, Lenett, Madaleno, Muse, Raskin, and Robey

AN ACT concerning

Mortality and Quality Review Committee – Sunset ~~Repeal~~ Extension and Membership

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 564)

The Bill was then sent to the House of Delegates.

Senate Bill 463 – Senator Lenett

AN ACT concerning

Maryland Youth Advisory Council – Youth Members

Read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 565)

The Bill was then sent to the House of Delegates.

Senate Bill 471 – Senator Kelley

AN ACT concerning

~~Assisted Living Managers – Certification Requirement~~
State Board of Examiners of Nursing Home Administrators – Composition and Executive Director

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 566)

The Bill was then sent to the House of Delegates.

Senate Bill 550 – Senators King, Astle, Brinkley, Colburn, Conway, Currie, DeGrange, Della, Exum, Forehand, Garagiola, Gladden, Glassman, Greenip, Haines, Harrington, Harris, Jacobs, Jones, Kelley, Kittleman, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Miller, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, Stoltzfus, Stone, and Zirkin

AN ACT concerning

Online Child Safety Act of 2009

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 567)

The Bill was then sent to the House of Delegates.

Senate Bill 560 – Senator Miller

AN ACT concerning

Calvert County – Education – Certificated School Personnel – Collective Bargaining Representation Fees

Read the third time and passed by yeas and nays as follows:

Affirmative – 38 Negative – 8 (See Roll Call No. 568)

The Bill was then sent to the House of Delegates.

Senate Bill 573 – Senators Stoltzfus and Colburn

AN ACT concerning

Wicomico County – Local Board of Elections – Compensation

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 569)

The Bill was then sent to the House of Delegates.

Senate Bill 688 – Senator Robey

AN ACT concerning

Public Service Companies – Passenger–For–Hire Services – Limousines

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 570)

The Bill was then sent to the House of Delegates.

Senate Bill 862 – Senator Pugh

AN ACT concerning

Child Fatality Review – Child Death Review Case Reporting System

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 571)

The Bill was then sent to the House of Delegates.

Senate Bill 896 – Senators Garagiola, Astle, Middleton, and Pugh

AN ACT concerning

Commercial Law – Equipment Dealer Contract Act – Scope

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 572)

The Bill was then sent to the House of Delegates.

Senate Bill 959 – Senator Middleton

AN ACT concerning

Injured Workers' Insurance Fund – Regulation and Status

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 573)

The Bill was then sent to the House of Delegates.

Senate Bill 981 – Senator Garagiola

AN ACT concerning

Public Service Companies – Net Energy Metering

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 574)

The Bill was then sent to the House of Delegates.

Senate Bill 985 – Senator Garagiola

AN ACT concerning

Health Insurance – Coverage for Off–Label Use of Drugs – Standard Reference Compendia

Read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 575)

The Bill was then sent to the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 26 – Delegate Kullen

AN ACT concerning

Public Schools – Children with Anaphylactic Allergies – Reduction of Risk

FOR the purpose of requiring principals of public schools that have children attending the schools who have been identified as having certain allergies to take certain actions to reduce certain risks; requiring school principals or their designees to monitor certain files; requiring the monitoring of certain individualized health plans; authorizing public schools to revoke the authority of certain children to self–administer certain medications; granting certain immunity to certain individuals under certain circumstances; authorizing local county boards of education to require parents or guardians to sign certain statements; defining certain terms; and generally relating to the reduction of risk to the health of children with anaphylactic allergies in public schools.

BY adding to
Article – Education
Section 7–426.1
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 65 – Delegates Mathias and Conway

AN ACT concerning

Worcester County – Slot Machines for Nonprofit Organizations

FOR the purpose of adding Worcester County to the list of counties in which certain nonprofit fraternal, religious, and war veterans' organizations may own and operate a certain number of slot machines under certain circumstances; and generally relating to slot machines in Worcester County.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 12–304
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 80 – Frederick County Delegation

AN ACT concerning

Frederick County – Alcoholic Beverages – Part–Time Inspectors

FOR the purpose of authorizing the Frederick County Liquor Board to appoint a certain number of part–time alcoholic beverages inspectors; specifying certain requirements that a person must meet to qualify for appointment; specifying certain powers, duties, and compensation of part–time inspectors; making certain prohibitions against conflict of interest applicable to part–time inspectors; and generally relating to part–time alcoholic beverages inspectors in Frederick County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–103
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 94 – Delegate Anderson (By Request – Baltimore City Administration)

EMERGENCY BILL

AN ACT concerning

~~**Baltimore City –**~~ **Foreign Trade Zones** **– Application and Process**

FOR the purpose of requiring certain persons to apply for designation approval to a certain foreign trade zone grantee before applying to another grantee for designation approval; authorizing Baltimore City to apply for establishing, maintaining, and operating foreign trade zones in the Baltimore port of entry and in the State of Maryland within a radius of a certain number of miles beyond the port of entry limits, and to maintain and operate the foreign trade zones; making this Act an emergency measure; and generally relating to the ~~Baltimore Foreign Trade Zone~~ foreign trade zones.

BY adding to
Article – Economic Development
Section 5–804
Annotated Code of Maryland
(2008 Volume)

BY repealing and reenacting, with amendments,
The Charter of Baltimore City
Article II – General Powers
Section (9)
(2007 Replacement Volume, as amended)

Read the first time and referred to the Committee on Finance.

House Bill 200 – Delegate Carter

EMERGENCY BILL

AN ACT concerning

Maryland Uniform Prudent Management of Institutional Funds Act

FOR the purpose of repealing certain provisions of law relating to the management of institutional funds; establishing the Maryland Uniform Prudent Management of Institutional Funds Act; establishing a standard of conduct in managing and investing a certain institutional fund; authorizing a certain institution to appropriate for expenditure or accumulate so much of a certain endowment fund as the institution determines is prudent for certain purposes; establishing a certain presumption of imprudence; requiring notice of a certain appropriation by an institution to the Attorney General under certain circumstances; requiring the institution to consider certain factors in making a certain determination; providing certain rules of construction; providing for the delegation of certain management and investment functions; establishing how certain restrictions on the management, investment, or purpose of an institutional fund may be released or modified; requiring that compliance with this Act be determined in a certain manner; providing for the application of this Act; establishing that this Act modifies, limits, and supersedes certain provisions of federal law; defining certain terms; making this Act an emergency measure; and generally relating to the management of institutional funds.

