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of the

Senate
of
Maryland

2009 Regular Session

Volume IV

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Annapolis, Maryland
Legislative Day: April 4, 2009
Calendar Day: Wednesday, April 8, 2009
10:00 A.M. Session

The Senate met at 10:01 A.M.

Prayer by Reverend Mark Greiner, Takoma Park Presbyterian Church, guest of Senator Raskin.

(See Exhibit A of Appendix III)

The Journal of April 3, 2009 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 868)

SPECIAL ORDERS

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

Senate Bill 964 – Senators Colburn and Pipkin

AN ACT concerning

Caroline County Board of Education – Election of Members – Referendum

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS (3) OFFERED FROM THE FLOOR BY SENATOR COLBURN.

FLOOR AMENDMENT

SB0964/983028/1

BY: Senator Colburn

AMENDMENTS TO SENATE BILL 964, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0964/524233/2), in line 3 of Amendment No. 1, after "appointed" insert "by the Governor with the advice and consent of the Senate"; and in line 8, after "Governor" insert "with the advice and consent of the Senate".

AMENDMENT NO. 2

On page 4 of the Education, Health, and Environmental Affairs Committee Amendments, in line 2 of Amendment No. 3, strike "**THREE**" and substitute "**TWO**"; in line 3, after "**GOVERNOR**" insert "**, WITH THE ADVICE AND CONSENT OF THE SENATE,**"; in the same line, strike "**§ 3–3A–02(B)(2)**" and substitute "**§ 3–3A–02(B)(3)(I)1**"; in line 11, strike "**FIVE**" and substitute "**THREE**"; and in line 13, strike "**THREE**" and substitute "**TWO**".

On page 5 of the Education, Health, and Environmental Affairs Committee Amendments, in line 1 of Amendment No. 3, strike "**THREE**" and substitute "**TWO**"; and in line 2, after "**GOVERNOR**" insert "**, WITH THE ADVICE AND CONSENT OF THE SENATE,**".

AMENDMENT NO. 3

On page 3 of the bill, in line 11, strike "**FIVE**" and substitute "**THREE**"; and in line 17, strike "**FIVE**" and substitute "**THREE**".

On page 4 of the bill, in line 32, strike "**THREE**" and substitute "**TWO**".

On page 5 of the bill, in line 3, strike "**TWO MEMBERS**" and substitute "**MEMBER**"; and in line 5, strike "**RECEIVE**" and substitute "**RECEIVES**".

The preceding 3 amendments were read only.

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

The motion was adopted.

Senate Bill 361 – Senator Gladden

AN ACT concerning

Environment – Reducing Lead Risk in Housing – Lead Paint Dust Testing

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

SB0361/788976/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 361
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Gladden" and substitute "Senators Gladden and Harrington".

The preceding amendment was read only.

Senator Robey moved, duly seconded, to make the Bill and Amendment a Special Order for April 9, 2009.

The motion was adopted.

House Bill 102 – The Speaker (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2009, the Hillandale Center Loan of 2001, the Baltimore City – New Shiloh Multipurpose Center Loan of 2001, and the Maryland Consolidated Capital Bond Loans of 2001, 2002, 2003, 2004, 2005, 2006, 2007, and 2008

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (33) AND THE FAVORABLE REPORT.

REPORT OF THE SENATE BUDGET AND TAXATION COMMITTEE
TO THE MARYLAND SENATE – 2009 SESSION –
RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION
PERTAINING TO HOUSE BILL 102 – THE CAPITAL BUDGET

(See Exhibit J of Appendix III)

SENATE BUDGET AND TAXATION COMMITTEE
REPRINT TO HOUSE BILL 102 – THE CAPITAL BUDGET

(See Exhibit K of Appendix III)

The preceding 33 amendments were read and adopted.

Favorable Report, as amended, adopted by roll call vote as follows:

Affirmative – 41 Negative – 6 (See Roll Call No. 869)

Read the second time and ordered prepared for Third Reading.

FLOOR AMENDMENT

HB0102/243728/1

BY: Senator Harris

AMENDMENTS TO HOUSE BILL 102
(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 78, after line 20, insert:

"SECTION 12. AND BE IT FURTHER ENACTED, That no portion of the proceeds of a loan or any of the matching funds provided for a project funded under this Act may be expended by a public institution of higher education until the governing board of the public institution of higher education develops a policy that addresses the serious social and health concerns associated with the presentation of pornographic films at the institution.";

and in line 21, strike "12." and substitute "13.".

AMENDMENT NO. 2

On page 81, in line 30, strike "13." and substitute "14.".

On page 82, in line 14, strike "14." and substitute "15."; in the same line, strike "12" and substitute "13"; and in lines 16 and 17, strike "15." and "14", respectively, and substitute "16." and "15", respectively.

The preceding 2 amendments were read only.

The preceding 2 amendments were ruled out of order by the Chair.

Decision of the Chair was upheld by roll call vote as follows:

Affirmative – 35 Negative – 12 (See Roll Call No. 870)

FLOOR AMENDMENT

HB0102/773928/1

BY: Senator Harris

AMENDMENTS TO HOUSE BILL 102
(Third Reading File Bill – Committee Reprint)

AMENDMENT NO. 1

On page 78, after line 20, insert:

"SECTION 12. AND BE IT FURTHER ENACTED, That no portion of the proceeds of a loan or any of the matching funds provided for a project funded under this Act may be expended by the University System of Maryland, Morgan State University, St. Mary's College of Maryland, or the Baltimore City Community College until the governing bodies of these institutions adopt policies on the incorporation of an invocation at commencement ceremonies consistent with the First Amendment of the United States Constitution and Article 36 of the Maryland Declaration of Rights.";

and in line 21, strike "12." and substitute "13.".

AMENDMENT NO. 2

On page 81, in line 30, strike "13." and substitute "14.".

On page 82, in line 14, strike "14." and substitute "15."; in the same line, strike "12" and substitute "13"; and in lines 16 and 17, strike "15." and "14", respectively, and substitute "16." and "15", respectively.

The preceding 2 amendments were withdrawn.

FLOOR AMENDMENT

HB0102/313020/2

BY: Senators Rosapepe and Miller

AMENDMENT TO HOUSE BILL 102
(Third Reading File Bill – Committee Reprint)

On page 28, in Amendment No. 18, in line 29, after "campus" insert ". Provided that no funds may be expended on this project until:

(1) the University of Maryland, College Park and the City of College Park enter a memorandum of understanding regarding the scope of the East Campus project and other issues related to the project; or

(2) the City of College Park provides a letter to the General Assembly and the Board of Public Works that certifies that the City is satisfied with the intended use of the funds".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Senator DeGrange moved, duly seconded, to put **House Bill 102** on Third Reading on the same day in compliance with the Constitution.

The motion was adopted by roll call vote as follows:

Affirmative – 44 Negative – 3 (See Roll Call No. 871)

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 102** on Third Reading and Final Passage.

House Bill 102 – The Speaker (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2009, the Hillandale Center Loan of 2001, the Baltimore City – New Shiloh Multipurpose Center Loan of 2001, and the Maryland Consolidated Capital Bond Loans of 2001, 2002, 2003, 2004, 2005, 2006, 2007, and 2008

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 40 Negative – 7 (See Roll Call No. 872)

The Bill was then sent to the House of Delegates.

House Bill 1081 – Delegates Jones, Bohanan, Branch, Bronrott, G. Clagett, Conway, DeBoy, Gaines, Griffith, Haynes, Heller, James, Levy, and Proctor

AN ACT concerning

Prior Authorizations of State Debt to Fund Capital Projects – Alterations

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (17) AND THE FAVORABLE REPORT.
–

HB1081/389835/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 1081
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, before "altering" insert "requiring that the construction and equipping of certain underground utilities be located on certain streets;".

AMENDMENT NO. 2

On page 3, after line 27, insert:

"BY repealing and reenacting, with amendments,
Chapter 432 of the Acts of the General Assembly of 2004
Section 1(3) Item QG00(A)";

and after line 30, insert:

"BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005, as amended by Chapter 66 of the Acts of the General Assembly of 2007

Section 1(3) Item ZA01(BN)".

AMENDMENT NO. 3

On page 4, in line 4, strike "ZA01(BT)" and substitute "ZA00(T), ZA01(BT),"; in line 12, strike "ZA01(C)" and substitute "ZA00(P), ZA01(C), (H)"; in the same line, strike "ZA02(D)" and substitute "ZA02(C), (D), (AS)"; in line 19, after "ZA00(M)" insert ", (S), and (U)"; in the same line, after "ZA01(F)," insert "(K),"; in line 20, strike the first "and"; and in the same line, after "(CF)" insert ", and (CN),".

AMENDMENT NO. 4

On page 18, in line 24, strike "**VICTORY**"; in the same line, strike "Youth Center" and substitute "**MACDONALD KNOLLS CENTER**"; in line 25, strike "Victory Youth Center, Inc." and substitute "**CHI CENTERS, INC.**"; in line 26, after "construction," insert "**RECONSTRUCTION,**"; and strike beginning with "**VICTORY**" in line 28 down through "**DARNESTOWN**" in line 29 and substitute "**MACDONALD KNOLLS CENTER, LOCATED IN SILVER SPRING**".

AMENDMENT NO. 5

On page 22, strike beginning with "**VICTORY**" in line 1 down through "**CENTER**" in line 2 and substitute "**MACDONALD KNOLLS CENTER**"; in line 4, strike "Victory Youth Center, Inc." and substitute "**CHI CENTERS, INC.**"; in line 6, after "**RENOVATION,**" insert "**RECONSTRUCTION,**"; and strike beginning with "**VICTORY**" in line 8 down through "**(STATEWIDE)**" in line 10 and substitute "**MACDONALD KNOLLS CENTER, LOCATED IN SILVER SPRING (MONTGOMERY COUNTY)**".

AMENDMENT NO. 6

On page 22, after line 22, insert:

"Chapter 432 of the Acts of 2004

SECTION 1. BE FURTHER ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(3)

QG00 POLICE AND CORRECTIONAL TRAINING COMMISSIONS

(A) Public Safety Training Center. Provide funds to equip two renovated dormitory buildings and design **AND CONSTRUCT** the remaining components of the Center (Carroll County) ..... 940,000".

AMENDMENT NO. 7

On page 23, after line 28, insert:

"Chapter 445 of the Acts of 2005, as amended by Chapter 66 of the Acts of 2007

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(3) ZA01 LOCAL HOUSE OF DELEGATES INITIATIVES

(BN) Frederick Douglass Memorial. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the **[**Frederick Douglass Memorial Action Coalition**]** **TOWN OF EASTON** for the design and construction of a monument to the life and legacy of Frederick Douglass, to be located in Easton. Notwithstanding Section 1(5) of this Act, the matching fund may include real property, in kind contributions, or funds expended prior to the effective date of this Act and the grantee has until June 1, **[**2009,**]** **2011,** to present evidence that a matching fund will be provided (Talbot County) ..... 100,000".

AMENDMENT NO.8

On page 25, after line 9, insert:

"ZA00 MISCELLANEOUS GRANT PROGRAMS

(T) Annapolis Underground Wiring. Provide a grant equal to the lesser of (i) $600,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Annapolis to assist in the construction and equipping of underground utilities

ON CORNHILL STREET, FLEET STREET, AND PINKNEY STREET in the City of Annapolis. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Anne Arundel County) .... 600,000".

AMENDMENT NO. 9

On page 27, after line 9, insert:

"ZA00 MISCELLANEOUS GRANT PROGRAMS

(P) Annapolis Underground Wiring. Provide a grant equal to the lesser of (i) $600,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Annapolis to assist in the construction and capital equipping of underground utilities **ON CORNHILL STREET, FLEET STREET, AND PINKNEY STREET** in the City of Annapolis. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Anne Arundel County) .... 600,000".

AMENDMENT NO. 10

On page 27, after line 20, insert:

"(H) Hope House. Provide a grant of $100,000 to the Board of Directors of Addiction Recovery, Inc. for the repair, renovation, and capital equipping of Hope House, an alcohol and drug addiction residential treatment facility, located in Crownsville, subject to a requirement that the grantee provide and expend a matching fund of $50,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions**. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2011, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Statewide) .... 100,000".

AMENDMENT NO. 11

On page 28, strike beginning with "**VICTORY**" in line 7 down through "**CENTER**" in line 8 and substitute "**MACDONALD KNOLLS CENTER**"; in line 10, strike "Victory Youth Center, Inc." and substitute "**CHI CENTERS, INC.**"; in line 12, after "**RENOVATION,**" insert "**RECONSTRUCTION,**"; and strike beginning with "**VICTORY**" in line 14 down through "**(STATEWIDE)**" in line 16 and substitute "**MACDONALD KNOLLS CENTER, LOCATED IN SILVER SPRING (MONTGOMERY COUNTY)**".

AMENDMENT NO. 12

On page 28, after line 39, insert:

"(C) Hope House. Provide a grant of $100,000 to the Board of Directors of Addiction Recovery, Inc. for the repair, renovation, and capital equipping of Hope House, an alcohol and drug addiction residential treatment facility, located in Crownsville, subject to a requirement that the grantee provide and expend a matching fund of $50,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions**. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2011, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Statewide) .... 100,000".

AMENDMENT NO. 13

On page 29, after line 8, insert:

"(AS) Cecil County Breeder's Fair. Provide a grant in the amount of $50,000 to the Board of Directors of the Cecil County Breeder's Fair, Inc. for the **ACQUISITION,** repair, renovation, reconstruction, and capital equipping**, INCLUDING ACQUISITION OF AN AERATOR,** of the race track at Fair Hill, located in Fair Hill (Cecil County) ..... 50,000".

AMENDMENT NO. 14

On page 29, strike beginning with "**VICTORY**" in line 31 down through "**CENTER**" in line 32 and substitute "**MACDONALD KNOLLS CENTER**"; in line 34,

strike "Victory Youth Center, Inc." and substitute "**CHI CENTERS, INC.**"; in line 36, after "**RENOVATION,**" insert "**RECONSTRUCTION,**"; and strike beginning with "**VICTORY**" in line 38 down through "**DARNESTOWN**" in line 39 and substitute "**MACDONALD KNOLLS CENTER, LOCATED IN SILVER SPRING**".

AMENDMENT NO. 15

On page 32, strike line 9 in its entirety; in line 10, before "RD00" insert "(3)"; and after line 22, insert:

"ZA00 MISCELLANEOUS GRANT PROGRAMS".

On page 33, after line 7, insert:

"(S) Annapolis Underground Wiring. Provide a grant equal to the lesser of (i) $600,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Annapolis to assist in the construction and equipping of underground utilities **ON CORNHILL STREET, FLEET STREET, AND PINKNEY STREET** in the City of Annapolis. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Anne Arundel County) 600,000

(U) The Emmart–Pierpoint Safe House. Provide a grant **[**equal to the lesser**]** of **[**(i)**]** $100,000 **[**or (ii) the amount of the matching fund provided,**]** to the Board of Directors of The Friends of Cherry Hill AUMP, Inc. for the construction, renovation, and capital equipping of the Emmart–Pierpoint Safe House, located in Baltimore County. **[**Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act**]** (Baltimore County)..... 100,000".

AMENDMENT NO. 16

On page 33, after line 17, insert:

"(K) Annapolis Summer Garden Theatre. Provide a grant equal to the lesser of (i) $50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Annapolis Summer Garden Theatre, Inc. for the repair, renovation, restoration, and reconstruction of the Annapolis Summer Garden Theatre including repair to the roof, located in Annapolis**[**, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust**]** (Anne Arundel County)..... 50,000".

AMENDMENT NO. 17

On page 34, after line 20, insert:

"(CN) Oxford Community Center. Provide a grant equal to the lesser of (i) $50,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Oxford Community Center, Inc. for the design, repair, renovation, reconstruction, and capital equipping of the Oxford Community Center, located in **[**Oxford, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust.**]** **OXFORD.** Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Talbot County)..... 50,000".

The preceding 17 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator DeGrange moved, duly seconded, to put **House Bill 1081** on Third Reading on the same day in compliance with the Constitution.

The motion was adopted by roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 873)

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 1081** on Third Reading and Final Passage.

House Bill 1081 – Delegates Jones, Bohanan, Branch, Bronrott, G. Clagett, Conway, DeBoy, Gaines, Griffith, Haynes, Heller, James, Levy, and Proctor

AN ACT concerning

Prior Authorizations of State Debt to Fund Capital Projects – Alterations

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 47 Negative – 0 (See Roll Call No. 874)

The Bill was then sent to the House of Delegates.

House Bill 1304 – ~~Delegates Love, Beidle, V. Clagett, Costa, George, King, Kipke, McConkey, Schuh, and Sophocleus~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Alcoholic Beverages Act of 2009

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

Read the second time and ordered prepared for Third Reading.

Senate Bill 1065 – Senator Frosh

AN ACT concerning

Standing – Miscellaneous Environmental Protection Proceedings and Judicial Review

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

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB1065/494730/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO SENATE BILL 1065, AS AMENDED

On page 5 of the Education, Health, and Environmental Affairs Committee Amendments (SB1065/794635/1), in line 7 of Amendment No. 6, after "permit;" insert "**AND**".

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. 875)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #70

Senate Bill 358 – Senators Middleton, Dyson, Garagiola, and Glassman

EMERGENCY BILL

AN ACT concerning

~~Agriculture~~ Calvert County, Charles County, and St. Mary's County – Agricultural Preservation Easements – Renewable Energy Generation

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

Affirmative – 47 Negative – 0 (See Roll Call No. 876)

The Bill was then sent to the House of Delegates.

Senate Bill 609 – Senator Brinkley

AN ACT concerning

Frederick County – Deer Hunting on Private Property – Sundays

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

Affirmative – 43 Negative – 2 (See Roll Call No. 877)

The Bill was then sent to the House of Delegates.

Senate Bill 735 – Senators Raskin, Forehand, Jacobs, Madaleno, Mooney, Robey, and Simonaire

AN ACT concerning

Vehicle Laws – Mandatory Use of Ignition Interlock System

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

Affirmative – 47 Negative – 0 (See Roll Call No. 878)

The Bill was then sent to the House of Delegates.

Senate Bill 908 – Senators Muse, Conway, Exum, Gladden, Harrington, Jones, Kelley, Peters, and Zirkin

EMERGENCY BILL

AN ACT concerning

Task Force on Prisoner Reentry

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

Affirmative – 47 Negative – 0 (See Roll Call No. 879)

The Bill was then sent to the House of Delegates.