BY repealing
Article – Estates and Trusts
Section 15–401 through 15–409
Annotated Code of Maryland
(2001 Replacement Volume and 2008 Supplement)

BY adding to
Article – Estates and Trusts
Section 15–401 through 15–410 to be under the amended subtitle "Subtitle 4. Maryland Uniform Prudent Management of Institutional Funds Act"
Annotated Code of Maryland
(2001 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 216 – Calvert County Delegation

AN ACT concerning

Calvert County – ~~Treasurer –~~ Animal Control ~~Ordinance Fines~~ – Fines and Licenses

FOR the purpose of altering the length of time a dog license in Calvert County remains effective; requiring certain fines issued in accordance with certain Calvert County ordinances to be paid to the Calvert County Treasurer; making technical corrections; and generally relating to ~~the payment of fines for violations of~~ animal control ~~ordinances~~ in Calvert County.

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 11–501(b) and 11–504(p)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 287 – Delegates Beidle, Healey, Holmes, King, Kipke, Lafferty, Love, Mathias, McConkey, ~~and Niemann~~ Niemann, Kach, Glenn, and V. Clagett

AN ACT concerning

Real Property – Condominiums – Repair or Replacement of ~~Unit~~ Damage or Destruction by Council of Unit Owners

FOR the purpose of clarifying that the council of unit owners of a condominium is responsible for the repair or replacement of the common elements and condominium units, exclusive of improvements and betterments installed in units by unit owners other than the developer, in the event of damage or destruction of the condominium under certain circumstances; clarifying the coverage of certain property insurance required to be maintained by a council of unit owners; providing that the owner of the unit where the cause of certain damage or destruction originated is responsible for a certain insurance deductible up to a certain amount; repealing a condition that ~~the~~ a certain responsibility of the unit owner be provided in the bylaws; ~~repealing a provision that a property insurance deductible is not a cost of repair or replacement in excess of insurance proceeds;~~ repealing a provision that the council of unit owners' property insurance deductible is a common expense under certain circumstances; ~~altering the amount of a property insurance deductible for which~~

~~a unit owner is responsible;~~ requiring the council of unit owners to inform unit owners of certain responsibilities relating to the property insurance deductible under certain circumstances; requiring a contract for the initial sale of a unit and a contract for the resale of a unit to include a certain notice of the unit owner's responsibility relating to the property insurance deductible under certain circumstances; declaring the intent of the General Assembly; and generally relating to condominiums and insurance coverage under the Maryland Condominium Act.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–108.1 ~~and~~, 11–114, 11–126(b)(16) and (17), and 11–135(a)(4)(xii) and (5) and (b)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY adding to
Article – Real Property
Section 11–126(b)(17) and 11–135(a)(6)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 297 – The Speaker (By Request – Administration) and Delegates Ali, Barve, Beidle, Cane, Carr, V. Clagett, Feldman, Frush, Gaines, Gilchrist, Gutierrez, Healey, Howard, Hucker, Lafferty, Lee, Mizeur, Montgomery, Niemann, ~~and Pena–Melnyk~~ Pena–Melnyk, Manno, Bobo, Glenn, and Stein

AN ACT concerning

Smart, Green, and Growing – Smart and Sustainable Growth Act of 2009

FOR the purpose of defining a certain term applicable to the adoption of certain ordinances or regulations by a local jurisdiction and the exercise by ~~a local jurisdiction~~ certain governmental entities of certain land use ordinances and regulations, water and sewer plan review, growth allocation, and annexation powers to ~~require~~ clarify consistency with a local comprehensive plan is required under certain circumstances; altering the applicability of certain land use provisions to certain local jurisdictions; requiring a local jurisdiction to enact a certain land use plan; requiring a member of a local planning commission to complete a certain education course; requiring a member of a board of appeals to complete a certain education course; declaring the intent of the General Assembly; requiring a member of a local planning commission and a member of a board of appeals to complete a certain education course by a certain date; requiring the Task Force on the Future for Growth and

Development to make certain recommendations; requiring the Department of Planning to develop a certain education course by a certain date; providing for the application of this Act; stating the General Assembly's intent to overturn the ruling in a certain court case; defining certain terms; and generally relating to land use.

BY renumbering
Article 66B – Land Use
Section 1.03(a) through (f)
to be Section 1.04(b) through (g)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY adding to
Article 66B – Land Use
Section 1.04(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)
(As enacted by Section 1 of this Act)

BY repealing and reenacting, without amendments,
Article 66B – Land Use
Section 1.00(a), 1.01, and 4.09
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article 66B – Land Use
Section 1.00(h) and (k), 1.02, 2.13, 3.01, 3.02, and 4.07
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY adding to
Article 66B – Land Use
Section 1.02
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, ~~without~~ with amendments,
Article 66B – Land Use
Section ~~1.04(e)~~ 1.04(d), (e), and (f)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)
(As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,
Article – Natural Resources

Section 8–1808.1(c)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)
(As enacted by Chapter 119 of the Acts of the General Assembly of 2008)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 314 – Delegate Rudolph and the Speaker (By Request – Administration)

AN ACT concerning

Maryland Environmental Service – Energy Generation Projects

FOR the purpose of authorizing the Maryland Environmental Service to engage in certain energy projects and services; clarifying the authority of the Service to provide recycling and certain other projects; altering certain exemptions for the Service from certain provisions relating to finance and procurement; authorizing counties and municipalities to enter into certain agreements with the Service without regard to certain limitations or other provisions regulating the procurement or awarding of public contracts; confirming the authority of the Service to establish and collect rates, fees, and charges for certain projects, products, and services; authorizing the Service to collect certain unpaid rates, fees, and charges by tax sale; altering the authority of the Service to issue certain bonds and notes; authorizing counties and municipalities to enter into certain agreements with the Service for energy projects; clarifying the jurisdiction of the Public Service Commission over disputes regarding certain rates, fees, and other charges exacted by the Service; altering certain notice requirements; altering certain reporting requirements of the Service; altering certain definitions; defining a certain term; and generally relating to the Maryland Environmental Service.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 3–101, 3–102, 3–103(g), 3–104, 3–105, 3–107, 3–108, 3–113, 3–116 through 3–118, 3–120, 3–122, 3–126, 3–127, and 3–128
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 3–129 and 3–130
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance and the Committee on Education, Health, and Environmental Affairs.