Senate Bill 958 – Senator Rosapepe

EMERGENCY BILL

AN ACT concerning

Construction Permits – Expiration Dates

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

Affirmative – 45 Negative – 1 (See Roll Call No. 880)

The Bill was then sent to the House of Delegates.

Senate Bill 1043 – Senator Harrington

AN ACT concerning

Prince George's County – Development Impact Fees

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

Affirmative – 42 Negative – 4 (See Roll Call No. 881)

The Bill was then sent to the House of Delegates.

Senate Bill 1045 – Senator Harrington

AN ACT concerning

DHCD – Community Development Administration – Financing Instruments – Mortgage Loans Guaranteed by Government–Sponsored Enterprises

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

Affirmative – 46 Negative – 1 (See Roll Call No. 882)

The Bill was then sent to the House of Delegates.

Senate Bill 1049 – Senator Muse

AN ACT concerning

~~Domestic Violence~~ Education – Tween/Teen Dating Violence ~~Education and Awareness~~

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

Affirmative – 45 Negative – 0 (See Roll Call No. 883)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #14
CONSENT CALENDAR #13

BILL NO.	SPONSOR	CONTENT	COMMITTEE

HB 217 (AMENDED)	Calvert County Del.	Calvert County – Alcoholic Beverages	EHE
HB 294 (AMENDED)	The Speaker	Smart, Green, and Growing – Local Government Planning – Planning Visions	EHE
HB 312	The Speaker	Aquaculture – Shellfish – Leasing	EHE
HB 389	Del. Taylor	Minority Business Enterprise Program – Prohibitions	EHE
HB 609	Del. Holmes	Chesapeake Bay Phosphorous Reduction Act of 2009	EHE
HB 641	Del. Pena–Melnyk	Minority Business Enterprise Program – Participation by Race or Gender	EHE
HB 732	Del. Cane	Wicomico County – Local Board of Elections – Compensation	EHE
HB 1336	Del. Braveboy	Minority Business Enterprise Program – Report to Joint Committee on Fair Practices	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 13 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 884)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #15

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 885)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 886)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 887)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 888)

The Bill was then sent to the House of Delegates.

House Bill 235 – Delegates Tarrant, Bromwell, Kullen, V. Turner, and Weldon

AN ACT concerning

Health Insurance – Rescission of Contracts and Certificates – Restrictions

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

Affirmative – 47 Negative – 0 (See Roll Call No. 889)

The Bill was then sent to the House of Delegates.

House Bill 1194 – Delegates Benson, Weldon, Bromwell, and Costa

AN ACT concerning

Open Meetings Act – Expansion of Definition of Public Body

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

Affirmative – 47 Negative – 0 (See Roll Call No. 890)

The Bill was then sent to the House of Delegates.

House Bill 1195 – Delegates Montgomery, Bartlett, Bobo, Carr, G. Clagett, Hecht, Hucker, Manno, Rice, Robinson, and Stull

EMERGENCY BILL

AN ACT concerning

Prescription Drugs – Wholesale Drug Distribution – Surety Bond Requirements

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

Affirmative – 45 Negative – 0 (See Roll Call No. 891)

The Bill was then sent to the House of Delegates.

House Bill 1218 – Washington County Delegation

AN ACT concerning

Washington County – Deer Hunting – Dogs

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

Affirmative – 45 Negative – 2 (See Roll Call No. 892)

The Bill was then sent to the House of Delegates.

House Bill 1220 – Washington County Delegation

AN ACT concerning

Washington County – Regulation of Electricians and the Provision of Electrical Services

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

Affirmative – 47 Negative – 0 (See Roll Call No. 893)

The Bill was then sent to the House of Delegates.

House Bill 1245 – Frederick County Delegation

AN ACT concerning

Frederick County – Deer Hunting on Private Property – Sundays

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

Affirmative – 44 Negative – 2 (See Roll Call No. 894)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #16

House Bill 218 – Delegate Beitzel

AN ACT concerning

Garrett County – Sanitary Commission – Collection of Unpaid Benefit Assessments

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

Affirmative – 46 Negative – 0 (See Roll Call No. 895)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 896)

The Bill was then sent to the House of Delegates.

House Bill 533 – Delegates Morhaim and Weldon

AN ACT concerning

Cooperative Purchasing Agreements – Requirements and Expansion of Use

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

Affirmative – 46 Negative – 0 (See Roll Call No. 897)

The Bill was then sent to the House of Delegates.

House Bill 587 – Delegates Kaiser, Barkley, Cardin, Manno, Olszewski, Schuh, and V. Turner

AN ACT concerning

Education – Teacher Identification Number

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

Affirmative – 46 Negative – 1 (See Roll Call No. 898)

The Bill was then sent to the House of Delegates.

House Bill 588 – Delegates Kaiser, Cardin, and Olszewski

AN ACT concerning

Education – Public Schools – Standardized Course Numbering System

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

Affirmative – 46 Negative – 1 (See Roll Call No. 899)

The Bill was then sent to the House of Delegates.

House Bill 595 – Delegates Olszewski and Cardin

AN ACT concerning

State Government – Recycling Program – Aluminum, Glass, Paper, and Plastic

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

Affirmative – 46 Negative – 0 (See Roll Call No. 900)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 901)

The Bill was then sent to the House of Delegates.

House Bill 923 – Delegate Rudolph

AN ACT concerning

Higher Education – Community Colleges – BRAC – Exemption from Out–of–State and Out–of–County Fees

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

Affirmative – 47 Negative – 0 (See Roll Call No. 902)

The Bill was then sent to the House of Delegates.

House Bill 973 – Delegate V. Clagett

AN ACT concerning

Maryland Horse Industry Fund – Assessments on Commercial Equine Feed

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

Affirmative – 36 Negative – 11 (See Roll Call No. 903)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 904)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #17

House Bill 46 – Delegate Sossi

AN ACT concerning

Caroline County – Alcoholic Beverages – Multiple Event Licenses

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

Affirmative – 47 Negative – 0 (See Roll Call No. 905)

The Bill was then sent to the House of Delegates.

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

AN ACT concerning

Anne Arundel County – Tipton Airport Authority – Runway Length

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

Affirmative – 47 Negative – 0 (See Roll Call No. 906)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 46 Negative – 1 (See Roll Call No. 907)

The Bill was then sent to the House of Delegates.

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

FLOOR AMENDMENT

HB0462/383425/1

BY: Senator Middleton

AMENDMENT TO HOUSE BILL 462
(Third Reading File Bill)

On page 2, in line 19, strike the first comma.

The preceding amendment was read and adopted.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 908)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 909)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 910)

The Bill was then sent to the House of Delegates.

House Bill 1057 – Delegates McHale and Hecht

AN ACT concerning

Net Energy Metering – Micro Combined Heat and Power

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

Affirmative – 47 Negative – 0 (See Roll Call No. 911)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 912)

The Bill was then sent to the House of Delegates.

House Bill 1407 – Chair, Economic Matters Committee (By Request – Departmental – Natural Resources)

AN ACT concerning

Environmental Trust Fund – Environmental Surcharge – Sunset Extension

FLOOR AMENDMENT

HB1407/153222/1

BY: Senator Harris

AMENDMENTS TO HOUSE BILL 1407
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "provision;" insert "prohibiting the Public Service Commission from imposing a certain surcharge or authorizing electric companies to add the amount of the surcharge to a certain customer's bill during a certain fiscal year;".

AMENDMENT NO. 2

On page 4, after line 37, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, during fiscal year 2010, the Public Service Commission may not

impose an environmental surcharge under § 3–302 of the Natural Resources Article or § 7–203 of the Public Utility Companies Article or authorize electric companies to add the amount of the surcharge to retail electric customers' bills.".

On page 5, in line 1, strike "2." and substitute "3."; and in line 2, strike "October 1, 2009" and substitute "July 1, 2009".

The preceding 2 amendments were withdrawn.

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

Affirmative – 43 Negative – 4 (See Roll Call No. 913)

The Bill was then sent to the House of Delegates.

House Bill 1569 – ~~Delegate McIntosh~~ Delegates McIntosh, Barkley, Beidle, Carr, V. Clagett, Dumais, Frush, Glenn, Haynes, Healey, Howard, Hucker, Ivey, Kaiser, Lafferty, Lee, McHale, Morhaim, Niemann, Olszewski, Riley, Robinson, Stein, and Waldstreicher

AN ACT concerning

Standing – Miscellaneous Environmental Protection Proceedings and Judicial Review

Senator Middleton moved, duly seconded, to make the Bill a Special Order for April 9, 2009.

The motion was adopted.

THIRD READING CALENDAR (HOUSE BILLS) #18

House Bill 109 – ~~Delegate Wood~~ Delegates Wood, Montgomery, and Riley

AN ACT concerning

Health – Issuance of Birth Certificates – Surviving Spouse

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

Affirmative – 47 Negative – 0 (See Roll Call No. 914)

The Bill was then sent to the House of Delegates.

House Bill 127 – Delegates Pena–Melnyk, Benson, Costa, Howard, Hubbard, Kullen, Levi, Nathan–Pulliam, Reznik, Riley, Tarrant, V. Turner, Waldstreicher, and Weldon

AN ACT concerning

Death Certificate – Correction – Notice of Right to Appeal Denial

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

Affirmative – 45 Negative – 2 (See Roll Call No. 915)

The Bill was then sent to the House of Delegates.

House Bill 142 – Chair, Health and Government Operations Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance – Antifraud Plans

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

Affirmative – 47 Negative – 0 (See Roll Call No. 916)

The Bill was then sent to the House of Delegates.

House Bill 160 – Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance – Fraudulent Acts – Insurance Producers and Adjusters

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

Affirmative – 47 Negative – 0 (See Roll Call No. 917)

The Bill was then sent to the House of Delegates.

House Bill 161 – Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance – Company Action Level Events – Property and Casualty Insurers

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

Affirmative – 47 Negative – 0 (See Roll Call No. 918)

The Bill was then sent to the House of Delegates.

House Bill 165 – Chair, Economic Matters Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance – Cancellation of Policies – Limitation on Midterm Cancellations

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

Affirmative – 47 Negative – 0 (See Roll Call No. 919)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 920)

The Bill was then sent to the House of Delegates.

House Bill 613 – Delegate Stifler

AN ACT concerning

Public Safety – Elevators – Inspections

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

Affirmative – 46 Negative – 0 (See Roll Call No. 921)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 922)

The Bill was then sent to the House of Delegates.

House Bill 1235 – Delegate Krysiak

AN ACT concerning

Injured Workers' Insurance Fund – Rate Filing

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

Affirmative – 46 Negative – 0 (See Roll Call No. 923)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #19

House Bill 20 – ~~Delegate Sophocleus~~ Delegates Sophocleus, Barkley, Beidle, Benson, Bromwell, Carr, G. Clagett, Conaway, Costa, Donoghue, Elliott, George, Hammen, Hecht, Howard, Hubbard, Jameson, Kach, Kipke, Krebs, Kullen, Love, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Reznik, Rice, Riley, Robinson, Shewell, Tarrant, V. Turner, Weldon, and Wood

AN ACT concerning

Intellectual Disability (Rosa's Law)

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

Affirmative – 46 Negative – 0 (See Roll Call No. 924)

The Bill was then sent to the House of Delegates.

House Bill 32 – Delegate Kullen

AN ACT concerning

Health Insurance – Limitations on Preexisting Condition Provisions – ~~Applicability~~ Individual Health Benefit Plans

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

Affirmative – 46 Negative – 1 (See Roll Call No. 925)

The Bill was then sent to the House of Delegates.

House Bill 70 – ~~Delegate Morhaim~~ Delegates Morhaim, Hammen, Pendergrass, Benson, Bromwell, Donoghue, Elliott, Kach, Kipke, Krebs, Kullen, McDonough, Montgomery, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Department of Health and Mental Hygiene – Commissions, Programs, and Reports – Revision

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

Affirmative – 47 Negative – 0 (See Roll Call No. 926)

The Bill was then sent to the House of Delegates.

House Bill 92 – Delegate Anderson (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 – 47 Negative – 0 (See Roll Call No. 927)

The Bill was then sent to the House of Delegates.

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

FLOOR AMENDMENT

HB0103/423028/1

BY: Senator Stone

AMENDMENTS TO HOUSE BILL 103
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "shells;" insert "prohibiting the Department of Natural Resources from applying to the Department of the Environment and the United States Army Corps of Engineers for permits to dredge for buried oyster shells on Man–O–War Shoals on or before a certain date;".

AMENDMENT NO. 2

On page 1, after line 20, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the Department of Natural Resources may not apply to the Department of the Environment and the United States Army Corps of Engineers for permits to dredge for buried oyster shells on Man–O–War Shoals on or before July 1, 2010.".

On page 2, strike "2." and substitute "3.".

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

Affirmative – 8 Negative – 38 (See Roll Call No. 928)

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

Affirmative – 46 Negative – 1 (See Roll Call No. 929)

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 1072 – The President (By Request – Administration) and Senators Brinkley, Colburn, Conway, Currie, DeGrange, Garagiola, Gladden, Harrington, Jones, Kasemeyer, Klausmeier, Madaleno, McFadden, Middleton, Miller, Munson, Peters, Pipkin, Pugh, Robey, and Rosapepe

EMERGENCY BILL

AN ACT concerning

Pimlico and Laurel Park Racetracks, Bowie Race Course Training Center, and Preakness Stakes – State Purchase or Condemnation

FOR the purpose of authorizing the State to acquire by purchase or condemnation for public use with just compensation private property relating to the Pimlico Race Course, the track known as Laurel Park, the Bowie Race Course Training Center, the name, copyrights, service marks, trademarks, trade names, contract rights, business entities, stock, and horse racing events that are associated with the Preakness Stakes and its trophy, the Woodlawn Vase, and certain other private property; requiring that all proceedings for condemnation for public use of private property as authorized under this Act are to be in accordance with certain provisions of law and certain rules of procedure; authorizing the taking of certain private property immediately on payment for the property; authorizing the Maryland Economic Development Corporation to borrow money and issue bonds for certain purposes related to the condemnation authorized by this Act; making this Act an emergency measure; stating legislative intent; and relating generally to the authority of the State to purchase or condemn certain private property relating to certain tracks, the Bowie Race Course Training Center, and the Preakness Stakes.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 11–520
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 10–117
Annotated Code of Maryland
(2008 Volume)

Senator Klausmeier moved to suspend the rules to allow **Senate Bill 1072** to be referred immediately.

The motion was adopted.

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

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #19

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 930)

The Bill was then sent to the House of Delegates.

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

AN ACT concerning

Municipal Corporations – Annexations – Small Parcels

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

Affirmative – 47 Negative – 0 (See Roll Call No. 931)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 45 Negative – 0 (See Roll Call No. 932)

The Bill was then sent to the House of Delegates.

House Bill 1546 – Delegate Niemann

AN ACT concerning

DHCD – Community Development Administration – Financing Instruments – Mortgage Loans Guaranteed by Government–Sponsored Enterprises

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

Affirmative – 46 Negative – 1 (See Roll Call No. 933)

The Bill was then sent to the House of Delegates.

House Bill 1564 – Delegate Stein

EMERGENCY BILL

AN ACT concerning

Program Open Space – Use of Funds – Indoor or Outdoor Recreational Facilities

Senator Dyson moved, duly seconded, to make the Bill a Special Order for April 9, 2009.

The motion was adopted.

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 25	Anne Arundel Co. Sen	City of Annapolis – Alcoholic Beverages – Administrative Proceedings and Fines
SB 104	Sen. Stone	Baltimore County – Prospective Employees and Volunteers – Criminal History

		Records Check
SB 152	Sen. Frosh	Estates and Trusts – Personal Representatives and Fiduciaries – Powers
SB 153	Sen. Frosh	Estes and Trusts – Jurisdiction of Orphans' Court – Determination of Title to Personal Prop
SB 154	Sen. Frosh	Estates and Trusts – Admission of Copy of Executed Will
SB 162	Chair, EHE Com.	Alcoholic Beverages – Resident Dealer's Permit
SB 178	Sen. McFadden	State Retirement and Pension System – Investments
SB 259	The President	Criminal Procedure – Drunk and Drugged Driving – Probation Before Judgment
SB 263	The President	Vehicle Laws – Alcohol Restriction on Driver's Licenses – Penalties for Violations
SB 267	The President	Family Law – Protective Orders – Surrender of Firearms
SB 268	The President	Family Law – Temporary Protective Orders – Surrender of Firearms
SB 269	The President	Financial Institutions – Mortgage Lenders and Mortgage Loan Originators
SB 304	Sen. Kramer	Crimes – Financial Exploitation of Elderly – Penalty
SB 434	Sen. Astle	Anne Arundel County – Alcoholic Beverages – Yacht Club License
SB 817	Sen. Jones	Task Force to Study Prison Violence in Maryland – Reconstitution

Endorsed as having been read the third time and passed by yeas and nays in the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 292 – The Speaker (By Request – Administration) and Delegates Jones, Manno, Montgomery, and Taylor

AN ACT concerning

Financial Institutions – Mortgage Lenders and Mortgage Loan Originators

FOR the purpose of altering certain provisions of law regulating mortgage lenders and mortgage loan originators to conform to the requirements of the federal Secure and Fair Enforcement for Mortgage Licensing Act of ~~2009~~ 2008; expanding the authority of the Commissioner of Financial Regulation to adopt regulations to facilitate implementation of a multistate automated licensing system; requiring certain applicants and licensees to provide certain information and pay certain fees to a certain multistate automated licensing system at certain times; authorizing the Commissioner to use the multistate automated licensing system to request information from and distribute information to certain ~~sources~~ governmental agencies and state licensing entities under certain circumstances; altering the required contents of an application for a mortgage lender license and a mortgage loan originator license; altering the terms of mortgage lender licenses and mortgage loan originator licenses; requiring a licensed mortgage lender to submit a certain annual report; increasing certain civil penalties; altering the circumstances under which a mortgage lender must require a borrower to provide certain information to the mortgage lender; prohibiting an individual from engaging in the business of a mortgage loan originator unless the individual holds a valid license or is exempt from certain provisions of law; establishing certain exemptions from the licensing requirement; providing that a license issued under certain provisions of law authorizes the licensee to act as a mortgage loan originator when acting within the scope of employment of a person exempt from licensing as a mortgage lender; altering the information the Commissioner must include on a mortgage loan originator license; altering the actions a licensed mortgage loan originator must take before acting as a mortgage loan originator under a certain name or for a certain employer; 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; altering certain requirements for the issuance and renewal of a mortgage loan originator license; establishing certain education, testing, and surety bond requirements for certain applicants and licensees; authorizing certain licensees to comply with certain requirements on or before a certain date; authorizing the Commissioner to issue an interim mortgage loan originator license to certain individuals under certain circumstances; altering the circumstances under which the Commissioner must revoke the license of a mortgage loan originator; providing that certain requirements and privileges apply to certain information or material under certain circumstances; providing that certain information and

material may be shared with certain regulatory officials without the loss of certain privilege or confidentiality protections; authorizing the Commissioner to enter into certain information sharing agreements; requiring certain nonfederally insured credit unions to register certain employees with a certain multistate automated licensing system in a certain manner; requiring the Commissioner to report certain enforcement actions and information to the multistate automated licensing system and adopt regulations establishing a process to challenge the information entered into the system; requiring a mortgage loan originator's unique identifier to be displayed in a certain manner and under certain circumstances; defining certain terms; altering and repealing certain definitions; 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; making stylistic and conforming changes; and generally relating to the regulation of mortgage lenders and mortgage loan originators.