House Bill 543 – Delegates Braveboy, Davis, Manno, Barkley, Barnes, Burns, Feldman, Frush, Gaines, Glenn, Guzzone, Harrison, Haynes, Hucker, Impallaria, Ivey, Kirk, Krysiak, Lafferty, Levi, Love, Malone, McHale, Niemann, Pena–Melnyk, Ramirez, Riley, Ross, Schuler, Tarrant, Taylor, V. Turner, Valderrama, Vaughn, and Walker

AN ACT concerning

Prevailing Wage Rates – Public Works Contracts – Suits by Employees

FOR the purpose of expanding rights and remedies for private enforcement suits under the State prevailing wage law; authorizing certain employees to seek certain compensation and additional remedies from certain employers under certain circumstances; authorizing certain employees to file certain court actions; requiring that certain actions be brought within a certain time period; providing that a certain contract is not a bar to the recovery of certain remedies; authorizing a court to award certain employees certain wages, other compensation, and fees in certain circumstances; authorizing certain employees to bring an action on their behalf and on behalf of certain other employees; subjecting certain persons to certain civil penalties; ~~making it a crime for an employer to engage in certain conduct against certain employees;~~ prohibiting a contractor or subcontractor from engaging in certain conduct against certain employees; subjecting a contractor or subcontractor to certain penalties for certain violations; and generally relating to private enforcement actions under the State prevailing wage law.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 17–224
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 572 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Washington Metropolitan Area Transit Authority – Finance and Governance

FOR the purpose of amending the Washington Metropolitan Area Transit Authority Compact in order to comply with certain federal requirements; increasing the number of directors on the Washington Metropolitan Area Transit Authority

Board to include directors representing the federal government, subject to a certain requirement; providing for the appointment of federal directors and alternates; establishing an Office of the Inspector General within the Washington Metropolitan Area Transit Authority; providing for the duties and functions of the Office; providing that the ~~Director~~ head of the Office is the Inspector General; requiring that certain payments made by signatories to the Washington Metropolitan Area Transit Authority to match certain federal funds be made from certain dedicated funding sources; requiring the Maryland Department of Transportation to provide grants from the Transportation Trust Fund to the Washington Suburban Transit District for the purpose of funding Maryland's required share of local funds for the Washington Metropolitan Area Transit Authority to match certain federal funds; defining a certain term; clarifying language; making this Act subject to a certain contingency; and generally relating to the finance and governance of the Washington Metropolitan Area Transit Authority.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 10–204 Title III Article III Section 5 and 9 and Article VII Section 18; and 10–205
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 623 – Allegany County Delegation

AN ACT concerning

Local School Systems – Biannual Financial Status Report Requirement – Repeal

FOR the purpose of repealing the requirement that a local superintendent of schools or chief executive officer of a local school system file a certain biannual report on the financial status of a local school system; requiring a certain local school system that has a certain financial deficit to include certain information in a certain annual audit; and generally relating to reporting requirements for local school systems.

BY repealing and reenacting, with amendments,
Article – Education
Section 5–114
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 625 – Washington County Delegation

AN ACT concerning

Washington County – Office of the Sheriff – Special Deputy Sheriffs ~~and Deputized Individuals~~

FOR the purpose of authorizing the Sheriff of Washington County to assign special deputy sheriffs to duties in areas of the county other than the municipality where the special deputy sheriff is a member of the police force; ~~authorizing the Sheriff of Washington County, in an emergency, to deputize temporarily any able–bodied citizen to assist in carrying out the duties of the Sheriff's office; requiring the County Commissioners of Washington County to provide certain compensation to an individual deputized under certain circumstances; providing that an individual deputized under certain circumstances may remain deputized only for a certain period of time;~~ making certain clarifying changes; and generally relating to the office of the Sheriff of Washington County.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 2–309(w)(4)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

~~BY adding to~~
~~Article – Courts and Judicial Proceedings~~
~~Section 2–309(w)(5)~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2008 Supplement)~~

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 748 – Delegate Beitzel

AN ACT concerning

Maryland Dormant Mineral Interests Act

FOR the purpose of stating the purpose of this Act; authorizing a certain owner of real property to maintain an action to terminate a certain mineral interest under certain circumstances; establishing certain actions that constitute use of a mineral interest; requiring a certain owner to bring a certain action in the circuit court of a certain jurisdiction under certain circumstances; authorizing an owner of a mineral interest to record the mineral interest under certain circumstances; providing that a mineral interest is preserved in the county in which the notice is recorded; authorizing certain individuals to record a certain

notice under certain circumstances; requiring certain information to be included in a certain notice; requiring a mineral interest to be identified in a certain manner; requiring a court to permit a certain owner to record a late notice under certain circumstances; authorizing the circuit court of a certain jurisdiction to place a severed mineral interest into trust under certain circumstances, to appoint a trustee for the trust, and to order or authorize the trustee to take certain actions on behalf of the trust; authorizing a person vested in certain property to institute proceedings to create a trust and to appoint a trustee; authorizing a certain trustee to file a motion containing certain elements to terminate the trust and to convey title to a severed mineral interest under certain circumstances; requiring the court to enter an order requiring the trustee to convey the title to a severed mineral interest to a certain party under certain circumstances; requiring the trustee to take certain actions if the court issues the order; providing that certain surface owners are entitled to certain proceeds after the conveyance of the severed mineral interest by the trustee; requiring the court to terminate the trust and discharge the trustee after receiving a certain report from the trustee; providing that a certain lease will remain in force and effect following certain events unless it has previously expired by its own terms; defining certain terms; providing for the application of this Act; making the provisions of this Act severable; and generally relating to dormant mineral interests.

BY adding to
Article – Environment
Section 15–1201 through ~~15–1205~~ 15–1206 to be under the new subtitle "Subtitle 12. Maryland Dormant Mineral Interests Act"
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs and the Committee on Judicial Proceedings.

House Bill 776 – Delegates Healey, Lafferty, Hecht, Ali, Beidle, Bobo, Cane, Carr, Frush, Glenn, Holmes, Hucker, Shewell, Sossi, ~~and Stukes~~ Stukes, Valderrama, Niemann, and V. Clagett

EMERGENCY BILL

AN ACT concerning

Real Property – Foreclosure of Mortgages and Deeds of Trust on Residential Property – Notice to Occupants

FOR the purpose of requiring a certain notice to be sent to a certain address in a certain manner at the time of filing an action to foreclose a mortgage or deed of trust on certain residential property; requiring a certain notice of foreclosure sale to be sent to a certain address in a certain manner a certain period of time

before a foreclosure sale of certain property; requiring a certain notice to be sent to a certain address in a certain manner within a certain time after the entry of a judgment awarding possession of certain property; requiring certain notices to be in a certain form and contain certain information; requiring certain envelopes to contain a certain statement; requiring a person who gives a certain notice to an occupant regarding a foreclosure to file an affidavit of compliance under certain circumstances; providing that a new or additional notice to an occupant regarding a foreclosure does not need to be given under certain circumstances; defining a certain term; providing for the application of this Act; making this Act an emergency measure; and generally relating to notices regarding foreclosure actions on residential property.

BY adding to
Article – Real Property
Section 7–105.9
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 796 – Delegates Walker and Vaughn

AN ACT concerning

Agriculture – Emerald Ash Borer Grant Fund

FOR the purpose of establishing the Emerald Ash Borer Grant Fund; establishing the purpose and uses of the Fund; requiring the Secretary of Agriculture to administer the Fund and establish certain procedures; requiring that certain unspent or unencumbered funds revert to the General Fund of the State; specifying that the State Treasurer shall hold the Fund separately and that the Comptroller shall account for the Fund; designating the money to be deposited into the Fund; ~~requiring the Governor to appropriate to the Fund a certain amount each fiscal year;~~ defining certain terms; and generally relating to the Emerald Ash Borer Grant Fund.

BY adding to
Article – Agriculture
Section 2–1501 to be under the new subtitle "Subtitle 15. Emerald Ash Borer Grant Fund"
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 798 – Delegates Haddaway and Eckardt

AN ACT concerning

Real Property – Residential Mortgages and Deeds of Trust – Recordation and Foreclosure

FOR the purpose of altering the definition of "residential property" for purposes of certain residential property foreclosure procedures and certain provisions concerning the recordation of an instrument securing a mortgage loan on residential property; clarifying the application of a certain provision concerning a mortgagor's or grantor's right to cure a default before a foreclosure sale; and generally relating to foreclosure procedures and recording instruments in the land records.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 3–104.1 and 7–105.1(a) and (h)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Real Property
Section 7–105.1(b) and (c)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 805 – Delegate Heller

AN ACT concerning

Election Law – Campaign Account – Debit Card Disbursements

FOR the purpose of authorizing only the treasurer of a campaign finance entity to make a disbursement by debit card from a campaign account; authorizing the treasurer of a campaign finance entity to reimburse a person by debit card disbursement to pay an expense of the campaign finance entity; authorizing the treasurer of a campaign finance entity to replenish a petty cash fund by debit card disbursement; and generally relating to debit card disbursements by the treasurer of a campaign finance entity.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 13–218

Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Election Law
Section ~~13–219 and~~ 13–220
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 810 – Delegate Heller (Chair, Joint Committee on the Management of Public Funds) and Delegates Elmore, Howard, and Levy

AN ACT concerning

Income Tax – Mandatory Income Tax Return Preparer Requirements

FOR the purpose of requiring certain income tax return preparers under certain circumstances to file certain income tax returns by electronic means as prescribed by the Comptroller; imposing certain penalties for certain violations; exempting certain returns and providing for certain waivers under certain circumstances; defining certain terms; providing for the application of this Act; and generally relating to mandatory electronic filing of certain income tax returns by certain income tax return preparers under certain circumstances.

BY adding to
Article – Tax – General
Section 10–824 and 13–717
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 835 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Kensington – Expansion of Area for Alcoholic Beverages Licenses
MC 934–09

FOR the purpose of expanding the commercial area in the Town of Kensington in which the Montgomery County Board of License Commissioners may issue certain alcoholic beverages licenses for restaurants; specifying a certain time after which alcoholic beverages may not be served in a certain area; ~~specifying a~~

~~certain minimum seating capacity for licensed restaurants;~~ and generally relating to alcoholic beverages licenses in Montgomery County.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 8–216(a)(2)(iv)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 841 – Montgomery County Delegation

AN ACT concerning

Montgomery County Public Schools – Funding Accountability and Transparency Act
MC 930–09

FOR the purpose of requiring the Montgomery County Board of Education to develop and operate a certain website that includes certain information about certain payments; specifying certain parameters of the website; defining certain terms; and generally relating to the development and operation of a searchable website by the Montgomery County Board of Education.

BY adding to
Article – Education
Section 5–115
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 864 – Howard County Delegation

AN ACT concerning

Howard County – Roadside Solicitation of Money or Donations – Prohibition
Ho. Co. 9–09

FOR the purpose of prohibiting a person from standing in a State highway or the highway right–of–way in Howard County to solicit money or donations from an occupant of a vehicle; making the provisions of this Act severable; and generally relating to restrictions on the use of State highways in Howard County for solicitation.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 11–127 and 21–507(a) and (b)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Transportation
Section 21–507(h)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 883 – Delegates Olszewski, Aumann, Beidle, Boteler, Cardin, Frank, Guzzone, Howard, Ivey, Kach, Lafferty, McDonough, Minnick, Riley, Sophocleus, and Weir

AN ACT concerning

Income Tax Refund – Direct Deposit – Multiple Accounts

FOR the purpose of requiring the Comptroller, if a certain request is made, to directly deposit an income tax refund into multiple accounts; providing for a delayed effective date; and generally relating to the direct deposit of an income tax refund.

BY adding to
Article – Tax – General
Section 13–905(f)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 922 – Delegates Rudolph, James, ~~and Riley~~ Riley, Hixson, Doory, Howard, F. Turner, Barve, Bartlett, Ross, Kaiser, Myers, Walker, Olszewski, Stukes, George, Boteler, Frick, Gilchrist, Shank, Ivey, Rice, Murphy, Elmore, and Cardin

AN ACT concerning

Maryland Transportation Authority – Fixing or Revising Tolls and Fees – Notice and Public Comment

FOR the purpose of requiring the Maryland Transportation Authority to provide certain information relating to a proposal to fix or revise a fee or other charge to

certain committees of the General Assembly by a certain date; altering the date by which the Authority is required to provide certain information relating to a proposal to fix or revise a toll to certain committees of the General Assembly; requiring the Authority to provide a certain public comment period before the Authority may vote to implement a proposal to fix or revise a toll, fee, or other charge ~~may take effect~~; requiring that the public comment period commence on the date on which the Authority publishes certain information in the Maryland Register; requiring the Authority to hold public hearings during the public comment period ~~in different regions of the State~~ at or near the transportation facilities projects affected by a proposal to fix or revise a toll, fee, or other charge; requiring the Authority to accept oral and written testimony from the public at each hearing; requiring at least one hearing during the public comment period to be held in the evening; and generally relating to a process for notice and public comment before the Maryland Transportation Authority may fix or revise a toll, fee, or other charge on a transportation facilities project.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 4–312
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 959 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Green Businesses – Tax Credits
PG 401–09

FOR the purpose of authorizing the governing body of Prince George's County to grant, by law, a tax credit against the county property tax imposed on certain property owned or leased by certain businesses; authorizing the governing body of Prince George's County to provide, by law, for eligibility and certification criteria for the credit, the amount and duration of the credit, certain regulations and procedures, and any other provision necessary to carry out the credit; requiring the County Council and the County Executive of Prince George's County to jointly appoint an advisory board; specifying the duties of the advisory board; requiring certain members of the advisory board to be affiliated with certain organizations; defining certain terms; providing for the application of this Act; and generally relating to a property tax credit in Prince George's County for certain property owned or leased by certain businesses.