BY repealing and reenacting, with amendments,
Article – Financial Institutions
Section 2–105.1(c), 11–501, 11–502(b), ~~11–505(d) and (e), 11–506(e)~~ 11–505(e), 11–506.1, 11–507, ~~11–508(b) and (d)~~ 11–508(d)(2), 11–508.1(a), 11–511, ~~11–513(a), 11–515(b) and (d), 11–516(a), 11–517(a) and (e)~~ 11–517(c), 11–521(a), ~~11–523(b),~~ 11–601, 11–602, 11–603, 11–605, 11–606, 11–607(a), 11–609, 11–612, ~~11–613(a)~~ 11–613, and 11–615(a), (c), and (f)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY adding to
Article – Financial Institutions
Section 11–513.1, 11–603.1, 11–605.1, 11–606, 11–606.1, and 11–619 through 11–623
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY repealing
Article – Financial Institutions
Section 11–604
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

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

House Bill 593 – Delegates Dumais, Bronrott, Feldman, Frick, Lee, and Rice

AN ACT concerning

Criminal Procedure – Offender Registry – Minors

FOR the purpose of establishing that a certain part of a police or court record pertaining to a child may be accessed and used by the Department of Public Safety and Correctional Services and certain supervising authorities for certain purposes relating to a certain offender registry; altering the definitions of "child sexual offender" and "sexually violent offender" for purposes of a certain offender registry to include certain persons who have been adjudicated delinquent for acts that would constitute certain offenses if committed by an adult; altering the definition of "supervising authority" for purposes of a certain offender registry to include the ~~court in which certain persons are adjudicated delinquent~~ Secretary of Juvenile Services; requiring a certain person to register with a supervising authority for inclusion on a certain offender registry if the person was at least a certain age at the time a certain act was committed, the State's Attorney or the Department of Juvenile Services requests that the person be required to register, the court determines at a certain time and under a certain standard that the person is at risk for committing certain offenses, and the person is at least a certain age; requiring the State's Attorney to serve a certain written notice within a certain period; requiring the Department of Juvenile Services to provide the court with certain information and conduct certain follow–up; requiring that the form of certain petitions and pleadings and the procedures to be followed by a court under certain circumstances be specified in the Maryland Rules; authorizing a certain court to order an evaluation of a certain person in making a certain determination; establishing that a certain person is required to register with a supervising authority within a certain time after a certain jurisdiction of the juvenile court terminates; altering the definition of "resident" for purposes of a certain offender registry; requiring that a certain person is required to register with a certain local law enforcement unit after a certain jurisdiction of the juvenile court is terminated; establishing the term of registration for a certain person; establishing that, for a certain person, a term of registration on a certain offender registry is computed from the time a certain jurisdiction of the juvenile court is terminated; defining a certain term; and generally relating to the inclusion of minors on the offender registry.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–27(a)(1) and (b)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 3–8A–27(h)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–701(c), (j), and (m), 11–704, 11–705, and 11–707
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 11–701(k)
Annotated Code of Maryland
(2008 Replacement Volume)

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

House Bill 868 – Delegates Love and Krysiak

AN ACT concerning

Property and Casualty Insurance – Portable Electronics Insurance – Regulation

FOR the purpose of ~~prohibiting the issuance of portable electronics insurance unless~~ establishing a limited lines license to sell coverage under a policy of portable electronics insurance subject to the jurisdiction of the Maryland Insurance Commissioner; providing that the limited lines license authorizes certain employees and authorized representatives of a vendor of portable electronics to sell certain portable electronics insurance under certain circumstances; deeming the acts of certain employees and authorized representatives to be the acts of the vendor for certain purposes; providing for the billing, collection, and maintenance of certain premiums by certain persons; establishing certain limitations on the compensation of certain employees and authorized representatives who sell portable electronics insurance on behalf of a vendor; providing for the issuance and renewal of a limited lines license to sell coverage under a policy of portable electronics insurance subject to certain requirements and procedures; providing for the scope of authority of the limited lines license; requiring the prior filing and approval of certain portable electronics insurance policies; requiring a vendor to hold certain appointments from certain authorized insurers; requiring certain ~~materials are available~~ disclosures to be provided to prospective customers at a certain location and in a certain manner; providing for the ~~materials~~ disclosures to include a certain summary of coverage, a certain ~~disclosure~~ statement about other insurance coverage, a certain statement about required ~~enrollment in~~ purchase of coverage, a certain description of the process for filing a claim, ~~a certain disclosure about employees evaluating certain insurance coverage,~~ and a certain statement about cancelling the insurance; ~~authorizing the offering of portable electronics insurance on a periodic basis as a certain commercial inland marine policy; authorizing vendors of portable electronics and their employees and authorized representatives to~~

~~offer enrollment in policies of portable electronics insurance without licensure as insurance producers under certain circumstances; requiring an insurer that offers portable electronics insurance to appoint a certain supervising agency for certain purposes;~~ providing that coverage under a policy of portable electronics insurance is primary to certain other coverage; authorizing the Commissioner to suspend, revoke, or refuse to renew a limited lines license under certain circumstances; prohibiting a vendor and the employees and authorized representatives of the vendor from advertising, representing, or otherwise holding themselves out as a certain insurer or insurance producer; authorizing the Commissioner to adopt certain regulations; requiring the development of a certain training program for employees and authorized representatives; ~~authorizing vendors to bill and collect charges for portable electronics insurance in a certain manner;~~ authorizing the ~~Maryland Insurance~~ Commissioner to impose certain fines in certain amounts and impose certain penalties for certain violations; authorizing the issuance of portable electronics insurance on a month–to–month or other periodic basis as a certain commercial inland marine policy; requiring the establishment of certain eligibility and underwriting standards; prohibiting an insurer from terminating or changing the terms and conditions of a policy of portable electronics insurance unless the insurer provides at least a certain number of days of notice, with certain exceptions; requiring an insurer that makes certain changes to a policy to provide certain revised policies or endorsements to certain persons; providing that coverage continues under the policy under certain circumstances if the insurer does not provide timely notice; providing that covered customers are eligible for reinstatement of coverage under certain circumstances; requiring a vendor that terminates a policy to give certain notice to covered customers in a certain manner; providing certain circumstances under which notice of termination to covered customers is not required; establishing that certain required notice is to be given in a certain manner; defining certain terms; providing for a delayed effective date; and generally relating to the regulation of portable electronics insurance.

BY adding to

Article – Insurance

Section 10–701 through 10–708 to be under the new subtitle "Subtitle 7. Portable Electronics Vendors"; and 19–901 through ~~19–904~~ 19–903 to be under the new subtitle "Subtitle 9. Portable Electronics Insurance"

Annotated Code of Maryland

(2006 Replacement Volume and 2008 Supplement)

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

House Bill 963 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Public Consumption and Open Containers – Penalties

PG 326–09

FOR the purpose of ~~altering in Prince George's County the penalties for violating certain prohibitions against the public consumption of alcoholic beverages or the public possession of an open container of alcoholic beverages to include the possibility of certain terms of incarceration~~ requiring a person in Prince George's County, who is charged with a certain misdemeanor relating to the public consumption of alcoholic beverages or the public possession of an open container of alcoholic beverages, to comply with a certain command in a charging document by making a personal appearance in court; making certain stylistic changes; and generally relating to penalties for alcoholic beverages violations in Prince George's County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 19–202, 19–203, 19–301(b), and 19–303(14)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 19–204 and 19–302
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

House Bill 1392 – Chair, Ways and Means Committee (By Request – Departmental – Elections, State Board of)

AN ACT concerning

Election Law – Miscellaneous ~~Technical and Clarifying Corrections~~ Revisions

FOR the purpose of altering a certain requirement for establishment of certain election precincts; ~~requiring an election director to remove a voter from the statewide voter registration list under certain circumstances;~~ authorizing an address change to be processed without the voter's signature if notification of the change is provided by the U.S. Department of Defense; requiring the State Administrator of Elections to make arrangements to receive reports of individuals convicted of certain crimes from certain other courts; clarifying certain requirements for retention and use of certain personal identification numbers; ~~requiring the State Board of Elections to adopt regulations for local~~

~~boards to provide notice of elections; repealing certain provisions requiring a local board to provide notice of certain elections using certain methods; repealing the requirement that a local board shall determine certain qualifications of a board of education candidate;~~ clarifying that certain provisions applicable to an absentee ballot also apply to a provisional ballot; altering the forms a voter may use to apply for an absentee ballot; repealing the formula for ordering ballots; requiring the State Administrator to determine, in consultation with the local boards, the quantity of ballots and arrange for the printing of ballots; clarifying how a local board may provide a voter with an absentee ballot; ~~altering certain standards for determining when a second absentee ballot may be issued to a voter; clarifying certain procedures for marking and sending a certain absentee ballot;~~ repealing certain requirements concerning the mailing of absentee ballots; requiring the State Board to adopt guidelines for the distribution and return of absentee ballots; clarifying that a vacancy in the polling place staff may not delay the opening of the polling place; clarifying the instructions that are to be followed by certain election judges; altering the procedures to be followed to determine whether an individual at a polling place may vote a ballot; ~~altering certain procedures for validating absentee ballots;~~ altering the quantum of fault required for violation of certain provisions relating to concealment, damage, or destruction of voting equipment; clarifying that a certain provision is applicable to the unauthorized possession of a computer password; clarifying certain prohibitions on removing certain equipment or supplies; clarifying that certain provisions are applicable to certain electronic hardware; clarifying which election authority may authorize an individual to access certain voting systems or possess certain voting system components; prohibiting a person from possessing a voting unit unless authorized to do so by the appropriate election authority; making certain technical changes; and generally relating to the election laws.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 2–303(a), ~~3–501,~~ 3–304, 3–504(a), 3–505, ~~8–102, 8–803,~~ 9–204(b), 9–215(b), 9–305(a), 9–306(b) and (d), ~~9–307(b),~~ 9–406(b), 10–305, 10–310, ~~11–302(d),~~ 16–801(a), 16–802(b), 16–803(a), and 16–804(a)
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY repealing
Article – Election Law
Section 9–310
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY adding to
Article – Election Law
Section 9–310
Annotated Code of Maryland

(2003 Volume and 2008 Supplement)

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

House Bill 1398 – Chair, Ways and Means Committee (By Request – Departmental – Elections, State Board of)

AN ACT concerning

Election Law – Campaign Finance – Revisions

FOR the purpose of repealing certain references to certain responsibilities of the local boards of elections for certain campaign finance filings; repealing references to subtreasurers and campaign managers; requiring a candidate to establish an authorized political committee before filing a declaration of intent; requiring a candidate or officer of a slate to file a certain written notice with the State Board; ~~requiring the State Board to remove a candidate from a slate after receiving written notice from the slate members and officers; prohibiting a political committee from engaging in campaign finance activity without filling certain offices of the political committee;~~ requiring certain officers of a political committee to notify the State Board of Elections within a certain time period of an address change; ~~requiring a designated campaign account to make campaign funds available at certain times and without the imposition of a penalty in certain situations; requiring that only the treasurer of the political committee may have signatory authority over the campaign account; specifying that the treasurer of a campaign finance entity shall make certain reimbursements; repealing certain prohibited expenditures; clarifying that a campaign finance entity may not directly or indirectly use campaign funds for personal use of the candidate or certain officers of the political committee; clarifying which expenditures a treasurer of a political committee may authorize;~~ requiring a certain campaign finance report to be made under oath and to the State Board; ~~authorizing certain expenditures to be made by electronic disbursements; clarifying the certain time period when~~ altering the date by which a treasurer is required to issue a receipt for a contribution; ~~requiring a campaign finance entity to notify the State Board within a certain time after its participation in an election under certain circumstances; specifying a certain penalty for violation of certain participation and notification requirements; clarifying when certain notice requirements for failure to file a campaign finance report are satisfied;~~ 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 regarding standards for electronic communications; allowing certain affidavits to be filed after a certain date and subject to certain penalties; ~~repealing redundant provisions prohibiting a certain type of contribution to a political committee; requiring the State Board to assume certain duties of the Secretary of State;~~ prohibiting a contribution if it is intended to conceal the

source of the funds or intended recipient; making certain technical changes; and generally relating to revision of the campaign finance laws.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–202, 13–207, 13–209, ~~13–214,~~ 13–215, ~~13–220,~~ 13–222, ~~13–245,~~ 13–304, 13–305, 13–321, 13–322, 13–323, 13–327, 13–328, 13–331, ~~13–335,~~ 13–406, and 13–602~~, and 13–605~~
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY repealing
Article – Election Law
Section 13–211, 13–212, 13–219, 13–316, and 13–317
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

~~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)~~

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.

House Bill 1436 – Delegate Krysiak

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~~ and 9–407.1
Annotated Code of Maryland
(2008 Replacement Volume)

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

House Bill 1452 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Waiver of Examination Requirements – BRAC – Stationary Engineers, Plumbers, Gas Fitters, and Heating, Ventilation, Air–Conditioning, and Refrigeration Contractors

FOR the purpose of requiring the State Board of Stationary Engineers, the State Board of Plumbing, and the State Board of Heating, Ventilation, Air–Conditioning, and Refrigeration Contractors to waive examination requirements for certain applicants affected by the Base Realignment and Closure process under certain circumstances; limiting the waiver to a certain time period and to certain applicants; and generally relating to the State Board

of Stationary Engineers, the State Board of Plumbers, and the State Board of Heating, Ventilation, Air–Conditioning, and Refrigeration Contractors.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 6.5–307 and 12–305.1
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY adding to
Article – Business Occupations and Professions
Section 12–305.2
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 9A–305
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

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

House Bill 1512 – Frederick County Delegation

AN ACT concerning

Frederick County – Multivenue Wine License

FOR the purpose of establishing a Multivenue wine license in Frederick County; specifying that a holder of the license may hold simultaneous wine events at a certain number of venues that meet certain requirements; authorizing a holder of the license to sell wine and to allow a certain license holder to conduct a wine tasting under certain circumstances; requiring that a holder of the license prohibit a guest from transporting wine under certain circumstances; and generally relating to a Multivenue wine license in Frederick County.

BY renumbering
Article 2B – Alcoholic Beverages
Section 8–406.1
to be Section 8–406.2
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 8–406.1

Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #42

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

Senate Bill 940 – Senator Kittleman

AN ACT concerning

Education – Commission on Civic Literacy – Membership

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 1062 – Senator Exum

AN ACT concerning

Prince George's County – Issuance of Alcoholic Beverages Licenses and Park Permits – Notice to Police Department

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:

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

HB0960/194236/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 960
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; strike beginning with "Elected" in line 2 down through "Benefits" in line 3 and substitute "Expenditures"; in line 8, after "Education;" insert "prohibiting the Prince George's County Board of Education from expending any funds for certain purposes;"; in line 8, after "Act;" insert "making this Act an emergency measure;"; and in line 9, strike "benefits for elected members" and substitute "expenditures".

AMENDMENT NO. 2

On page 2, after line 15, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the Prince George's County Board of Education may not expend any funds for the purpose of leasing, acquiring, or purchasing property under or in connection with a lease entered into in June of 2008 for consolidation of administrative offices of the Board.";

in line 16, strike "2." and substitute "3."; in the same line, after "That" insert "Section 1 of"; and strike in their entirety lines 20 and 21 and substitute:

"SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.".

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:

House Bill 1179 – Delegates Cardin, Hixson, Olszewski, and Ross

AN ACT concerning

Election Law – Early Voting

HB1179/284638/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1179
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, after "voting;" insert "expressing the intent of the General Assembly with regard to the consideration of certain factors by the State Board and the local boards when selecting early voting centers;".

On pages 1 and 2, strike beginning with "repealing" in line 17 on page 1 through "elections;" in line 1 on page 2.

On page 2, in line 21, strike "10–101,"; in the same line, strike ", 10–310(a), and 15–103" and substitute "and 10–310(a)"; and in line 26, before "10–203" insert "10–101 and".

AMENDMENT NO. 2

On page 4, in lines 26 and 27, strike "**SUBPARAGRAPHS (III) AND (IV)**" and substitute "subparagraph (iii)".

On page 5, strike in their entirety lines 6 through 15, inclusive.

AMENDMENT NO. 3

On page 8, in line 22, strike "**THE**" and substitute "**NO LATER THAN 6 MONTHS BEFORE A PRIMARY ELECTION, THE**"; in line 25, after the second "**VOTING**" insert "**AS FOLLOWS**"; strike in their entirety lines 26 through 28, inclusive, and substitute:

"**(1)** **BEGINNING ON THE SECOND SATURDAY BEFORE A PRIMARY OR GENERAL ELECTION THROUGH THE THURSDAY BEFORE THE ELECTIONS; AND**"; in line 29, after "**(2)**" insert "**(I)**"; and in the same line, after "**8 P.M.**" insert "**ON THE SATURDAY AND THE MONDAY THROUGH THE THURSDAY DURING THE EARLY VOTING PERIOD; AND**

(II) **DURING THE HOURS BETWEEN 12 NOON AND 6 P.M. ON THE SUNDAY DURING THE EARLY VOTING PERIOD.**".

AMENDMENT NO. 4

On pages 10 and 11, strike in their entirety the lines beginning with line 9 on page 10 through line 12 on page 11, inclusive.

AMENDMENT NO. 5

On page 11, after line 12, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that in selecting early voting centers under this Act, the State Board of Elections, in collaboration with the local boards of elections, shall give due consideration to the voting patterns, demographics, and political party affiliation of the voters in each county.".

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 JUDICIAL PROCEEDINGS REPORT #27

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 387 – ~~Delegates Malone and George~~ ~~Delegate Malone and~~ Delegates Ivey, Dumais, ~~Aumann, Bartlett, Bates, Beidle, Beitzel, Bohanan, Boteler, Bromwell, G. Clagett,~~ V. Clagett, ~~Conway, Costa, DeBoy, Donoghue,~~ Doory, ~~Dwyer, Eckardt, Elliott, Elmore, Frank, Haddaway, Hecht, Impallaria, James,~~ Jameson, ~~Jennings, Kach, Kelly, King, Kipke, Krebs,~~ Kullen, Levy, Love, ~~Mathias, McComas, McConkey, McDonough, Miller, Minnick, Myers, Norman, O'Donnell, Olszewski, Riley, Rudolph, Schuh,~~ Schuler, ~~Serafini, Shank, Shewell, Smigiel, Sophocleus, Sossi,~~ Stein~~, Stifler, Stocksdale, Stull,~~

~~Walkup, Weir~~, Weldon, ~~and Wood~~ ~~Wood,~~ Vallario, ~~Ali,~~ Anderson, Barkley, ~~Barve,~~ Benson, Bobo, Branch, Bronrott, Burns, Cane, Carr, Carter, Conaway, Davis, Feldman, Frick, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Guzzone, Hammen, Harrison, Haynes, Healey, Heller, Hixson, Holmes, Howard, Hubbard, ~~Hucker,~~ Jones, Kaiser, Kirk, Kramer, Krysiak, ~~Lafferty,~~ Lee, ~~Manno,~~ McIntosh, Mizeur, Montgomery, Morhaim, Murphy, Nathan–Pulliam, Niemann, Oaks, Pena–Melnyk, Proctor, Ramirez, Reznik, Rice, Robinson, Rosenberg, Ross, Simmons, Stukes, Tarrant, Taylor, F. Turner, V. Turner, Valderrama, Vaughn, Waldstreicher, and Walker

EMERGENCY BILL

AN ACT concerning

~~Vehicle Laws – Drivers' Licenses, Identification Cards, and Moped Operators' Permits – Proof of Legal Presence~~

Vehicle Laws – Lawful Status in the United States – Material Compliance with Federal Requirements

HB0387/448478/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 387
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, strike "EMERGENCY BILL"; and strike beginning with "Lawful" in line 4 down through "Requirements" in line 5 and substitute "Proof of Lawful Presence Act of 2009".

On page 2, strike beginning with "prohibiting" in line 11 down through "Administration" in line 41 and substitute "requiring the Motor Vehicle Administration to issue an identification card or a moped operator's permit to an individual who, in addition to meeting certain other requirements, provides certain documentation verifying that an individual is either a United States citizen or is lawfully present in the United States in accordance with federal law and that the individual has a valid Social Security number or is not eligible for a Social Security number; prohibiting the Administration from issuing a driver's license to an individual who cannot provide certain documentation verifying that the individual is either a United States citizen or is lawfully present in the United States in accordance with

federal law; providing that the effective term of an identification card, driver's license, or moped operator's permit issued to a certain individual may not exceed the time that the individual is authorized to remain in the United States in accordance with federal law; altering the expiration dates for an identification card, a moped operator's permit, and certain drivers' licenses; altering a certain provision that requires a driver's license application to include a Social Security number to apply only to an applicant who is eligible for a Social Security number; altering a certain provision relating to an applicant for a driver's license who does not have a Social Security number to require an applicant to provide certain documentation verifying that the individual has a valid Social Security number or is not eligible for a Social Security number; requiring an applicant for a driver's license to submit certain documentation with the application; altering certain requirements relating to renewal of a driver's license; clarifying language; making a stylistic change; and generally relating to the issuance of driver's licenses, moped operator's permits, and identification cards and proof of lawful presence in the United States".

On page 3, strike in their entirety lines 13 through 39, inclusive, and substitute:

"BY repealing and reenacting, without amendments,
Article – Transportation
Section 11–128 and 16–106(a), (d), and (e)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 12–301(a) and (i), 16–103.1, 16–104.2, 16–106(b) and (c), and 16–115(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Transportation
Section 16–106(e)(4)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)".

On page 4, in line 1, strike "2. AND BE IT FURTHER ENACTED," and substitute "1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND".

AMENDMENT NO. 2

On pages 4 through 21, strike in their entirety the lines beginning with line 4 on page 4 through line 30 on page 21, inclusive, and substitute:

"11–128.

"License", as used in reference to the operation of a motor vehicle, means any:

(1) Driver's license; and

(2) Any other license or permit to drive a motor vehicle that is issued under or granted by the laws of this State, including:

(i) Any temporary license;

(ii) A learner's instructional permit;

(iii) A provisional license;

(iv) The privilege of any individual to drive a motor vehicle, whether or not that individual is formally licensed by this or any other jurisdiction;

(v) Any nonresident's privilege to drive, as defined in this subtitle; and

(vi) A commercial driver's license.

12–301.

(a) On application, the Administration shall issue an identification card to any individual who:

(1) Is a resident of this State;

(2) Does not have a driver's license;

(3) Presents a birth certificate or other proof of age and identity acceptable to the Administration; **[**and**]**

(4) **PROVIDES DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION VERIFYING THAT THE INDIVIDUAL IS EITHER A UNITED STATES CITIZEN OR IS LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW;**

(5) PROVIDES DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION VERIFYING THAT THE APPLICANT:

(I) HAS A VALID SOCIAL SECURITY NUMBER; OR

(II) IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER; AND

(6) Presents a completed application for an identification card on a form furnished by the Administration.

(i) (1) **[**An**] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN** identification card issued to an applicant at least 16 years old expires **[**every 5 years**] AT THE END OF A PERIOD OF TIME DETERMINED BY THE ADMINISTRATION, BUT NOT EXCEEDING 8 YEARS**.

(2) **[**An**] SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, AN** identification card issued to an applicant under the age of 16 years expires every **[**2**] 5** years.

(3) **THE EFFECTIVE TERM OF AN IDENTIFICATION CARD ISSUED TO AN INDIVIDUAL WHO IS NOT A UNITED STATES CITIZEN BUT WHO IS LAWFULLY PRESENT IN THE UNITED STATES MAY NOT EXCEED THE LENGTH OF TIME THAT THE INDIVIDUAL IS AUTHORIZED TO REMAIN IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.**

(4) An identification card may be renewed on application and payment of the fee required by this section.

16–103.1.

The Administration may not issue a driver's license to an individual:

(1) During any period for which the individual's license to drive is revoked, suspended, refused, or canceled in this or any other state, unless the individual is eligible for a restricted license under § 16–113(e) of this subtitle;

(2) Who is an habitual drunkard, habitual user of narcotic drugs, or habitual user of any other drug to a degree that renders the individual incapable of safely driving a motor vehicle;

(3) Who previously has been adjudged to be suffering from any mental disability or mental disease and who, at the time of application, has not been adjudged competent;

(4) Who is required by this title to take an examination, unless the individual has passed the examination;

(5) Whose driving of a motor vehicle on the highways the Administration has good cause to believe would be inimical to public safety or welfare;

(6) Who is unable to exercise reasonable control over a motor vehicle due to disease or a physical disability, including the loss of an arm or leg or both, except that, if the individual passes the examination required by this title, the Administration may issue the individual a restricted license requiring the individual to wear a workable artificial limb or other similar body attachment;

(7) Who is unable to understand highway warning or direction signs written in the English language;

(8) Who is unable to sign the individual's name for identification purposes;

(9) Who is 70 years old or older and applying for a new license, unless the applicant presents to the Administration:

(i) Proof of the individual's previous satisfactory operation of a motor vehicle; or

(ii) A written certification acceptable to the Administration from a licensed physician attesting to the general physical and mental qualifications of the applicant; **[**or**]**

(10) **WHO CANNOT PROVIDE DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION VERIFYING THAT THE INDIVIDUAL:**

(I) IS A UNITED STATES CITIZEN; OR

(II) IS LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW; OR

(11) Who otherwise does not qualify for a license under this title.

16–104.2.

(a) On application, the Administration shall issue a moped operator's permit to an individual**:**

(1) [who**] WHO** is 16 years of age or **[**older, and who**] OLDER;**

(2) WHO does not possess a valid driver's license issued by this State or any other jurisdiction, but whose license or privilege to drive is not revoked, suspended, refused, or canceled**; AND**

(3) WHO IS EITHER A UNITED STATES CITIZEN OR IS LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.

(b) An applicant is entitled to receive a moped operator's permit if the applicant:

(1) Passes the examination provided for in § 16–110(c)(1) of this subtitle; **[**and**]**

(2) Pays the fee provided for in this section**;**

(3) PROVIDES DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION VERIFYING THAT THE INDIVIDUAL IS EITHER A UNITED

STATES CITIZEN OR IS LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW; AND

(4) PROVIDES DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION VERIFYING THAT THE APPLICANT:

(I) HAS A VALID SOCIAL SECURITY NUMBER; OR

(II) IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER.

(c) Each application for a moped operator's permit shall be on a form and contain the information that the Administration requires and each permit issued shall be of a size, design, and content that the Administration specifies.

(d) (1) A permit is not valid unless the applicant signs the applicant's name on it in the applicant's usual signature.

(2) When issued and signed, a moped operator's permit only authorizes its holder to operate a moped, as defined in § 11–134.1 of this article or a motor scooter, as defined in § 11–134.5 of this article.

(e) **(1)** [A] **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A** moped operator's permit expires [every 5 years] **AT THE END OF A PERIOD OF TIME DETERMINED BY THE ADMINISTRATION, BUT NOT EXCEEDING 8 YEARS.**

(2) THE EFFECTIVE TERM OF A MOPED OPERATOR'S PERMIT ISSUED TO AN INDIVIDUAL WHO IS NOT A UNITED STATES CITIZEN BUT WHO IS LAWFULLY PRESENT IN THE UNITED STATES MAY NOT EXCEED THE LENGTH OF TIME THAT THE INDIVIDUAL IS AUTHORIZED TO REMAIN IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.

(3) [It] **A MOPED OPERATOR'S PERMIT** may be renewed on application and payment of the fee required by subsection (f) of this section.

(f) (1) For issuance or renewal of a moped operator's permit, an applicant shall pay the Administration a fee established by the Administration.

(2) For issuance of a duplicate moped operator's permit, an applicant shall pay the Administration a fee established by the Administration.

16–106.

(a) Each application for a driver's license shall be made on the form that the Administration requires.

(b) The application shall state:

(1) The full name, Maryland residence address, employer, race, sex, height, weight, general physical condition, and date of birth of the applicant;

(2) Whether the applicant previously has been refused a license to drive and, if so:

(i) By what state or country; and

(ii) The date of and reason for the refusal;

(3) Whether the applicant previously has been licensed to drive and, if so:

(i) When and by what state or country; and

(ii) Whether the license ever has been suspended, revoked, or canceled and, if so, the date of and reason for the suspension, revocation, or cancellation;

(4) **[**Subject to the provisions of subsection (c) of this section**] IF AN APPLICANT IS ELIGIBLE FOR A SOCIAL SECURITY NUMBER**, the applicant's Social Security number; and

(5) Any other pertinent information that the Administration requires.

(c) **[**(1) Subsection (b)(4) of this section applies only to an applicant who has a Social Security number.

(2) If an applicant does not have a Social Security number, the applicant shall certify in the application that the applicant does not have a Social Security number.] **THE APPLICANT SHALL PROVIDE DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION VERIFYING THAT THE APPLICANT:**

(1) HAS A VALID SOCIAL SECURITY NUMBER; OR

(2) IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER.

(d) The applicant shall sign the application and certify that the statements made in it are true.

(e) (1) Except as otherwise provided in this subsection, an applicant for an original license shall submit with the application a birth certificate or other proof of age and identity that is satisfactory to the Administration.

(4) AN APPLICANT SHALL SUBMIT WITH THE APPLICATION DOCUMENTATION ACCEPTABLE TO THE ADMINISTRATION VERIFYING THAT THE INDIVIDUAL IS EITHER A UNITED STATES CITIZEN OR IS LAWFULLY PRESENT IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.

16–115.

(a) (1) [A] **SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, A** license issued under this title to a driver at least 21 years old shall expire on the birth date of the licensee [in the fifth] **IN A YEAR DETERMINED BY THE ADMINISTRATION, BUT NOT LATER THAN THE EIGHTH** year following the issuance of the license.

(2) [A] **SUBJECT TO PARAGRAPH (5) OF THIS SUBSECTION, A** license issued under this title to a driver under the age of 21 years shall expire **NOT LATER THAN** 60 days after the driver's 21st birthday.

(3) A license is renewable on the presentation of an application **AND ANY OTHER DOCUMENTATION REQUIRED BY THE ADMINISTRATION**, the payment of the renewal fee required by § 16–111.1 of this subtitle, and satisfactory completion of the examination required or authorized by subsection (h) of this section:

(i) Within [6 months before its expiration] **A PERIOD OF TIME DETERMINED BY THE ADMINISTRATION**; or

(ii) When a driver qualifies for a corrected license issued under § 16–114.1(c) of this subtitle.

(4) Except as provided in subsection (e) of this section, the Administration may not renew an individual's license for more than one consecutive term without requiring the individual to appear in person at an office of the Administration.

(5) THE EFFECTIVE TERM OF A DRIVER'S LICENSE ISSUED TO AN INDIVIDUAL WHO IS NOT A UNITED STATES CITIZEN BUT WHO IS LAWFULLY PRESENT IN THE UNITED STATES MAY NOT EXCEED THE LENGTH OF TIME THAT THE INDIVIDUAL IS AUTHORIZED TO REMAIN IN THE UNITED STATES IN ACCORDANCE WITH FEDERAL LAW.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2009.".

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 BUDGET AND TAXATION REPORT #18

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

Senate Bill 538 – Senator Zirkin

AN ACT concerning

Property Tax Assessment – Home Improvements

SB0538/339033/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 538
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 5 down through "circumstances;" in line 7; in line 11, strike "8–104(c)(1)(iii), 9–105(a)(5), 9–109(b), and 9–243(c)" and substitute "8–104(c)(1)(iii)"; and strike in their entirety lines 14 through 23, inclusive.

AMENDMENT NO. 2

On page 2, strike beginning with "**TO**" in line 4 down through "**ARTICLE,**" in line 5; and in line 6 strike "$50,000" and substitute "**$100,000**".

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 7 on page 2 through line 16 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.

CONCURRENCE CALENDAR #4

AMENDED IN THE HOUSE

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~~

Senator Middleton moved that the Senate concur in the House amendments.

SB0010/443997/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 10
(Third Reading File Bill)

AMENDMENT NO. 1

On page 4, in line 7, strike "Sales and Use Tax" and substitute "sales and use tax".

AMENDMENT NO. 2

On page 6, in line 7, after "**(B)**" insert "**(1) THIS SECTION APPLIES ONLY TO BUSINESS TELEPHONE LISTINGS AND ADVERTISEMENTS.**

(2)";

in line 11, after "**(C)**" insert "**(1)**"; in lines 13 and 16, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; and after line 17, insert:

"**(2) FOR PURPOSES OF THIS SUBSECTION, A PERSON COMMITS A SEPARATE VIOLATION FOR EACH EDITION OF A LOCAL TELEPHONE DIRECTORY OR LOCAL TELEPHONE ADVERTISING DIRECTORY IN WHICH THE ADVERTISEMENT OR TELEPHONE LISTING IS PUBLISHED.**".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 37 Negative – 6 (See Roll Call No. 934)

CONCURRENCE CALENDAR #3

AMENDED IN THE HOUSE

Senate Bill 347 – Senator McFadden (By Request – Baltimore City Administration)

EMERGENCY BILL

AN ACT concerning

~~Baltimore City –~~ Foreign Trade Zones – Application and Process

Senator Middleton moved that the Senate concur in the House amendment.

SB0347/850919/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 347
(Third Reading File Bill)

On page 1, in line 15, strike "Replacement".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 935)

CONCURRENCE CALENDAR #5

AMENDED IN THE HOUSE

Senate Bill 47 – Senator Harrington

AN ACT concerning

Environment – Permit Applications – Notice Requirements

Senator Conway moved that the Senate concur in the House amendment.