BY adding to
Article – Tax – Property

Section 9–318(f)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Budget and Taxation.

House Bill 960 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Board of Education – Elected ~~Members~~ Members – Benefits
PG 407–09

FOR the purpose of providing that certain elected members of the Prince George's County Board of Education ~~are entitled to~~ may be provided certain health insurance and other fringe benefits provided to certain employees of the Board of Education; providing for the application of this Act; and generally relating to benefits for elected members of the Prince George's County Board of Education.

BY repealing and reenacting, with amendments,
Article – Education
Section 3–1003
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 1019 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Salaries of Inspectors
PG 307–09

FOR the purpose of providing that alcoholic beverages inspectors of the Board of License Commissioners of Prince George's County ~~shall~~ may receive a certain annual salary; making certain technical changes; and generally relating to alcoholic beverages inspectors in Prince George's County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 15–109(r)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–109(r)(6)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 1021 – Prince George's County Delegation

EMERGENCY BILL

AN ACT concerning

Prince George's County – ~~1–Day~~ 3–Day Beer, Wine and Liquor License
PG 312–09

FOR the purpose of establishing a special ~~1–day~~ 3–day Class C beer, wine and liquor license in Prince George's County; specifying that the special license may be issued to a nonprofit organization ~~that has its principal place of business in a certain legislative district~~ for use in a waterfront entertainment complex, as defined by the County Executive of Prince George's County; specifying that the holder of the special license may sell beer, wine, or liquor for consumption on or off the premises; setting a certain license fee; restricting the number of days that a special license may be issued; ~~specifying that a special license be signed by a certain officer of the nonprofit organization;~~ specifying that the holder of a special license may purchase beer, wine, or liquor only from a certain person; specifying that beer, wine, or liquor may be donated by a certain person; making this Act an emergency measure; and generally relating to alcoholic beverages licenses in Prince George's County.

BY adding to
Article 2B – Alcoholic Beverages
Section 7–101(w)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 1057 – Delegates McHale and Hecht

AN ACT concerning

Net Energy Metering – Micro Combined Heat and Power

FOR the purpose of including a customer that uses a certain micro heat and power electric generating facility that meets certain conditions among the list of eligible customer–generators that are eligible for net energy metering; defining a certain term; and generally relating to net energy metering.

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–306(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 7–306(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Finance.

House Bill 1058 – Delegates Walkup, Eckardt, Haddaway, and Sossi

AN ACT concerning

Environment – Sewage Sludge Utilization Permits – Local Notice

FOR the purpose of requiring the Department of the Environment to provide notice of a certain application to the legislative body and elected executive of a certain county; requiring the Department to provide notice of a certain application to the elected executive of a certain municipal corporation; and generally relating to sewage sludge utilization permits.

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–234
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 1065 – Delegates O'Donnell and Ross

AN ACT concerning

Calvert County ~~and Prince George's County~~ – Deer Hunting on Private Lands – Sundays

FOR the purpose of authorizing a person in Calvert County ~~or Prince George's County~~ to hunt deer on certain Sundays on private property with a bow and arrow; ~~removing Prince George's County from the list of counties in which deer hunting on private lands on certain Sundays is prohibited;~~ and generally relating to deer hunting on private lands on Sundays.

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 10–405(a)(2)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 1105 – Delegates Frush, Beidle, Bobo, ~~and Costa~~ Costa, Manno, and Sossi

AN ACT concerning

Private Wastewater Treatment Act of 2009

FOR the purpose of prohibiting a person from installing a certain privately owned ~~on–site wastewater treatment~~ individual sewerage system under certain circumstances; defining a certain term; and generally relating to privately owned on–site wastewater treatment systems.

BY adding to
Article – Environment
Section 9–1108
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 1218 – Washington County Delegation

AN ACT concerning

Washington County – Deer Hunting – Dogs

FOR the purpose of prohibiting a person from killing a dog found pursuing a deer in Washington County; and generally relating to deer hunting in Washington County.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–416(b)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 1219 – Washington County Delegation

AN ACT concerning

Washington County – Sheriff – Salary

FOR the purpose of requiring the Board of County Commissioners to set the salary of the Sheriff of Washington County beginning on a certain date, subject to certain limitations and within a certain period of time of receiving certain recommendations; altering the salary of the Sheriff of Washington County; providing that this Act does not apply to the salary or compensation of the incumbent Sheriff of Washington County; and generally relating to the Sheriff of Washington County.

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 12–205
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 12–206
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 2–309(w)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 1227 – Delegates Carter, Anderson, Barnes, Dumais, Ramirez, Rosenberg, Schuler, and Valderrama

AN ACT concerning

Juvenile Proceedings – Expungement of ~~Police Records~~ Criminal Charge Transferred to Juvenile Court

FOR the purpose of ~~requiring the expungement of certain police records in connection with juvenile proceedings relating to a delinquent act if certain procedures are met; establishing that for certain detentions or confinements in a juvenile proceeding occurring on or after a certain date, the person detained or confined is entitled to expungement of certain police records; requiring a certain law enforcement unit to take certain actions within a certain amount of time after release of a certain person entitled to expungement of a certain police record; requiring certain entities to take certain actions within a certain amount of time after receipt of a certain notice of expungement; establishing that a police record that is expunged under certain circumstances may not be expunged by obliteration for a certain period of time; providing for the circumstances under which certain records can be accessed; authorizing a person entitled to expungement of a police record to use a certain legal remedy and recover certain costs under certain circumstances; providing that a person is entitled to expungement of a criminal charge under certain circumstances; repealing certain procedures and time requirements for the expungement of a certain criminal charge; prohibiting a person who is entitled to expungement of certain police records under certain circumstances from being required to pay any fees or costs in connection with the expungement; defining certain terms; and generally relating to juvenile proceedings and expungement of police records~~ altering provisions relating to the expungement of certain criminal records to require a court to grant a petition for expungement of a criminal charge transferred to the juvenile court; repealing provisions limiting the circumstances under which a person may file, and a court is required or authorized to grant, a petition for expungement of a criminal charge transferred to the juvenile court; and generally relating to the expungement of criminal charges transferred to the juvenile court.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section ~~10–101, 10–105, and~~ 10–106
Annotated Code of Maryland
(2008 Replacement Volume)

~~BY adding to~~
~~Article – Criminal Procedure~~

~~Section 10–103.2 and 10–103.3~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume)~~

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 1245 – Frederick County Delegation

AN ACT concerning

Frederick County – Deer Hunting on Private Property – Sundays

FOR the purpose of authorizing a person in Frederick County to hunt deer on certain Sundays on private property with a bow and arrow during certain months; removing Frederick County from a list of counties in which certain Sunday deer hunting privileges do not apply; and generally relating to hunting on private property on Sundays.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–410(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Education, Health, and Environmental Affairs.

House Bill 1321 – Delegates Conway, Eckardt, Elmore, and Haddaway

AN ACT concerning

Juvenile Law – Truancy Reduction Pilot Program – Repeal of Sunset

FOR the purpose of repealing the termination date of provisions of law relating to a Truancy Reduction Pilot Program; clarifying that certain provisions of law relating to a Truancy Reduction Pilot Program apply only in certain counties and under certain circumstances; authorizing a certain school official to file a certain petition with the juvenile court if the court stetted a certain charge; providing for the transfer of certain cases under certain circumstances; requiring the Chief Judge of the Court of Appeals to report to the General Assembly on each Truancy Reduction Pilot Program on or before a certain date each year; and generally relating to a Truancy Reduction Pilot Program.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8C–01, 3–8C–04, 3–8C–08, 3–8C–09, and 3–8C–10
Annotated Code of Maryland

(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 3–8C–02, 3–8C–03, 3–8C–05, 3–8C–06, and 3–8C–07
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 3–8C–08 and 3–8C–11
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Education
Section 7–301 (a) and (e)
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Education
Section 7–301(e–1)
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, with amendments,
Chapter 551 of the Acts of the General Assembly of 2004, as amended by Chapter 648 of the Acts of the General Assembly of 2007
Section 4

BY repealing and reenacting, with amendments,
Chapter 648 of the Acts of the General Assembly of 2007
Section 2

Read the first time and referred to the Committee on Judicial Proceedings.

House Bill 1451 – Chair, Economic Matters Committee (By Request – Departmental – Business and Economic Development) and Delegates Davis, Rudolph, Barkley, Braveboy, Burns, Feldman, Haddaway, Harrison, Hecht, Impallaria, Jameson, King, Kirk, Krysiak, Love, Manno, Mathias, McHale, Miller, Minnick, Stifler, Taylor, Vaughn, and Walkup

AN ACT concerning

Military Personnel and Service–Disabled Veterans No–Interest Loan Program

FOR the purpose of altering the name of the Military Service–Related Loan Program in the Department of Business and Economic Development to be the Military Personnel and Service–Disabled Veterans No–Interest Loan Program; altering certain definitions and eligibility criteria under the Program; altering certain permitted uses of loans made under the Program; and generally relating to the Military Personnel and Service–Disabled Veterans No–Interest Loan Program.

BY repealing and reenacting, without amendments,
Article – Economic Development
Section 5–1001
Annotated Code of Maryland
(2008 Volume)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 5–1002 and 5–1003 to be under the amended subtitle "Subtitle 10. Military Personnel and Service–Disabled Veterans No–Interest Loan Program"
Annotated Code of Maryland
(2008 Volume)

Read the first time and referred to the Committee on Finance.

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 279	Sen. Gladden	Criminal Law – Death Penalty – Evidence

Endorsed as having been read the third time and passed by yeas and nays in the House of Delegates.

MOTION

Senator Kelley moved, duly seconded, that the Senate receive in Open Session the following Report from the Committee on Executive Nominations.

The motion was adopted.

March 26, 2009
Report #7

The Senate Executive Nominations Committee reports favorably on the attached gubernatorial appointments and recommends that the Senate of Maryland advise and consent to these appointments.

Delores G. Kelley
Chair

Senate Executive Nominations Committee
Report #7
March 26, 2009

Department of Business and Economic Development

1. Christian Johansson — District 46
10 East Lee Street, Unit 2009
Baltimore, MD 21202

Secretary of Department of Business and Economic Development; appointed to serve at the pleasure of the Governor

Board of Examiners of Landscape Architects

2. Charles B. Adams — District 5
14834 Falls Road, P.O. Box 93
Butler, MD 21023

Member of the Board of Examiners of Landscape Architects; appointed to serve a term of three years from July 1, 2009

Boiler Rules, Board of

3. Kevin J. Mulvey — District 31
8236 Silver Run Court
Pasadena, MD 21122

Member of the Board of Boiler Rules; reappointed to serve a term of four years from January 1, 2009

Chesapeake and Atlantic Coastal Bays, Critical Area Commission for the

4. Worrall Reed "Nick" Carter, III — District 36
14272 Drapers Mill Road
Greensboro, MD 21639

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; appointed to serve a term of four years from July 1, 2006

5. Cathleen M. Vitale District 33
324 Arundel Beach Road
Severna Park, MD 21146

Member of the Critical Area Commission for the Chesapeake and Atlantic Coastal Bays; reappointed to serve remainder of a term of four years from June 1, 2005 and a term of four years from June 1, 2009

Economic Development Commission, Maryland

6. Elias A. Zerhouni, M.D. District 31
2113 Janer Drive
Pasadena, MD 21122

Member of the Maryland Economic Development Commission; appointed to serve remainder of a term of three years from July 1, 2008

Education, State Board of

7. Donna Hill Staton District 13
13827 Lakeside Drive
Clarksville, MD 21029

Member of the State Board of Education; appointed to serve remainder of a term of four years from July 1, 2006

Health Care Commission, Maryland

8. Robert L. Lyles, Jr., M.D. District 30
923 Childs Point Road
Annapolis, MD 21401

Member of the Maryland Health Care Commission; appointed to serve a term of four years from October 1, 2008

Historical Trust, Board of Trustees of the Maryland

9. John Lewis Seidel, Ph.D. District 36
200 Washington Avenue
Chestertown, MD 21620

Member of the Board of Trustees of the Maryland Historical Trust; reappointed to serve a term of four years from July 1, 2009

Plumbing, State Board of

10. Allen B. Clinedinst, III — District 5
1912 Ridgewood Court
Hampstead, MD 21074

Member of the State Board of Plumbing; appointed to serve a term of three years from May 1, 2009

11. Charles E. Lenderking — District 38
2998 Beth Eden Church Road
Pocomoke, MD 21851

Member of the State Board of Plumbing; reappointed to serve a term of three years from May 1, 2009

Potomac River Fisheries Commission

12. Robert H. Bowes — District 29
17785 Clarke Road
Tall Timbers, MD 20690

Member of the Potomac River Fisheries Commission; reappointed to serve a term of four years from January 1, 2009

13. William Leonard Rice, Sr. — District 28
11400 Tucker Farm Place
Faulkner, MD 20632

Member of the Potomac River Fisheries Commission; reappointed to serve a term of four years from January 1, 2009