SB0047/400017/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 47
(Third Reading File Bill)

On page 3, in line 10, strike "**SUBSECTIONS**" and substitute "**SUBSECTION**"; and in the same line, strike "**AND (B)**".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 936)

THE COMMITTEE ON RULES REPORT #18

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

House Bill 248 – Delegates Niemann, Ali, Carr, Frush, Glenn, Hammen, Hucker, Lafferty, ~~and Montgomery~~ Montgomery, Holmes, Levi, Stein, and V. Clagett

AN ACT concerning

Task Force to Study ~~Required Deposits on Returnable Beverage Containers~~ Strategies to Reduce Solid Waste

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:

House Bill 309 – The Speaker (By Request – Administration) and Delegates Doory, Ross, F. Turner, Branch, Carr, Haynes, Kelly, Nathan–Pulliam, Ramirez, Rosenberg, ~~and Vaughn~~ Vaughn, and Manno

AN ACT concerning

Maryland Heritage Structure Rehabilitation Tax Credit 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 Finance:

House Bill 453 – Delegates Haynes, Aumann, Barnes, Benson, Braveboy, Bromwell, Carr, Carter, G. Clagett, Conaway, DeBoy, Doory, Frick, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Guzzone, Hammen, Holmes, Hucker,

Ivey, James, Kaiser, Kirk, Manno, Mizeur, Montgomery, Nathan–Pulliam, Pena–Melnyk, Ramirez, Reznik, Rice, Robinson, Rosenberg, Ross, Schuler, Stukes, Taylor, F. Turner, V. Turner, Valderrama, and Waldstreicher

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 Finance:

House Bill 644 – Delegates Manno, Davis, Braveboy, McHale, Ali, Barnes, Benson, Burns, Feldman, Frush, Gaines, Glenn, Gutierrez, Guzzone, Harrison, Haynes, Holmes, Howard, Hubbard, Hucker, Ivey, Kirk, Levi, Levy, Mizeur, Niemann, Pena–Melnyk, Proctor, Ramirez, Rice, Ross, Schuler, Taylor, V. Turner, Valderrama, and Vaughn

AN ACT concerning

Procurement – Apprenticeship Training Programs

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:

House Bill 921 – Delegates Barnes, Pena–Melnyk, Frush, Ali, Beidle, Benson, Cane, Carr, Dumais, Healey, Holmes, Hubbard, Hucker, Glenn, Lafferty, Levy, O'Donnell, Shewell, Stein, and Weir

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 Budget and Taxation:

House Bill 1348 – Delegate Frush

AN ACT concerning

Judges' 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 Education, Health, and Environmental Affairs:

House Bill 1396 – Chair, Ways and Means Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Higher Education – Student Financial Assistance – Dually Enrolled Students

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:

House Bill 1411 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Department of Labor, Licensing, and Regulation – Maryland Real Estate Commission – Continuing Education

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:

House Bill 1526 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Workforce Development – Maryland Workforce Corporation

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:

House Bill 1553 – Delegates Conway, Mathias, and Elmore

AN ACT concerning

Worcester County – Video Lottery Operations ~~– Horse Racing~~

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:

House Bill 1556 – Chair, Economic Matters Committee and Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Environment – Coal Combustion By–Products – 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:

House Bill 1558 – Delegates Sophocleus~~, Beidle~~, Carr, Haynes, Howard, Montgomery, Riley, and Shank

AN ACT concerning

Student Stigma Act

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 and the Committee on Budget and Taxation:

House Bill 1567 – ~~Delegate Hecht~~ Delegates Hecht, Barkley, Braveboy, Burns, Feldman, Haddaway, Harrison, Impallaria, Jameson, King, Kirk, Krysiak, Love, Manno, Mathias, McHale, Minnick, Rudolph, Stifler, Taylor, Vaughn, and Walkup

AN ACT concerning

Clean Energy Loan Programs

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

SPECIAL ORDERS

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

Senate Bill 964 – Senators Colburn and Pipkin

AN ACT concerning

Caroline County Board of Education – Election of Members – Referendum

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS (3) OFFERED FROM THE FLOOR BY SENATOR COLBURN.

FLOOR AMENDMENT

SB0964/983028/1

BY: Senator Colburn

AMENDMENTS TO SENATE BILL 964, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0964/524233/2), in line 3 of Amendment No. 1, after "appointed" insert "by the Governor with the advice and consent of the Senate"; and in line 8, after "Governor" insert "with the advice and consent of the Senate".

AMENDMENT NO. 2

On page 4 of the Education, Health, and Environmental Affairs Committee Amendments, in line 2 of Amendment No. 3, strike "**THREE**" and substitute "**TWO**"; in line 3, after "**GOVERNOR**" insert "**, WITH THE ADVICE AND CONSENT OF THE SENATE,**"; in the same line, strike "**§ 3–3A–02(B)(2)**" and substitute "**§ 3–3A–02(B)(3)(I)1**"; in line 11, strike "**FIVE**" and substitute "**THREE**"; and in line 13, strike "**THREE**" and substitute "**TWO**".

On page 5 of the Education, Health, and Environmental Affairs Committee Amendments, in line 1 of Amendment No. 3, strike "**THREE**" and substitute "**TWO**"; and in line 2, after "**GOVERNOR**" insert "**, WITH THE ADVICE AND CONSENT OF THE SENATE,**".

AMENDMENT NO. 3

On page 3 of the bill, in line 11, strike "**FIVE**" and substitute "**THREE**"; and in line 17, strike "**FIVE**" and substitute "**THREE**".

On page 4 of the bill, in line 32, strike "**THREE**" and substitute "**TWO**".

On page 5 of the bill, in line 3, strike "**TWO MEMBERS**" and substitute "**MEMBER**"; and in line 5, strike "**RECEIVE**" and substitute "**RECEIVES**".

The preceding 3 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #32

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

Senate Bill 866 – Senator Pipkin

AN ACT concerning

Commission to Study the Impact of Large Truck Traffic on the Chesapeake Bay Bridge

SB0866/797272/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 866
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike lines 2 and 3 in their entirety and substitute "Chesapeake Bay Bridge – Required Study"; and strike beginning with "establishing" in line 4 down through "on" in line 12 and substitute "requiring the Maryland Transportation Authority, in consultation with certain groups, to conduct a certain study; requiring the Authority to report on its findings to the Governor and the General Assembly on or before a certain date; and generally relating to a study regarding".

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 16 on page 1 through line 2 on page 3, inclusive, and substitute:

"(a) The Maryland Transportation Authority, in consultation with the Maryland Motor Truck Association and the Bay Bridge Reconstruction Advisory Group, shall conduct a study that includes the following:

(1) a historical review of the utilization of the Chesapeake Bay Bridge by vehicles of various classes;

(2) a historical review of accident data on the Chesapeake Bay Bridge by class of vehicle;

(3) a review of utilization of the Chesapeake Bay Bridge by large vehicles at various times of the day and days of the week;

(4) a comparison of the volume of large truck traffic on bridges similar to the Chesapeake Bay Bridge in other parts of the country at various times of the day and days of the week; and

(5) the impact that variable toll pricing for large vehicles has had on existing toll facilities nationally and on the volume of large vehicle traffic at various times of the day.".

On page 3, in line 3, strike "(g)" and substitute "(b)"; in the same line, strike "Commission" and substitute "Authority"; and in line 4, strike "and recommendations".

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 992 – Senator Kelley

AN ACT concerning

Welfare to Work – Job Skills Enhancement Program – Green Jobs

SB0992/237377/2

BY: Finance Committee

AMENDMENTS TO SENATE BILL 992
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 6, 9, 15, and 18, in each instance, after "recipients" insert ", children of current or former recipients, foster youth, and certain obligors"; in line 11, after "industries" insert "and construction"; in line 12, strike "federal stimulus dollars" and substitute "funds"; strike beginning with "requiring" in line 12 down through "agreements;" in line 14; strike beginning with "requiring" in line 18 down through "designee;" in line 22; in line 22, strike "a"; in line 23, strike "report on a certain program" and substitute "reports"; in lines 23 and 24, strike "altering a certain definition;" and substitute "requiring the Secretary of Budget and Management, in consultation with the Secretary of Human Resources, to issue certain reports to certain legislative committees on or before certain dates; defining certain terms;"; in line 25, strike "and former"; and in the same line, after "recipients" insert ", certain former recipients, children of current or former recipients, foster youth, and obligors".

On page 2, strike in their entirety lines 6 through 15, inclusive.

AMENDMENT NO. 2

On page 2, after line 22, insert:

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

(2) "CHILDREN OF CURRENT OR FORMER RECIPIENTS" MEANS MINORS WHO:

(I) ARE AT LEAST 14 YEARS OLD; AND

(II) RESIDE WITH CURRENT OR FORMER RECIPIENTS OF BENEFITS.

(3) "FORMER RECIPIENT" MEANS AN INDIVIDUAL WHO RECEIVED BENEFITS UNDER FIP IN THE PAST 5 YEARS.

(4) "FOSTER YOUTH" MEANS AN INDIVIDUAL WHO:

(I) IS AN ADULT IN OUT–OF–HOME CARE UNDER THE RESPONSIBILITY OF THE STATE; OR

(II) IS AN ADULT UNDER THE AGE OF 25 YEARS; AND

(III) WAS IN OUT–OF–HOME CARE UNDER THE RESPONSIBILITY OF THE STATE ON THE INDIVIDUAL'S 18TH BIRTHDAY.

(5) "OBLIGOR" HAS THE MEANING STATED IN § 10–101 OF THE FAMILY LAW ARTICLE.";

in line 23, strike "**(A)**" and substitute "**(B)**"; and in lines 25, 30, 32, and 34, in each instance, after "**RECIPIENTS**" insert "**, CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS**".

On page 3, in line 3, after "**RECIPIENTS**" insert "**, CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS**"; in line 4, strike beginning with "**ON**" through "**IN**" and substitute "**IN**"; in line 8, strike "**, ON**"; in line 9, after "**(I)**" insert "**ON OR BEFORE JANUARY 1, 2010, ON**"; and in line 11, after "**(II)**" insert "**ON OR BEFORE NOVEMBER 1 OF EACH YEAR, ON**"; in line 14, strike "**(B)**" and

substitute "**(C)**"; and in lines 17, 21, 23, 24, and 26, in each instance, after "recipients" insert "**, CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS**".

On page 4, in lines 12, 17, and 25, in each instance, after "recipients" insert "**, CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS**"; after line 14, insert:

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

(2) "CHILDREN OF CURRENT OR FORMER RECIPIENTS" HAS THE MEANING STATED IN § 5–304 OF THIS SUBTITLE.

(3) "FORMER RECIPIENT" HAS THE MEANING STATED IN § 5–304 OF THIS SUBTITLE.

(4) "FOSTER YOUTH" HAS THE MEANING STATED IN § 5–304 OF THIS SUBTITLE.

(5) "OBLIGOR" HAS THE MEANING STATED IN § 10–101 OF THE FAMILY LAW ARTICLE.";

in lines 15 and 24, strike "(a)" and "(b)", respectively, and substitute "**(B)**" and "**(C)**", respectively; in line 29, after "**RECIPIENTS**" insert "**, CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS**"; and in the same line, after "**INDUSTRIES**" insert "**AND CONSTRUCTION**".

On page 5, in line 22, strike "**AND**"; in line 24, after "**INDUSTRY**" insert "**; AND**

(XIV) SUSTAINABLE LANDSCAPING";

and in lines 25 and 29, strike "(c)" and "(d)", respectively, and substitute "**(D)**" and "**(E)**", respectively.

On page 6, in line 1, after "(1)" insert "**(I)**"; in line 2, after "program;" insert "**OR**"; after line 2, insert:

"**(II)** **A FORMER RECIPIENT, A CHILD OF A CURRENT OR FORMER RECIPIENT, A FOSTER YOUTH, OR OBLIGOR;**";

in lines 10, 12, and 22, strike "(e)", "(f)", and "(g)", respectively, and substitute "**(F)**", "**(G)**", and "**(H)**", respectively; and in line 13, after "recipients" insert "**, CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS**".

On page 7, in line 1, strike "**(H)**" and substitute "**(I)**"; in line 3, strike "**RELEVANT FEDERAL STIMULUS DOLLARS**" and substitute "**FUNDS AVAILABLE TO THE STATE UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT AND ANY OTHER FUNDS**"; in line 5, strike "**(B)(2)**" and substitute "**(C)(2)**"; after line 9, insert:

"**(2)** **"CHILDREN OF CURRENT OR FORMER RECIPIENTS" HAS THE MEANING STATED IN § 5–304 OF THE HUMAN SERVICES ARTICLE.**";

in lines 10, 11, 14, 16, and 21, strike "(2)", "(3)", "(4)", "(5)", and "(6)", respectively, and substitute "**(3)**", "**(4)**", "**(5)**", "**(8)**", and "**(9)**", respectively; in lines 11 and 12, strike "**OR SUBCONTRACT**"; after line 15, insert:

"**(6)** **"FORMER RECIPIENT" HAS THE MEANING STATED IN § 5–304 OF THE HUMAN SERVICES ARTICLE.**

(7) **"FOSTER YOUTH" HAS THE MEANING STATED IN § 5–304 OF THE HUMAN SERVICES ARTICLE.**";

in line 20, after "recipients" insert "**, CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS**"; after line 23, insert:

"**(10)** **"OBLIGOR" HAS THE MEANING STATED IN § 10–101 OF THE FAMILY LAW ARTICLE.**";

and in line 25, strike "**AND SUBCONTRACTS**".

On page 8, in lines 8 and 34, in each instance, after "recipients" insert "**, CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS**".

On page 9, in lines 12 and 15, in each instance, after "recipients" insert "**, CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS**".

On pages 9 through 12, strike in their entirety the lines beginning with line 16 on page 9 through line 18 on page 12, inclusive.

On page 13, in line 6, strike "existing" and substitute "current and former"; in line 7, after "recipients" insert ", children of existing or former recipients, foster youth, and obligors"; in line 5, strike the comma and substitute ":

(1)";

in lines 6, 8, and 11, strike "(1)", "(2)", and "(3)", respectively, and substitute "(i)", "(ii)", and "(iii)", respectively; in line 8, after "make" insert "current and"; in the same line, after "recipients" insert ", children of current or former recipients, foster youth, and obligors"; in line 11, strike "federal stimulus dollars" and substitute "funds available to the State under the American Recovery and Reinvestment Act and any other available funds"; and in line 12, after "program" insert "; and

(2) in consultation with the Department of Labor, Licensing, and Regulation, the Department of Housing and Community Development, the Governor's Workforce Investment Board, the Maryland Energy Administration, public utility companies, and subcontractors of public utility companies on the hiring plans of the public utility companies and the subcontractors of the public utility companies for staffing the energy efficiency and conservation programs of the public utility companies and the subcontractors of the public utility companies".

The preceding 2 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. 937)

ADJOURNMENT

At 12:51 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:30 A.M. on Legislative Day April 5, 2009, Calendar Day, Thursday, April 9, 2009.

Annapolis, Maryland
Legislative Day: April 5, 2009
Calendar Day: Thursday, April 9, 2009
10:30 A.M. Session

The Senate met at 10:41 A.M.

Prayer by Reverend Greg St. Cyr, Bay Area Community Church, guest of President Miller.

(See Exhibit A of Appendix III)

The Journal of April 4, 2009 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 939)

LETTERS OF REASSIGNMENT

ANNOUNCEMENT BY THE PRESIDENT

House Bill 189 – Delegates Morhaim, Cardin, ~~and Hubbard~~ Hubbard, Tarrant, Reznik, Pendergrass, Nathan–Pulliam, Pena–Melnyk, Montgomery, Kipke, and V. Turner

EMERGENCY BILL

AN ACT concerning

Respiratory Illness Prevention Act

Reassigned to the Committee on Education, Health, and Environmental Affairs under Rule 33(d).

Read and ordered journalized.

ANNOUNCEMENT BY THE PRESIDENT

House Bill 803 – Delegate Beitzel

AN ACT concerning

Garrett County – Code of Ordinances – Natural Gas

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

Read and ordered journalized.

CONCURRENCE CALENDAR #6

AMENDED IN THE HOUSE

Senate Bill 218 – Senators Frosh, Brochin, Forehand, Garagiola, Jacobs, Mooney, Raskin, ~~and Stone~~ Stone, Muse, and Simonaire

AN ACT concerning

Criminal Procedure – Offender Registry – Minors

Senator Frosh moved that the Senate concur in the House amendments.

SB0218/512818/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 218
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "court" in line 11 down through "delinquent" in line 12 and substitute "Secretary of Juvenile Services"; strike beginning with "is" in line 14 down through "and" in line 16 and substitute "the State's Attorney or the Department of Juvenile Services requests that the person be required to register, the court determines at a certain time and under a certain standard that the person is at risk for committing certain offenses, and the person"; and strike beginning with "requiring" in line 21 down through "made;" in line 22 and substitute "authorizing a certain court to order an evaluation of a certain person in making a certain determination;".

On page 2, in line 3, after "terminated;" insert "establishing the term of registration for a certain person;".

AMENDMENT NO. 2

On page 3, in line 22, after "**ACT**" insert "**INVOLVING A VICTIM UNDER THE AGE OF 15 YEARS**"; in lines 23 and 32, in each instance, strike "**§§ 3–303 THROUGH**" and substitute "**§ 3–303, § 3–304, § 3–305, OR §**"; and in line 31, after "**ACT**" insert "**INVOLVING A VICTIM 15 YEARS OF AGE OR OLDER**".

AMENDMENT NO. 3

On page 5, strike beginning with "**COURT**" in line 14 down through "**DELINQUENT**" in line 15 and substitute "**SECRETARY OF JUVENILE SERVICES,**".

On page 6, after line 15, insert:

"**(II) THE STATE'S ATTORNEY OR THE DEPARTMENT OF JUVENILE SERVICES REQUESTS THAT THE PERSON BE REQUIRED TO REGISTER;**";

in line 16, strike "**(II)**" and substitute "**(III)**"; in the same line, strike "**AT**" and substitute "**90 DAYS PRIOR TO**"; in line 18, after "**DETERMINES**" insert "**UNDER A CLEAR AND CONVINCING EVIDENCE STANDARD**"; in line 19, strike "**ANOTHER**" and substitute "**A**"; in line 20, strike "**CHILD SEXUAL OFFENSE**" and substitute "**AN OFFENSE FOR WHICH REGISTRATION AS A CHILD SEXUAL OFFENDER IS REQUIRED**"; and in line 21, strike "**(III)**" and substitute "**(IV)**".

AMENDMENT NO. 4

On page 7, strike beginning with "**BEFORE**" in line 8 down through "**EVIDENCE**" in line 11 and substitute "**THE COURT MAY ORDER AN EVALUATION OF THE PERSON IN MAKING THE DETERMINATION UNDER PARAGRAPH (1) OF THIS SUBSECTION**".

AMENDMENT NO. 5

On page 9, in line 28, after "(i)" insert "**EXCEPT AS PROVIDED IN ITEMS (II) AND (III) OF THIS PARAGRAPH,**"; in the same line, strike "or"; in line 29, after "(ii)" insert "**EXCEPT AS PROVIDED IN ITEM (III) OF THIS PARAGRAPH, THE**"; and in the same line, after "life" insert "**OF THE REGISTRANT**".

On page 10, in line 5, after the third "offender" insert "**; OR**

(III) UP TO 5 YEARS, IF THE REGISTRANT IS A PERSON DESCRIBED UNDER § 11–701(C)(5)(I) OF THIS SUBTITLE OR A PERSON DESCRIBED UNDER § 11–701(J)(3)(I) OF THIS SUBTITLE, SUBJECT TO REDUCTION BY THE JUVENILE COURT ON THE FILING OF A PETITION BY THE REGISTRANT FOR A REDUCTION IN THE TERM OF REGISTRATION".

The preceding 5 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 940)

AMENDED IN THE HOUSE

Senate Bill 486 – Senators Kelley, Forehand, Gladden, ~~and Raskin~~ Raskin, Brochin, and Frosh

AN ACT concerning

Criminal Procedure – Petition for Writ of Actual Innocence – Newly Discovered Evidence

Senator Frosh moved that the Senate concur in the House amendment.