Professional Standards and Teacher Education Board

14. Lorraine E. Cornish–Harrison — District 43
1812 Hillenwood Road
Baltimore, MD 21239

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2009

15. Ayana English–Brown — District 27
9501 Meadow Lark Avenue
Upper Marlboro, MD 20772

Member of the Professional Standards and Teacher Education Board; appointed to serve a term of three years from July 1, 2009

16. Michael J. Fell District 34
57 Samuel Chase Drive
Port Deposit, MD 21904

Member of the Professional Standards and Teacher Education Board; appointed to serve a term of three years from July 1, 2009

17. Ronald S. Goldblatt, Esquire District 33
115 Kingswood Road
Annapolis, MD 21401

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2009

Racing Commission, State

18. David Hayden District 5
16123 Dark Hollow Road, P.O. Box 68
Upperco, MD 21155

Member of the State Racing Commission; appointed to serve a term of four years from July 1, 2006

Real Estate Appraisers and Home Inspectors, State Commission of

19. David J. Hodnett, Esq. District 10
8027 Woodgate Court, Apt. D
Windsor Mill, MD 21244

Member of the State Commission of Real Estate Appraisers and Home Inspectors; appointed to serve a term of three years from January 1, 2008

Real Estate Commission, State

20. Marla S. Johnson District 3
2762 Lynn Street
Frederick, MD 21704

Member of the State Real Estate Commission; appointed to serve remainder of a term of four years from June 1, 2006

Tourism Development Board, Maryland

21. Linda M. Norman District 11
9417 Lyonswood Drive
Owings Mills, MD 21117

Member of the Maryland Tourism Development Board; appointed to serve remainder of a term of three years from July 1, 2007

University System of Maryland Board of Regents

22. Gary L. Attman District 11
3712 Michelle Way
Pikesville, MD 21208

Member of the University System of Maryland Board of Regents; appointed to serve remainder of a term of five years from July 1, 2008

23. Sarah Elfreth District 42
8000 York Road, Unit #955
Towson, MD 21252

Member of the University System of Maryland Board of Regents; appointed to serve a term of one year from July 1, 2009

24. John L. Young, M.D. District 15
10410 Willowbrook Drive
Potomac, MD 20854

Member of the University System of Maryland Board of Regents; appointed to serve a term of five years from July 1, 2009

Veterans Home Commission, Maryland

25. Kathryn Smith Gleeson District 15
19415 Caravan Drive
Germantown, MD 20874

Member of the Maryland Veterans Home Commission; reappointed to serve a term of five years from July 1, 2009

26. Jeanette Hammond (Ret.) District 32
1919 Artillery Lane
Odenton, MD 21113

Member of the Maryland Veterans Home Commission; appointed to serve a term of five years from July, 2009

Waterworks and Waste Systems Operators, State Board of

27. Rene Javier District 42
7915 Hillendale Road
Parkville, MD 21234

Member of the State Board of Waterworks and Waste Systems Operators; reappointed to serve a term of four years from July 1, 2009

Wellmobile Program Advisory Board, Governor's

28. Gerard M. Walsh District 37
30 Bellevue Avenue
Cambridge, MD 21613

Member of the Governor's Wellmobile Program Advisory Board; appointed to serve remainder of a term of three years from October 1, 2007

Youth Camp Safety, Advisory Council on

29. Cheryl DePinto, M.D. District 13
8704 Hidden Pool Court
Laurel, MD 20723

Member of the Advisory Council on Youth Camp Safety; reappointed to serve a term of three years from July 1, 2008

30. Denise E. Frebertshauser District 30
4583 Owensville Sudley Road
Harwood, MD 20776

Member of the Advisory Council on Youth Camp Safety; reappointed to serve a term of three years from July 1, 2009

31. Gregory C. Joseph District 36
3380 Turkey Point Road
North East, MD 21901

Member of the Advisory Council on Youth Camp Safety; reappointed to serve a term of three years from July 1, 2009

Statewide Nominees

Please Note: Statewide nominees who, in accordance with the policies adopted by the Senate Executive Nominations Committee, are not required to appear before the committee.

Open Meetings Law Compliance Board, State

S–1. Elizabeth Logan Nilson, Esq. District 43
226 Northway
Baltimore, MD 21218

Member of the State Open Meetings Law Compliance Board; reappointed to serve a term of three years from July 1, 2009

Port Commission, Maryland

S–2. William B. Dockser, Esq. District 15
8906 Clewerwall Drive
Bethesda, MD 20817

Member of the Maryland Port Commission; reappointed to serve a term of three years from July 1, 2009

S–3. Charles H. White, Jr. District 30
1200 Britania Lane
Annapolis, MD 21403

Member of the Maryland Port Commission; reappointed to serve a term of three years from July 1, 2009

Prevailing Wage Rates, Advisory Council on

S–4. Patricia Cook–Ferguson District 11
4709 Dark Star Way
Owings Mills, MD 21117

Member of the Advisory Council on Prevailing Wage Rates; reappointed to serve a term of three years from July 1, 2009

S–5. Joseph Michael Herbert District 12
4417 Linden Avenue
Halethorpe, MD 21227

Member of the Advisory Council on Prevailing Wage Rates; reappointed to serve a term of three years from July 1, 2009

Professional Engineers, State Board for

S–6. Pastor Farinas District 19
5550 Muncaster Mill Road
Rockville, MD 20855

Member of the State Board for Professional Engineers; reappointed to serve a term of five years from July 1, 2009

Professional Standards and Teacher Education Board

S–7. Shirley Brandman District 16
6715 Landon Lane
Bethesda, MD 20817

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2009

S–8. Marcia B. Cushall, Ed.D. District 1
21 Dogwood Circle
Frostburg, MD 21532

Member of the Professional Standards and Teacher Education Board; reappointed to serve a term of three years from July 1, 2009

Real Estate Appraisers and Home Inspectors, State Commission of

S–9. John E. Jordan District 28
7221 Leonardtown Road
Hughesville, MD 20637

Member of the State Commission of Real Estate Appraisers and Home Inspectors; reappointed to serve a term of three years from January 1, 2009

S–10. Trevor Lee District 20
2111 Edgewater Parkway
Silver Spring, MD 20903

Member of the State Commission of Real Estate Appraisers and Home Inspectors; reappointed to serve a term of three years from January 1, 2009

Real Estate Commission, State

S–11. J. Nicholas D'Ambrosia District 28
6334 Grant Chapman Drive
La Plata, MD 20646

Member of the State Real Estate Commission; reappointed to serve a term of four years from June 1, 2009

Social Work Examiners, State Board of

S–12. Yvonne Bryant District 18

10309 Parkwood Drive
Kensington, MD 20895

Member of the State Board of Social Work Examiners; reappointed to serve a term of four years from July 1, 2009