SB0486/872515/1

BY: House Judiciary Committee

AMENDMENT TO SENATE BILL 486
(Third Reading File Bill)

On page 2, in line 7, after "**A**" insert "**SUBSTANTIAL OR**".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 941)

AMENDED IN THE HOUSE

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

AN ACT concerning

Education – Baltimore City Community College – Academic Facility Bonds

Senator Currie moved that the Senate concur in the House amendments.

SB0176/944663/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 176
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "facilities;" insert "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 after line 11, insert:

"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)".

AMENDMENT NO. 2

On page 3, in line 11, strike "**$50,000,000**" and substitute "**$65,000,000**".

AMENDMENT NO. 3

On page 4, after line 32, insert:

"Article – State Finance and Procurement

8–112.

(e) (1) In addition to its other duties under this section, the Committee shall review on a continuing basis the size and condition of any debt of the University System of Maryland, Morgan State University, St. Mary's College of Maryland, and the Baltimore City Community College.

(2) In preparing an estimate with respect to the authorization of any new State debt, the Committee shall take into account as part of the affordability analysis any debt for academic facilities to be issued by a System.

(3) At the same time that the Committee makes its report as required under subsection (b) of this section, the Committee shall submit to the Governor and the General Assembly the Committee's estimate of the amount of new bonds for academic facilities that prudently may be authorized in the aggregate for the next fiscal year by the University System of Maryland, Morgan State University, **[**and**]** St. Mary's College of Maryland**, AND THE BALTIMORE CITY COMMUNITY COLLEGE**.

(4) For purposes of this subtitle, the terms "System" and "academic facilities" have the meanings stated in § 19–101 of the Education Article.

(5) The Committee may request any needed information from a System and shall consider the information in making its estimates, including any information submitted by a System at its own initiative.

(6) This estimate:

(i) is advisory; and

(ii) does not bind the General Assembly, the Board, or the Governor.".

The preceding 3 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 942)

AMENDED IN THE HOUSE

Senate Bill 392 – Senator Exum

AN ACT concerning

Business Regulation – Registration of Retail Service Station Dealers and Sale of Gasoline Products

Senator Middleton moved that the Senate concur in the House amendment.

SB0392/463094/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 392
(Third Reading File Bill)

On page 1, in line 8, strike "altering the date after which" and substitute "repealing a certain provision of law that requires"; and strike beginning with "is" in line 8 down through "required" in line 9 and substitute ", after a certain date.".

On page 2, strike beginning with "after" in line 21 down through "(2)" in line 23; and in line 25, strike "(3)" and substitute "**(2)**".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 943)

INTRODUCTION OF RESOLUTIONS

(See Exhibit B of Appendix III)

Recipient	Sponsor	Resolution No.
Michael F. Phelps	The President and All Members	657

Read and adopted by a roll call vote as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 944)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #71

Senate Bill 538 – Senator Zirkin

AN ACT concerning

Property Tax Assessment – Home Improvements

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

Affirmative – 47 Negative – 0 (See Roll Call No. 945)

The Bill was then sent to the House of Delegates.

Senate Bill 866 – Senator Pipkin

AN ACT concerning

~~Commission to Study the Impact of Large Truck Traffic on the Chesapeake Bay Bridge~~
Chesapeake Bay Bridge – Required Study

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

Affirmative – 46 Negative – 1 (See Roll Call No. 946)

The Bill was then sent to the House of Delegates.

Senate Bill 940 – Senator Kittleman

AN ACT concerning

Education – Commission on Civic Literacy – Membership

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

Affirmative – 47 Negative – 0 (See Roll Call No. 947)

The Bill was then sent to the House of Delegates.

Senate Bill 964 – Senators Colburn and Pipkin

AN ACT concerning

Caroline County Board of Education – Election and Appointment of Members – Referendum

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

Affirmative – 46 Negative – 0 (See Roll Call No. 948)

The Bill was then sent to the House of Delegates.

Senate Bill 992 – Senator Kelley

AN ACT concerning

Welfare to Work – Job Skills Enhancement Program – Green Jobs

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

Affirmative – 47 Negative – 0 (See Roll Call No. 949)

The Bill was then sent to the House of Delegates.

Senate Bill 1062 – Senator Exum

AN ACT concerning

Prince George's County – Issuance of Alcoholic Beverages Licenses and Park Permits – Notice to Police Department

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

Affirmative – 46 Negative – 0 (See Roll Call No. 950)

The Bill was then sent to the House of Delegates.

Senate Bill 1065 – ~~Senator Frosh~~ Senators Frosh, Harrington, and Lenett

AN ACT concerning

Standing – Miscellaneous Environmental Protection Proceedings and Judicial Review

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

The motion was adopted.

THIRD READING CALENDAR (HOUSE BILLS) #20

House Bill 387 – ~~Delegates Malone and George~~ ~~Delegate Malone and~~ Delegates Ivey, Dumais, ~~Aumann, Bartlett, Bates, Beidle, Beitzel, Bohanan, Boteler, Bromwell, G. Clagett,~~ V. Clagett, ~~Conway, Costa, DeBoy, Donoghue,~~ Doory, ~~Dwyer, Eckardt, Elliott, Elmore, Frank, Haddaway, Hecht, Impallaria, James,~~ Jameson, ~~Jennings, Kach, Kelly, King, Kipke, Krebs,~~ Kullen, Levy, Love, ~~Mathias, McComas, McConkey, McDonough, Miller, Minnick, Myers, Norman, O'Donnell, Olszewski, Riley, Rudolph, Schuh,~~ Schuler, ~~Serafini, Shank, Shewell, Smigiel, Sophocleus, Sossi,~~ Stein~~, Stifler, Stocksdale, Stull, Walkup, Weir~~, Weldon, ~~and Wood~~ ~~Wood,~~ Vallario, ~~Ali,~~ Anderson, Barkley, ~~Barve,~~ Benson, Bobo, Branch, Bronrott, Burns, Cane, Carr, Carter, Conaway, Davis, Feldman, Frick, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Guzzone, Hammen, Harrison, Haynes, Healey, Heller, Hixson, Holmes, Howard, Hubbard, ~~Hucker,~~ Jones, Kaiser, Kirk, Kramer, Krysiak, ~~Lafferty,~~ Lee, ~~Manno,~~ McIntosh, Mizeur, Montgomery, Morhaim, Murphy, Nathan–Pulliam, Niemann, Oaks, Pena–Melnyk, Proctor, Ramirez, Reznik, Rice, Robinson, Rosenberg, Ross, Simmons, Stukes, Tarrant, Taylor, F. Turner, V. Turner, Valderrama, Vaughn, Waldstreicher, and Walker

EMERGENCY BILL

AN ACT concerning

~~**Vehicle Laws – Drivers' Licenses, Identification Cards, and Moped Operators' Permits – Proof of Legal Presence**~~

Vehicle Laws – Lawful Status in the United States – Material Compliance with Federal Requirements

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

Affirmative – 35 Negative – 12 (See Roll Call No. 951)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 45 Negative – 0 (See Roll Call No. 952)

The Bill was then sent to the House of Delegates.

House Bill 1179 – Delegates Cardin, Hixson, Olszewski, and Ross

AN ACT concerning

Election Law – Early Voting

FLOOR AMENDMENT

HB1179/923126/2

BY: Senator Kittleman

AMENDMENTS TO HOUSE BILL 1179
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after "voting;" insert "requiring an election judge to require an individual who seeks to vote at an early voting center to present a certain identification card; requiring the statewide voter registration application to include a check box that allows the applicant to indicate that the applicant does not have a valid government issued identification card; requiring the local board of elections to send a certain letter to certain applicants; specifying that a certain applicant for an identification card for early voting purposes may not be charged a fee for the identification card by the Motor Vehicle Administration under certain circumstances;".

On page 2, in line 16, after "1–101(x)" insert ", 3–301(d),"; in line 21, after "Section" insert "3–202(a),"; in line 26, after "Section" insert "3–301(a), (b), and (c) and"; and after line 28, insert:

"BY repealing and reenacting, without amendments,
Article – Transportation
Section 12–301(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 12–301(b)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 2

On page 3, after line 8, insert:

"3–202.

(a) (1) The statewide voter registration application shall:

(i) require the signature of the applicant, subject to the penalties of perjury, by which the applicant swears or affirms that the information contained in the registration application is true and that the applicant meets all of the qualifications to become a registered voter;

(ii) state the penalties for the submission of a false application; **[**and**]**

(iii) provide the applicant with the opportunity to cancel a current registration**; AND**

(IV) INCLUDE A CHECK BOX THAT ALLOWS THE APPLICANT TO INDICATE THAT THE APPLICANT DOES NOT HAVE A VALID GOVERNMENT ISSUED IDENTIFICATION CARD.

(2) The following information shall be made available to each applicant who is completing a statewide voter registration application:

(i) the qualifications to become a registered voter;

(ii) if an individual declines to register, this fact will remain confidential and be used only for voter registration purposes;

(iii) if an individual registers to vote, the office at which the application is submitted will remain confidential and will be used only for voter registration purposes; and

(iv) notification to the applicant that submission of the form to an individual other than an official, employee, or agent of a local board does not assure that the form will be filed or filed in a timely manner.

(3) The statewide voter registration application may not require:

(i) notarization or other formal authentication; or

(ii) any additional information, other than the information necessary to enable election officials to determine the eligibility of the applicant and to administer voter registration and other parts of the election process.

(4) (i) A statewide voter registration application shall be produced exclusively by the State Board.

(ii) No other registration form may be used for registration purposes except:

1. a voter registration application produced by a local board with the approval of the State Board;

2. as provided in subsection (b) of this section;

3. as provided in § 3–203(b) of this subtitle;

4. any other form prescribed by federal law for voter registration; or

5. a federal write–in absentee ballot if used by a voter authorized to vote a federal write–in absentee ballot under federal law.

3–301.

(a) When a voter registration application is received by a local board, the local board shall:

(1) if the applicant resides in the county of the local board, determine whether the applicant is qualified to become a registered voter; or

(2) if the applicant resides in a different county in the State, immediately forward the application to the proper county.

(b) A qualified applicant shall be electronically entered into the statewide voter registration list on an expedited basis at the time voter registration information is provided to the local board and shall be assigned to the county in which the applicant resides unless registration is closed pursuant to § 3–302 of this subtitle.

(c) (1) The election director in the county where an applicant resides shall send a voter acknowledgment notice, in a format prescribed by the State Board, to each applicant informing the applicant whether he or she is qualified to become registered, and, if not qualified, the reasons why.

(2) (i) A voter notification card sent to a qualified applicant may serve as a voter acknowledgment notice.

(ii) 1. The voter notification card shall contain the name and address of the voter, the date of issue, and the district or ward and precinct of the voter.

2. The card is evidence that the individual to whom it is issued is a registered voter on the date appearing on the card.

3. The election director shall issue a replacement card on request of the voter and a new card when a relevant change is made in the voter's registration record if the voter continues to reside in the county.

(D) IF THE APPLICANT HAS CHECKED THE BOX ON THE VOTER REGISTRATION APPLICATION THAT INDICATES THAT THE APPLICANT DOES NOT HAVE A VALID GOVERNMENT ISSUED IDENTIFICATION CARD, THE LOCAL BOARD SHALL SEND A LETTER TO THE APPLICANT THAT MAY BE PRESENTED TO THE MOTOR VEHICLE ADMINISTRATION FOR PURPOSES OF § 12–301(B)(2)(VI) OF THE TRANSPORTATION ARTICLE, STATING THAT:

(1) THE INDIVIDUAL REQUIRES A VALID GOVERNMENT ISSUED IDENTIFICATION CARD TO PARTICIPATE IN EARLY VOTING;

(2) THE INDIVIDUAL DOES NOT HAVE A VALID GOVERNMENT ISSUED IDENTIFICATION CARD; AND

(3) THE INDIVIDUAL IS NOT SUBJECT TO A FEE FOR THE ISSUANCE OF AN IDENTIFICATION CARD UNDER § 12–301 OF THE TRANSPORTATION ARTICLE.".

On page 9, after line 12, insert:

"**(H) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN ELECTION JUDGE SHALL REQUIRE AN INDIVIDUAL WHO SEEKS TO VOTE AT AN EARLY VOTING CENTER TO PRESENT A VALID GOVERNMENT ISSUED IDENTIFICATION CARD.**";

and in line 13, strike "**(H)**" and substitute "**(I)**".

On page 10, after line 8, insert:

"Article – Transportation

12–301.

(a) On application, the Administration shall issue an identification card to any individual who:

(1) Is a resident of this State;

(2) Does not have a driver's license;

(3) Presents a birth certificate or other proof of age and identity acceptable to the Administration; and

(4) Presents a completed application for an identification card on a form furnished by the Administration.

(b) (1) Except as provided in paragraph (2) of this subsection, the Administration shall establish a fee for the issuance of an identification card and for issuance of a duplicate identification card.

(2) A fee is not required if the applicant for the card:

(i) Is 65 years old or older;

(ii) Is legally blind;

(iii) Has permanently lost the use of a leg or an arm;

(iv) Is permanently disabled so severely that the applicant cannot move without the aid of crutches or a wheelchair; **[**or**]**

(v) Has a physical or mental impairment that substantially limits a "major life activity" as defined in the federal Americans with Disabilities Act**; OR**

(VI) PRESENTS A LETTER SENT TO THE APPLICANT IN ACCORDANCE WITH § 3–301(D) OF THE ELECTION LAW ARTICLE STATING THAT THE APPLICANT REQUIRES THE IDENTIFICATION CARD FOR THE PURPOSE OF EARLY VOTING.".

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

Affirmative – 16 Negative – 31 (See Roll Call No. 953)

FLOOR AMENDMENT

HB1179/623522/1

BY: Senator Kittleman

AMENDMENTS TO HOUSE BILL 1179
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, after "voting;" insert "requiring an election judge to require an individual who seeks to vote at an early voting center to present certain identification;".

AMENDMENT NO. 2

On page 9, after line 12, insert:

"**(H) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN ELECTION JUDGE SHALL REQUIRE AN INDIVIDUAL WHO SEEKS TO VOTE AT AN EARLY VOTING CENTER TO PRESENT A FORM OF IDENTIFICATION AS SPECIFIED UNDER THE HELP AMERICA VOTE ACT OF 2002.**";

and in line 13, strike "**(H)**" and substitute "**(I)**".

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.

House Bill 1304 – ~~Delegates Love, Beidle, V. Clagett, Costa, George, King, Kipke, McConkey, Schuh, and Sophocleus~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Alcoholic Beverages Act of 2009

Senator Simonaire moved, duly seconded, to make the Bill a Special Order for April 10, 2009.

The motion was adopted.

CONCURRENCE CALENDAR #7

AMENDED IN THE HOUSE

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

Senator Frosh moved that the Senate not concur in the House amendments.

SB0145/922517/1

BY: House Judiciary Committee

AMENDMENT TO SENATE BILL 145
(Third Reading File Bill)

On page 2, strike beginning with "During" in line 3 down through "may" in line 8 and substitute "**ON RECEIPT OF WRITTEN CHARGES, FILED UNDER OATH, THAT A PROBATIONER OR DEFENDANT VIOLATED A CONDITION OF PROBATION DURING THE PERIOD OF PROBATION, THE DISTRICT COURT MAY, DURING THE PERIOD OF PROBATION OR WITHIN 30 DAYS AFTER THE VIOLATION, WHICHEVER IS LATER,**".

The preceding amendment was read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0145**
SPONSOR: Chr JPR (Md Jud Conf)
SUBJECT: Courts – Violation of Probation or Suspension of Sentence – Notice or Warrant

The Senate refuses to concur in the House amendments and respectfully requests the House recede from its position.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

THE COMMITTEE ON FINANCE REPORT #32

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

House Bill 349 – Washington County Delegation

AN ACT concerning

Washington County – Mental Health Advisory Committee

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 521 – Delegates Donoghue, Conway, ~~and Mathias~~ Mathias, Cane, Haddaway, Eckardt, and Elmore

AN ACT concerning

Maryland Trauma Physician Services Fund – Rural Trauma Centers – Reimbursement

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #31

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

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

HB0004/577973/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 4
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Expansion"; strike beginning with "a" in line 5 down through "altering" in line 7; strike beginning with "requirements" in line 9 down through "and" in line 10; strike in their entirety lines 11 through 15, inclusive; and in line 18, strike "and 15–12A–03".

AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 28 on page 2 through line 8 on page 5, inclusive.

The preceding 2 amendments were read only.

Senator Harris moved, duly seconded, to make the Bill and Amendments a Special Order for April 10, 2009.

The motion was adopted.

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

House Bill 94 – Delegate Anderson (By Request – Baltimore City Administration)

EMERGENCY BILL

AN ACT concerning

~~Baltimore City –~~ Foreign Trade Zones – Application and Process

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:

House Bill 119 – ~~Delegate Hubbard~~ Delegates Hubbard and Montgomery

EMERGENCY BILL

AN ACT concerning

Children's Products Containing Lead – Modifications

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 122 – ~~Calvert County Delegation~~ Delegates Kullen, Proctor, and Vallario

AN ACT concerning

Calvert County – Education – Certificated School Personnel – ~~Employee Service or Representation Fee~~ Collective Bargaining Representation Fees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 163 – Chair, Economic Matters Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Motor Fuel – Dyed Diesel Fuel – Violations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 243 – Delegates Haddaway, Eckardt, Aumann, Bartlett, Bates, Beitzel, Boteler, Bromwell, Cane, Dwyer, Elmore, Frank, George, Hecht, Jennings, Krebs, Kullen, Lafferty, Manno, Mathias, McComas, Montgomery, Murphy, Myers, Norman, O'Donnell, Riley, Serafini, Shank, Shewell, Smigiel, Sossi, Stocksdale, Stull, Taylor, F. Turner, Walkup, ~~and Wood~~ Wood, McDonough, Pena–Melnyk, and Nathan–Pulliam

AN ACT concerning

Milk Products – Pilot Farmstead Cheese Program – ~~Permits~~ Repeal of Sunset

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 310 – The Speaker (By Request – Administration) and Delegates Feldman, Harrison, Jones, Manno, and Taylor

EMERGENCY BILL

AN ACT concerning

Unemployment Insurance – Eligibility – Part–Time Work

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:

House Bill 314 – Delegate Rudolph and the Speaker (By Request – Administration)

AN ACT concerning

Maryland Environmental Service – Energy Generation Projects

HB0314/257072/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 314
(Third Reading File Bill)

AMENDMENT NO. 1

On page 3, in line 8, strike "**OR OTHER ENERGY**".