Tourism Development Board, Maryland

S–13. Paul J. Bales District 26
13000 Sandwick Circle
Fort Washington, MD 20744

Member of the Maryland Tourism Development Board; reappointed to serve a term of three years from July 1, 2009

S–14. Kathleen Ann Cloyd Sher District 42
1306 Wine Spring Lane
Baltimore, MD 21204

Member of the Maryland Tourism Development Board; reappointed to serve a term of three years from July 1, 2009

S–15. Andrew L. Vick District 1
12 South Mechanic Street
Cumberland, MD 21502

Member of the Maryland Tourism Development Board; reappointed to serve a term of three years from July 1, 2009

Veterans Home Commission, Maryland

S–16. Alfred N. Simmons District 45
3314 Lawnview Avenue
Baltimore, MD 21213

Member of the Maryland Veterans Home Commission; reappointed to serve a term of five years from July 1, 2009

Women, Maryland Commission for

S–17. Melissa A. Techentin District 46
1601 Dundalk Avenue
Baltimore, MD 21222

Member of the Maryland Commission for Women; reappointed to serve a term of four years from July 1, 2009

S–18. Agnes Diane Williams District 23
902 Jennings Mill Drive
Bowie, MD 20721

Member of the Maryland Commission for Women; reappointed to serve a term of four years from July 1, 2009

Youth Camp Safety, Advisory Council on

S–19. Julia R. Strong District 37
26618 E. Bonfield Road
Oxford, MD 21654

Member of the Advisory Council on Youth Camp Safety; reappointed to serve a term of three years from July 1, 2009

Local Nominees

Please Note: Local Nominees are not required to appear before the Senate Executive Nominations Committee.

Anne Arundel Community College Board of Trustees

L–1. Kimberly McCoy Burns District 32
201 Homewood Road
Linthicum, MD 21090

Member of the Anne Arundel Community College Board of Trustees; appointed to serve a term of six years from July 1, 2009

L–2. Jason R. Hill District 33
738 Honeysuckle Trail
Crownsville, MD 21032

Member of the Anne Arundel Community College Board of Trustees; appointed to serve a term of one year from July 1, 2009

Baltimore City Board of License Commissioners

L–3. Stephan W. Fogleman, Jr. District 46
726 South Clinton Street
Baltimore, MD 21224

Member of the Baltimore City Board of License Commissioners; reappointed to serve a term of two years to expire on the first Monday in May, 2011

L–4. Harvey Eugene Jones District 45
4310 Walther Avenue
Baltimore, MD 21214

Member of the Baltimore City Board of License Commissioners; reappointed to serve a term of two years to expire on the first Monday in May, 2011

L–5. Elizabeth C. Smith District 41
3400 Dorchester Road
Baltimore, MD 21215

Member of the Baltimore City Board of License Commissioners; reappointed to serve a term of two years to expire on the first Monday in May, 2011

Baltimore County Community College, Board of Trustees

L–6. Dorothy E. Foos District 7
6403 Lewis Road
Baldwin, MD 21013

Member of the Board of Trustees of Baltimore County Community College; reappointed to serve a term of five years from July 1, 2009

L–7. H. Scott Gehring, Ed.D. District 7
14 Thurkill Court
Cockeysville, MD 21030

Member of the Board of Trustees of Baltimore County Community College; reappointed to serve a term of five years from July 1, 2009

Cecil Community College Board of Trustees

L–8. Harry Lenderman, Ed.D. District 34
807 Elk Mills Road, P.O. Box 107
Elk Mills, MD 21920

Member of the Cecil Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2009

Frederick Community College Board of Trustees

L–9. Debra Borden District 4
6727 Meadowlawn Circle
New Market, MD 21774

Member of the Frederick Community College Board of Trustees; appointed to serve a term of five years from July 1, 2009

Garrett College Board of Trustees

L–10. Vianne Bell District 1
2159 Mayhew Inn Road
Oakland, MD 21550

Member of the Garrett College Board of Trustees; reappointed to serve a term of six years from July 1, 2009

L–11. Jason B. Rush District 1
39 Deer Pass Lane
McHenry, MD 21541

Member of the Garrett College Board of Trustees; appointed to serve a term of six years from July 1, 2008

Hagerstown Community College Board of Trustees

L–12. Patricia K. Cushwa District 2
221 E. Potomac Street, P.O. Box 406
Williamsport, MD 21795

Member of the Hagerstown Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2009

Montgomery County Board of Elections

L–13. Mary Howe Kiraly District 15
9221 Aldershot Drive
Bethesda, MD 20817

Member of the Montgomery County Board of Elections; appointed to serve remainder of a term of four years from June 4, 2007

Prince George's Community College Board of Trustees

L–14. Lori F. Morris District 23
8337 Quill Point Drive
Bowie, MD 20720

Member of the Prince George's Community College Board of Trustees; reappointed to serve a term of five years from July 1, 2009

St. Mary's County Alcoholic Beverage Board

L–15. Linda Palchinsky District 29

45866 Beechwood Place
Lexington Park, MD 20653

Member of the St. Mary's County Alcoholic Beverage Board; appointed to serve remainder of a term of four years from January 1, 2006

Wor–Wic Community College Board of Trustees

L–16. Velda E. Henry District 38
225 Branch Street
Berlin, MD 21811

Member of the Wor–Wic Community College Board of Trustees; reappointed to serve a term of six years from July 1, 2009

Senator Kelley moved, duly seconded, to make the Report a Special Order for March 27, 2009

The motion was adopted.

INTRODUCTION OF BILLS

Senator Middleton moved, duly seconded, to suspend Rule 32(a) and 32(b) to comply with the Constitutional requirements in order to introduce a Bill, and two–thirds of the Senators elected voting in the affirmative, the requirements were complied with by yeas and nays.

Senate Bill 1070 – Senator Middleton

AN ACT concerning

Nonprofit Health Service Plans – Hearing and Order – Impact of Law by Another State

FOR the purpose of authorizing the Maryland Insurance Commissioner to hold a certain hearing to review and evaluate a certain impact, if another state enacts a law that requires a nonprofit health service plan operating in this State to provide a certain program or benefits; requiring the Commissioner, based on the review and evaluation, to make a certain determination; requiring the Commissioner to issue a certain order for a certain purpose, under certain circumstances; authorizing the order to include a prohibition on the nonprofit health service plan subsidizing the program or benefits in a certain manner; and generally relating to a hearing and order by the Maryland Insurance

Commissioner on the impact of a law by another state on a nonprofit health service plan in this State.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 1–101(mm)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–124
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Rules.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 576)

ADJOURNMENT

At 1:52 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 11:00 A.M. on Friday, March 27, 2009 in memory of John Hope Franklin.