On page 6, in line 11, strike "**AND OTHER**".

AMENDMENT NO. 2

On page 23, in line 10, 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 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:

House Bill 487 – Delegate Montgomery

AN ACT concerning

State Health Services Cost Review Commission – Health Care Facilities – ~~Annual Reports of Compensation~~ Required Forms

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 579 – Delegates Mizeur, Aumann, Barkley, Benson, Cane, Carr, Costa, Feldman, Frick, Guzzone, Hecht, Hubbard, Krysiak, Lafferty, Manno, McHale, Montgomery, Ramirez, Reznik, Robinson, Schuler, Tarrant, ~~and Taylor~~ Taylor, and Rice

AN ACT concerning

Prosthetic Parity Act

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:

House Bill 585 – Delegates Costa and Pena–Melnyk

AN ACT concerning

Health Insurance – Use of Physician Rating Systems by Carriers

HB0585/397970/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 585
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 33, after "appeals;" insert "requiring the Commissioner and the Health Care Commission to issue a certain report annually for the Governor and the General Assembly on or before a certain date;"; in line 39, after "Systems"" insert "; and 19–706(ttt)"; and in line 44, strike "15–1704" and substitute "15–1705".

AMENDMENT NO. 2

On page 5, after line 27, insert:

"19–706.

(TTT) THE PROVISIONS OF TITLE 15, SUBTITLE 17 OF THE INSURANCE ARTICLE APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.".

AMENDMENT NO. 3

On page 8, after line 21, insert:

"**15–1705.**

ON OR BEFORE DECEMBER 1 OF EACH YEAR, THE COMMISSIONER AND THE COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY, ON:

(1) THE NUMBER AND TYPES OF APPEALS THAT HAVE BEEN FILED BY PHYSICIANS UNDER THIS SUBTITLE AND THE OUTCOME OF THE APPEALS; AND

(2) THE NUMBER OF ENTITIES THAT HAVE BEEN APPROVED BY THE COMMISSION AS RATINGS EXAMINERS UNDER TITLE 19, SUBTITLE 1, PART IV OF THE HEALTH – GENERAL ARTICLE.".

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:

House Bill 674 – ~~Delegate Morhaim~~ Delegates Morhaim, Hammen, Pendergrass, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Krebs, Kullen, McDonough, Montgomery, Nathan–Pulliam, Pena–Melnyk, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Health Insurance – Small Group Market Regulation – Modifications

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 739 – Delegates Hammen, Kach, Morhaim, ~~and Pendergrass~~ Pendergrass, Ross, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kipke, Krebs, Kullen, McDonough, Montgomery, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Maryland Medical Assistance Program – Substance Abuse Services

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:

House Bill 782 – Delegates James, Bromwell, Haynes, ~~and Oaks~~ Oaks, Kullen, McDonough, Montgomery, Nathan–Pulliam, and Pendergrass

AN ACT concerning

Nursing Facilities – Accountability Measures – Pay–for–Performance Program

HB0782/897670/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 782
(Third Reading File Bill)

On page 4, in line 29, strike "**§ 19–301.1**" and substitute "**§ 19–310.1**".

On page 5, in line 4, before "**(I)**" insert "**(1)**".

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:

House Bill 792 – Delegates Rice, Ali, Barkley, Cane, Glenn, Howard, Hucker, Kaiser, Lee, Levi, Manno, Montgomery, Olszewski, Pena–Melnyk, Reznik, Schuler, Valderrama, Vaughn, ~~and Waldstreicher~~ Waldstreicher, Cardin, Frick, Gilchrist, Ivey, Murphy, Ross, and Walker

AN ACT concerning

Education – Collective Bargaining – Topics of Negotiation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 957 – Delegate Hubbard

AN ACT concerning

Office of the Treasurer – Community Services Trust Fund – ~~Restructuring~~ Workgroup

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:

House Bill 1069 – ~~Delegate Hammen~~ Delegates Hammen, Benson, Costa, Montgomery, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Reznik, and V. Turner

AN ACT concerning

Health Services Cost Review Commission – Financial Assistance and Debt Collection Policies

HB1069/147576/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 1069
(Third Reading File Bill)

On page 3, in line 16, after "**(3)**" insert "**(I)**"; and after line 18, insert:

"**(II) IN ESTABLISHING INCOME THRESHOLDS THAT ARE HIGHER THAN THOSE UNDER PARAGRAPH (2) OF THIS SUBSECTION FOR A HOSPITAL, THE COMMISSION SHALL TAKE INTO ACCOUNT:**

1. THE PATIENT MIX OF THE HOSPITAL;

2. THE FINANCIAL CONDITION OF THE HOSPITAL;

3. THE LEVEL OF BAD DEBT EXPERIENCED BY THE HOSPITAL; AND

4. THE AMOUNT OF CHARITY CARE PROVIDED BY THE HOSPITAL.".

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:

House Bill 1071 – ~~Delegate Kach~~ Delegates Kach, Manno, and Montgomery

AN ACT concerning

Health Insurance – Definition of Coverage Decisions – Pharmacy Inquiries

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1406 – Chair, Economic Matters Committee (By Request – Departmental – Business and Economic Development)

AN ACT concerning

Business and Economic Development – Maryland Public Art Initiative – Sunset Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1442 – Delegates Walkup, Feldman, Frank, Haddaway, Hecht, McComas, McConkey, Myers, Norman, Riley, Shewell, Smigiel, Sophocleus, and Sossi

AN ACT concerning

Jane E. Lawton Conservation Fund – Renewable Energy Projects

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:

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

HB1451/367573/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1451
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "Program;" insert "stating the intent of the General Assembly that priority be given to certain applications under certain circumstances;".

AMENDMENT NO. 2

On page 3, after line 15, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that, where similar factors are present, priority be given to the applications of service–disabled veterans for financial assistance under this Act.";

and in line 16, 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.

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

House Bill 1535 – Delegate Rudolph

EMERGENCY BILL

AN ACT concerning

Credit Regulation – Mortgage Loans – Proof of Ability to Repay – Exception

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #28

CONSENT CALENDAR #52

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 277 – St. Mary's County Delegation

AN ACT concerning

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

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:

House Bill 289 – Delegate Proctor

AN ACT concerning

Attorney General – State Legal Business – Hiring Counsel

HB0289/178870/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 289
(Third Reading File Bill)

On page 5, in line 7, strike "**AND**"; after line 7, 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 8, 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:

House Bill 361 – Washington County Delegation

AN ACT concerning

Public Safety – Hagerstown Community College Police Force

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 548 – Caroline County Delegation

AN ACT concerning

Caroline County – Department of Corrections Employment Applicants – Lie Detector Tests

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 625 – Washington County Delegation

AN ACT concerning

Washington County – Office of the Sheriff – Special Deputy Sheriffs ~~and Deputized Individuals~~

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 637 – Delegates Levi, Anderson, Barnes, Braveboy, Burns, Carr, Carter, Conaway, Dumais, Gutierrez, Healey, Kramer, Morhaim, Nathan–Pulliam, Reznik, Riley, Robinson, and F. Turner

EMERGENCY BILL

AN ACT concerning

Task Force on Prisoner Reentry

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 760 – Delegates Walkup, Smigiel, and Sossi

AN ACT concerning

Kent County – Office of the Sheriff – Salary

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 942 – Queen Anne's County Delegation

AN ACT concerning

Queen Anne's County – Local Detention Center – County's Authority to Continue Management

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #29

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 51 – The Speaker (By Request – Department of Legislative Services – Code Revision)

AN ACT concerning

Human Relations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 52 – The Speaker (By Request – Department of Legislative Services – Code Revision)

AN ACT concerning

Human Relations – Cross–References and Corrections

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 53 – The Speaker (By Request – Department of Legislative Services – Code Revision)

AN ACT concerning

Human Relations – Substantive Modifications

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 54 – The Speaker (By Request – Department of Legislative Services – Code Revision)

AN ACT concerning

Human Relations – Civil Actions – Unlawful Employment Practices

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:

House Bill 282 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Adult Public Guardianship Review Board – Membership

HB0282/118077/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 282
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "requiring one of two physician members" and substitute "altering the membership"; in line 4, after "to" insert "require one member to be a physician other than a psychiatrist and one to"; in line 5, strike "a" and substitute "the"; and strike beginning with "that" in line 5 down through "psychologists" in line 6.

AMENDMENT NO. 2

On page 2, in line 1, after "(ii)" insert "**1. IN COUNTIES OTHER THAN ST. MARY'S COUNTY,**"; strike beginning with the colon in line 1 down through "**1.**" in line 2; in line 3, strike "**OR**" and substitute "**AND**"; in line 4, after "**1**" insert "**SHALL BE A PHYSICIAN OTHER THAN A PSYCHIATRIST AND 1 SHALL BE A**"; in line 5, strike "**A**" and substitute "**THE**"; and strike beginning with "**THAT**" in line 5 down through "**PSYCHOLOGISTS**" in line 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 Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 378 – Delegate Feldman

AN ACT concerning

Corporations – Corporate Documents, Fractional Shares, and Redemption of Stock

HB0378/718373/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 378
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Documents," insert "Distributions,"; in line 9, after "circumstances;" insert "authorizing a corporation to make distributions from certain net earnings under certain circumstances;"; in line 22, after "2–214(a)," insert "2–308,"; and in the same line, after "2–310.1," insert "2–311(a),".

AMENDMENT NO. 2

On page 3, after line 8, insert:

"2–308.

(a) Subject to the limitations of subsection (b) of this section, any surplus which arises from a reduction of stated capital becomes capital surplus and may be made the basis of:

(1) A distribution or payment to stockholders; and

(2) A reduction of the liability of stockholders whose shares of stock are not fully paid.

(b) [The] **EXCEPT AS PROVIDED IN § 2–311(A)(2) OF THIS SUBTITLE, THE** net assets of the corporation which remain after a distribution, payment, or reduction of liability shall be at least equal to the aggregate preferential amount payable in the event of voluntary liquidation to the holders of all stock having rights preferred to the rights of holders who received the distribution, payment, or whose liability was reduced.".

On page 4, after line 12, insert:

"2–311.

(a) **(1)** No distribution may be made if, after giving effect to the distribution:

[(1)] **(I)** The corporation would not be able to pay indebtedness of the corporation as the indebtedness becomes due in the usual course of business; or

[(2)] **(II)** [The] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE** corporation's total assets would be less than the sum of the corporation's total liabilities plus, unless the charter permits otherwise, the amount that would be needed, if the corporation were to be dissolved at the time of the distribution, to satisfy the preferential rights upon dissolution of stockholders whose preferential rights on dissolution are superior to those receiving the distribution.

(2) A CORPORATION MAY MAKE A DISTRIBUTION FROM:

(I) THE NET EARNINGS OF THE CORPORATION FOR THE FISCAL YEAR IN WHICH THE DISTRIBUTION IS MADE;

(II) THE NET EARNINGS OF THE CORPORATION FOR THE PRECEDING FISCAL YEAR; OR

(III) THE SUM OF THE NET EARNINGS OF THE CORPORATION FOR THE PRECEDING EIGHT FISCAL QUARTERS.".

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:

House Bill 582 – Delegates Carter, McComas, McConkey, and Vallario

AN ACT concerning

Estates and Trusts – Real and Leasehold Property – Valuation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 773 – Delegates Conway and Mathias

AN ACT concerning

Worcester County – Gaming – Bingo

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #30

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 1027 – Senator Dyson

AN ACT concerning

Real Property – Conservation Easements – Disclosure

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 79 – Delegates Stifler and Niemann

AN ACT concerning

Real Property – Mortgage Fraud – Creation of Fraudulent Documents

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 149 – Delegates Kach and Olszewski

AN ACT concerning

Estates and Trusts – Trust for Care of 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:

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 542 – Delegates Simmons and Waldstreicher

AN ACT concerning

Criminal Law – Human Trafficking – Inducing or Enticing

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 754 – Delegates Stein, Boteler, V. Clagett, Glenn, Hucker, James, Lafferty, and Weir

AN ACT concerning

Real Property – Conservation Easements – Disclosure

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 864 – Howard County Delegation

AN ACT concerning

Howard County – Roadside Solicitation of Money or Donations – Prohibition Ho. Co. 9–09

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #31

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 66 – Delegates Anderson, Carter, Conaway, Rosenberg, Simmons, Sophocleus, and Waldstreicher

AN ACT concerning

Criminal Law – Theft – Penalties

HB0066/898375/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 66
(Third Reading File Bill)

On page 3, strike beginning with "**LESS**" in line 14 down through "**$100,**" in line 15.

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:

House Bill 550 – Delegates Kelly, Simmons, and Smigiel

AN ACT concerning

Special Police Commissions – Recommended Denial of Application – Appeals

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 683 – Delegates Ivey, Carter, Conaway, and Ramirez

AN ACT concerning

Post Adoption Support Services Pilot Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 689 – Delegates Rosenberg, Boteler, Bronrott, Doory, Elmore, Healey, Kramer, Levy, Mathias, McHale, and Montgomery

AN ACT concerning

CINA, Guardianship, Adoption, Custody, and Visitation – Disability of Parent, Guardian, Custodian, or Party

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 719 – Frederick County Delegation

AN ACT concerning

Frederick County – Tip Jars and Punchboards – Licensed Distributors

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:

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

HB0776/758977/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 776
(Third Reading File Bill)

On page 3 in lines 11 and 12, on page 4 in lines 27 and 28, and on page 6 in lines 5 and 6, in each instance, strike "**WITH CERTIFICATE OF MAILING**".

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:

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

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:

House Bill 1183 – Delegate Simmons

AN ACT concerning

Juvenile Law – Hearings

HB1183/648776/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1183
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "from" insert "the testimony of a victim during".

AMENDMENT NO. 2

On page 3, in line 6, after "**FROM**" insert "**THE TESTIMONY OF THE VICTIM DURING**"; in line 8, after "**ADMIT**" insert "**DURING THE TESTIMONY OF THE VICTIM**"; and in line 10, strike "**CONDUCT THE HEARING OR PROCEEDING**" and substitute "**RECEIVE THE TESTIMONY OF THE VICTIM**".

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:

House Bill 1219 – Washington County Delegation

AN ACT concerning

Washington County – Sheriff – Salary

HB1219/578177/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1219
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 3 down through "recommendations;" in line 6; and strike in their entirety lines 10 through 19, inclusive.

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 4 on page 2 through line 7 on page 3, inclusive.

On page 3, in line 10, strike "**1.**"; and strike in their entirety lines 12 through 16, 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:

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #19

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

House Bill 300 – The Speaker (By Request – Administration) and Delegates Hixson, Howard, Cardin, F. Turner, V. Clagett, Gaines, Olszewski, Pena–Melnyk, Ross, ~~and Stein~~ Stein, and Manno

AN ACT concerning

Tax Increment Financing and Special Taxing Districts – Transit–Oriented Development

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:

House Bill 795 – Delegates Impallaria, Aumann, Boteler, Bromwell, McDonough, Olszewski, Schuler, and Weir

AN ACT concerning

Baltimore County – Property Tax Credit – Loreley Beach Community Association

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:

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

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:

House Bill 811 – Delegate Heller (Chair, Joint Committee on the Management of Public Funds) and Delegates Elmore, Howard, and Levy

AN ACT concerning

State Treasurer – Local Government Units – Local Debt Policies

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:

House Bill 841 – Montgomery County Delegation

AN ACT concerning

Montgomery County Public Schools – Funding Accountability and Transparency Act
MC 930–09

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:

House Bill 865 – Harford County Delegation

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:

House Bill 1171 – Delegates Bartlett, Hecht, Boteler, Cardin, Carr, Carter, Conaway, George, Haddaway, Ivey, Kullen, Murphy, O'Donnell, Olszewski, Rice, Walker, ~~and Walkup~~ Walkup, Frick, Gilchrist, Shank, Elmore, Howard, Doory, Hixson, Barve, Ross, Kaiser, Myers, Stukes, Aumann, Beidle, Bobo, Bronrott, G. Clagett, DeBoy, Lee, Mizeur, Stein, and Waldstreicher

AN ACT concerning

Alternative Energy Tax Incentive Act of 2009

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:

House Bill 1370 – Charles County Delegation

AN ACT concerning

Charles County – Special Taxing Districts – Hotel Rental Taxes

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:

House Bill 1399 – Chair, Ways and Means Committee (By Request – Departmental – Housing and Community Development)

AN ACT concerning

Department of Housing and Community Development – Neighborhood and Community Assistance Program – Individual Donor Eligibility – Tax Credit

Favorable report 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. 954)

RECESS

At 1:07 P.M. on motion of Senator Kasemeyer, seconded, the Senate recessed until 3:30 P.M. on Legislative Day, April 5, 2009, Calendar Day, Thursday, April 9, 2009.

AFTER RECESS
Annapolis, Maryland
Legislative Day: April 5, 2009
Calendar Day: Thursday, April 9, 2009

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. 956)

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 130 – Delegates Pena–Melnyk, Frush, Barnes, Griffith, Holmes, Howard, Ivey, Levi, Malone, Nathan–Pulliam, Niemann, Ramirez, Reznik, Rice, Ross, Tarrant, F. Turner, Valderrama, Waldstreicher, Walker, and Weldon

AN ACT concerning

State Highway Administration – Unauthorized Signs on Highway Rights–of–Way

FOR the purpose of providing for original jurisdiction of the District Court for certain actions; prohibiting a person without authorization from the State Highway Administration from placing or maintaining a sign within the right–of–way of a State highway; providing that a sign placed or maintained in violation of this Act may be removed by the State Highway Administration, a law enforcement officer, or certain local governments; authorizing the Administration or certain local governments to ~~recover certain costs~~ collect certain civil penalties and to seek an injunction against violations of this Act; providing for civil penalties for a violation of this Act; providing that certain provisions of this Act may be enforced only by issuance of a warning for a certain period of time; requiring the Administration and certain local governments to retain civil penalties collected under certain provisions of this Act; providing that the presence of a sign within a State highway right–of–way is ~~prima facie~~ evidence of certain facts; and generally relating to the placement and maintenance of unauthorized signs on State highway rights–of–way.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 4–401(16) and (17)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Courts and Judicial Proceedings
Section 4–401(18)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 8–605
Annotated Code of Maryland
(2008 Replacement Volume)

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

House Bill 1469 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

EMERGENCY BILL

AN ACT concerning

State Board of Nursing – Discipline – Hearing Committee

FOR the purpose of authorizing the establishment of a certain committee of members of the State Board of Nursing to conduct disciplinary hearings; authorizing the president of the Board to appoint Board members to the hearing committee; specifying the minimum number of hearing committee members; requiring the hearing committee to report their recommended decision to the Board within a certain period of time; authorizing a member of the hearing committee to be a part of the Board quorum while considering the recommendation; requiring the Board to give a certain notice; requiring a certain written response to be filed within a certain period of time; making this Act an emergency measure; and generally relating to the State Board of Nursing and disciplinary hearings.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 8–317
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

House Bill 1534 – ~~Delegate Pendergrass~~ Delegates Pendergrass, Hammen, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Krebs, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, V. Turner, and Weldon

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.

House Bill 1557 – Chair, Health and Government Operations Committee and Chair, Ways and Means Committee

AN ACT concerning

State Lottery – Procurement – Licensing Agreements and Prizes

FOR the purpose of exempting from a certain State procurement law certain licensing agreements entered into by the State Lottery Agency and procurement for State

lottery prizes; requiring the Director of the State Lottery Agency to enter into certain licensing agreements and contract for certain items or services related to lottery prizes; defining a certain term; and generally relating to the procurement authority of the State Lottery Agency.

BY renumbering
Article – State Finance and Procurement
Section 11–101(j) through (x), respectively
to be Section 11–101(k) through (y), respectively
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY renumbering
Article – State Government
Section 9–101(f) through (h), respectively
to be Section 9–101(g) through (i), respectively
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY adding to
Article – State Finance and Procurement
Section 11–101(j)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 11–203(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – State Government
Section 9–101(f)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–111(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

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

House Bill 1573 – ~~Delegate Kipke~~ Delegates Kipke, Mathias, Hecht, Impallaria, Jameson, Miller, Minnick, and Vaughn

AN ACT concerning

Business Regulation – Soda Fountain License – Repeal

FOR the purpose of repealing a provision of law requiring a person to have a soda fountain license whenever the person does business operating a soda fountain in the State; repealing a provision of law requiring an applicant for a soda fountain license to pay a certain license fee for each soda fountain; repealing a certain definition; making conforming changes; and generally relating to repealing the law requiring a person to have a license to operate a soda fountain in the State.

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 17–201(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 17–201(b)(22) through (26)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing
Article – Business Regulation
Section 17–1701 through 17–1703 and the subtitle "Subtitle 17. Soda Fountains"
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

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

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 7	Sen. Glassman	State Government – Flags – Made in USA
SB 29	Sen. Colburn	Talbot County – School Buses – Length of Operation
SB 67	Ch., Jud. Proceed.	Corporations and Associations – Proof of Good Standing for Foreign Business Entities

SB 68	Ch., Jud. Proceed.	Corporations and Associations – Recording, Filing, or Other Fees – Returned Check Fee
SB 75	Chair, EHE Com.	Public Information Act – Confidentiality of Security–Related Documents and Records
SB 77	Chair, EHE Com.	Department of Agriculture – Organic Certification Program – Fees
SB 82	Ch., Finance Com.	Inflatable Amusement Attractions – Inspections
SB 89	Chair, EHE Com.	MALPF – Imposition of Civil Penalties by Board of Trustees – Authorization
SB 140	Sen. Muse	Task Force to Stdy How to Improve Financial Literacy in the St – Mbrshp, Staffing, and Ext
SB 149	Sen. Kelley	Maryland Commission for Women – Appointment of Members
SB 187	Sen. Pugh	State Procurement – Bundling of Procurements
SB 211	Sen. Pugh	Minority Business Enterprise Program – Participation by Race or Gender
SB 231	Sen. Della	State Health Services Cost Review Commission – Health Care Facilities – Required Forms
SB 248 (Emergency Bill)	Sen. Jones	State Government – Commemorative Days – Negro Baseball League
SB 257	The President	Interstate Compact on Educational Opportunity for Military Children
SB 331	Sen. Colburn	Dorchester County Board of Education – Annual Election of Board Officers
SB 333	Sen. Colburn	Dorchester County – Alcoholic Beverages Act of 2009
SB 341	Sen. Pugh	Prosthetic Parity Act
SB 356	Sen. Frosh	Family Day Care Homes and Child Care Centers – Emergency Preparedness Plans
SB 368	Sen. Raskin	Lilly Ledbetter Civil Rights Restoration Act of 2009

SB 376	Sen. Middleton	Charles County – Workers' Compensation – Auxiliary Volunteer of Sheriff's Office
SB 377 (Emergency Bill)	Sen. Middleton	Business Regulation – Home Builder Guaranty Fund – Fee
SB 380	Sen. Garagiola	Health Maintenance Organizations – Payments to Nonparticipating Providers
SB 413	Sen. King	Joint Committee on Children, Youth, and Families – Repeal of Sunset
SB 433	Sen. Astle	State Bd of Physicians – Polysomnographic Technologists – Ed and Licensing Requirements
SB 439	Sen. Middleton	Health Insurance – Prompt Pay – Clarifications
SB 448	Sen. Edwards	Local School Systems – Biannual Financial Status Report Requirement – Repeal
SB 463	Sen. Lenett	Maryland Youth Advisory Council – Youth Members
SB 543	Sen. Brochin	Baltimore Co – Towson Commercial Revitalization District – Alc Bevs – Transf and Conv of Licenses
SB 550	Sen. King	Online Child Safety Act of 2009
SB 560	Sen. Miller	Calvert Co – Ed – Certificated School Pers – Collective Bargaining Representation Fees
SB 608	Sen. Brinkley	Frederick County – Alcoholic Beverages – Part–Time Inspectors
SB 611	Sen. Jones	Minority Business Enterprise Program – Prohibitions
SB 629	Sen. Glassman	Harford County – Board of Education – Selection of Members
SB 634	Sen. Pugh	Professional Corporations – Professional Services – Multiple Professions
SB 645	Sen. Astle	Fraternal Benefit Societies – Exemption for Mutual Aid Associations – Clarification
SB 646	Sen. Astle	Credentialing of Health Care

		Providers by Managed Care Organizations, Ins Carriers, and Hospitals
SB 670	Sen. Raskin	Discrimination in Employment – Expansion of Disability Rights
SB 688	Sen. Robey	Public Service Companies – Passenger–For–Hire Services – Limousines
SB 854	Sen. Garagiola	Health Insurance – Definition of Coverage Decisions – Pharmacy Inquiries
SB 879	Sen. Harrington	Gwendolyn Britt Student Health and Fitness Act
SB 884	Sen. Brinkley	Frederick County – Alcoholic Beverages – Wine Festival License
SB 946	Sen. Pugh	Minority Business Enterprise Program – Report to Joint Committee on Fair Practices

Endorsed as having been read the third time and passed by yeas and nays in the House of Delegates.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #20

CONSENT CALENDAR #51

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

House Bill 572 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Washington Metropolitan Area Transit Authority – Finance and Governance

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:

House Bill 623 – Allegany County Delegation

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:

House Bill 809 – Delegate Heller (Chair, Joint Committee on the Management of Public Funds) and Delegates Elmore, Howard, and Levy

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:

House Bill 813 – Delegate Heller (Chair, Joint Committee on the Management of Public Funds) and Delegates Elmore, Howard, and Levy

AN ACT concerning

State Checks – Electronic Publication of Payee Names

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:

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

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:

House Bill 931 – Cecil County Delegation

AN ACT concerning

Cecil County – Public Facilities Bond Bill

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:

House Bill 959 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Green Businesses – Tax Credits
PG 401–09

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:

House Bill 976 – Carroll County Delegation

AN ACT concerning

Carroll County – Public Facilities Bonds

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:

House Bill 1330 – Delegate Conway

AN ACT concerning

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

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:

House Bill 1331 – Delegate Conway

AN ACT concerning

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

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:

House Bill 1425 – Delegates Gaines and Levy

AN ACT concerning

Department of Transportation – Consolidated Transportation Bonds – Issuance Procedures

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:

House Bill 1486 – Delegates Hubbard, Barnes, Davis, Frush, Gaines, Griffith, Healey, Holmes, Howard, Ivey, Levi, Niemann, Pena–Melnyk, Proctor, Ramirez, Ross, V. Turner, Valderrama, Vallario, Vaughn, ~~and Walker~~ Walker, and Benson

EMERGENCY BILL

AN ACT concerning

Prince George's County Hospital Authority

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

HB0184/979238/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 184
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "date;" insert "prohibiting the Department from implementing the finalized Business Plan unless the Department identifies a certain funding source;".

AMENDMENT NO. 2

On page 2, after line 24, insert:

"(d) The Department may not implement the finalized Business Plan until the Department has identified an on–going funding source.".

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 BUDGET AND TAXATION REPORT #21

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

House Bill 1017 – Harford County Delegation

AN ACT concerning

Harford County – Property Tax ~~Exemption~~ Credit – Continuing Care Facility for the Aged

HB1017/129038/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 1017
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Credit" and substitute "Exemption"; strike beginning with "authorizing" in line 4 down through "on" in line 6 and substitute "exempting"; in line 6, after "property" insert "in Harford County"; in line 7, after "owned" insert "or operated"; in the same line, after "aged" insert "or by a person exempt from federal income tax from the payment of county or municipal corporation property tax"; in line 9, strike "a"; in the same line after "tax" insert "exemptions"; in line 10 strike "credit"; and in line 14 strike "9–314(d)" and substitute "7–402".

AMENDMENT NO. 2

On page 1, in line 20, strike "**9–314.**" and substitute "**7–402.**".

On pages 2 and 3, strike in their entirety the lines beginning with line 1 on page 2 through line 2 on page 3, inclusive, and substitute:

"**(A) IN THIS SECTION, "FACILITY" MEANS A CONTINUING CARE FACILITY FOR THE AGED THAT:**

(1) PROVIDES CONTINUING CARE AS DEFINED IN § 10–401 OF THE HUMAN SERVICES ARTICLE;

(2) IS LICENSED AS A RELATED INSTITUTION UNDER TITLE 19, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE;

(3) IS CERTIFIED BY THE DEPARTMENT OF AGING;

(4) IS EXEMPT FROM FEDERAL INCOME TAX UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE OR IS OWNED OR OPERATED BY A PERSON THAT IS EXEMPT FROM FEDERAL INCOME TAX UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE; AND

(5) IS LOCATED IN HARFORD COUNTY.

(B) PROPERTY THAT IS NOT OTHERWISE EXEMPT FROM TAXATION UNDER § 7–202 OR § 7–206(B) OF THIS TITLE IS NOT SUBJECT TO PROPERTY TAX IMPOSED BY THE GOVERNING BODY OF HARFORD COUNTY OR OF A MUNICIPAL CORPORATION IN HARFORD COUNTY IF THE PROPERTY IS:

(1) OWNED OR OPERATED BY A FACILITY OR BY A PERSON THAT IS EXEMPT FROM FEDERAL INCOME TAX UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE; AND

(2) AVAILABLE FOR USE IN CONNECTION WITH A FACILITY.".

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

House Bill 1429 – Chair, Ways and Means Committee and Chair, Economic Matters Committee (By Request – Departmental – Business and Economic Development)

AN ACT concerning

Business and Economic Development – BRAC Community Enhancement Act

HB1429/849034/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 1429

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first "of" insert "requiring the Secretary of Business and Economic Development to notify members of certain county delegations to the General Assembly after receipt of an application for designation or expansion of a BRAC Revitalization and Incentive Zone;";

and after line 9, insert:

"BY adding to
Article – Economic Development
Section 5–1302(c)
Annotated Code of Maryland
(2008 Volume)".

AMENDMENT NO. 2

On page 2, after line 3, insert:

"5–1302.

(C) AFTER THE SECRETARY'S RECEIPT OF AN APPLICATION FOR DESIGNATION OF AN AREA AS A BRAC REVITALIZATION AND INCENTIVE ZONE OR EXPANSION OF AN EXISTING ZONE UNDER § 5–1305 OF THIS SUBTITLE, THE SECRETARY SHALL NOTIFY THE MEMBERS OF THE COUNTY DELEGATION TO THE GENERAL ASSEMBLY FOR EACH COUNTY IN WHICH A ZONE IS PROPOSED TO BE LOCATED.".

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 #33

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

House Bill 250 – Delegates Kullen, Eckardt, Bromwell, Kipke, Montgomery, Pena–Melnyk, Reznik, Riley, V. Turner, ~~and Weldon~~ Weldon, Nathan–Pulliam, Donoghue, Benson, Krebs, and Tarrant

AN ACT concerning

Public Health – ~~Authority to Certify Incapacity or~~ Certificates of Death – Nurse Practitioners

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 427 – Cecil County Delegation

AN ACT concerning

Cecil County – Employees of Cecil County Treasurer's Office

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 577 – Carroll County Delegation

AN ACT concerning

Carroll County – Education – Organization of Teachers and Other Personnel

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:

House Bill 725 – Delegates Tarrant, Benson, Bromwell, Costa, Pena–Melnyk, Reznik, Riley, and V. Turner

AN ACT concerning

Group Model Health Maintenance Organizations – Drug Therapy Management

HB0725/527678/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 725
(Third Reading File Bill)

On page 5, strike beginning with "**HEALTH**" in line 27 down through "**OCCUPATIONS**" in line 28 and substitute "**HEALTH OCCUPATIONS**".

On page 6, in line 20, strike "**(F)**" and substitute "**(H)**".

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:

House Bill 843 – Delegates Love, Cardin, Costa, Kipke, Lafferty, Montgomery, Simmons, ~~and Stein~~ Stein, V. Turner, Kullen, Pena–Melnyk, Nathan–Pulliam, Morhaim, Donoghue, Kach, McDonough, Benson, Tarrant, and Oaks

AN ACT concerning

Continuing Care Retirement Communities – ~~Subscriber Complaints and Investigations~~ Internal Grievance Procedure and Mediation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1133 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

Washington Suburban Sanitary Commission – Comprehensive Whistleblower Protections
MC/PG 120–09

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1374 – Delegates Oaks and Carter

AN ACT concerning

Baltimore City ~~School Police Officers – Baltimore City School Police Lodge Five~~ Public Schools – School Police Officers – Employee Organization

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1466 – Chair, Appropriations Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Investment Program – Temporary Cash Assistance – Assignment of Support

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1472 – Chair, Health and Government Operations Committee (By Request – Departmental – Health Insurance Plan)

AN ACT concerning

Health Insurance – Senior Prescription Drug Assistance Program – Funding

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1479 – Chair, Health and Government Operations Committee (By Request – Departmental – Department of Information Technology)

AN ACT concerning

Board of Directors of the Assistive Technology Loan Program – Membership

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1480 – Chair, Health and Government Operations Committee (By Request – Departmental – Aging)

AN ACT concerning

Interagency Committee on Aging Services – Membership

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1542 – ~~Delegate Haddaway~~ Delegates Haddaway, Donoghue, Eckardt, Elmore, Mathias, Cane, Rudolph, Conway, Kach, Krebs, Kullen, McDonough, Pena–Melnyk, Riley, and Tarrant

EMERGENCY BILL

AN ACT concerning

Health – ~~Regulation and Permitting of Egg Sellers at Farmers' Markets~~
Licensing of Food Establishments – Exception for Egg Producers

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 1555 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Financial Institutions – Enhanced Supervision – Branch Banking

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #34

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

Senate Bill 80 – Chair, Finance Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Distribution of Tobacco–Related Products to Minors – Enforcement

SB0080/227178/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 80
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 4 down through "minors;" in line 6; in line 9, after "County;" insert "providing that this Act does not preempt any

county or municipal law that regulates tobacco products;"; and in line 18, strike "24–1706" and substitute "24–1705".

AMENDMENT NO. 2

On page 3, strike in their entirety lines 6 through 19, inclusive; in lines 20 and 26, strike "**24–1705**" and "**24–1706**", respectively, and substitute "**24–1704**" and "**24–1705**", respectively.

AMENDMENT NO. 3

On page 4, after line 4, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That this Act does not preempt any county or municipal law that regulates tobacco products.";

and in line 5, strike "3" and substitute "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 Middleton, Chair, for the Committee on Finance reported favorably with amendments:

Senate Bill 481 – Senator Pipkin

AN ACT concerning

Health Insurance – Dental Provider Panels – Provider Contracts

SB0481/257275/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 481
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Senator Pipkin" and substitute "Senators Pipkin, Middleton, Astle, Della, Exum, Garagiola, Glassman, Kelley, Kittleman,

Klausmeier, and Pugh"; strike beginning with "repealing" in line 3 down through "circumstances;" in line 10 and substitute "prohibiting a provider contract from containing a provision that requires a provider, as a condition of participating in a fee–for–service dental provider panel, to participate in a capitated dental provider panel; requiring the Maryland Insurance Administration to conduct a certain review and report its findings and certain recommendations to certain committees of the General Assembly on or before a certain date; defining a certain term; altering a certain definition;"; in line 10, after "of" insert "certain provisions of"; in line 11, strike "date" and substitute "dates"; after line 23, insert:

"**(2) "CAPITATED DENTAL PROVIDER PANEL" MEANS A PROVIDER PANEL FOR ONE OR MORE DENTAL PLAN ORGANIZATIONS OFFERING CONTRACTS ONLY FOR DENTAL SERVICES REIMBURSED ON A CAPITATED BASIS FOR CERTAIN SERVICES.**";

and in line 24, strike "(2)" and substitute "**(3)**".

On page 2, in lines 5, 8, 10, 12, 14, 16, 18, and 23, strike "(3)", "(4)", "(5)", "(6)", "(7)", "(8)", "(9)", and "(10)", respectively, and substitute "**(4)**", "**(5)**", "**(6)**", "**(7)**", "**(8)**", "**(9)**", "**(10)**", and "**(11)**", respectively; in line 5, strike "Dental" and substitute "**FEE–FOR–SERVICE DENTAL**"; in line 7, after "services" insert "**REIMBURSED ON A FULL OR DISCOUNTED FEE–FOR–SERVICE BASIS**"; in line 27, strike the first comma and substitute "**:**

(I)";

and in line 28, strike "HMO provider panel or dental provider panel" and substitute "**HMO PROVIDER PANEL; OR**

(II) AS A CONDITION OF PARTICIPATING IN A FEE–FOR–SERVICE DENTAL PROVIDER PANEL, TO PARTICIPATE IN A CAPITATED DENTAL PROVIDER PANEL".

AMENDMENT NO. 2

On page 3, in lines 1, 3, 5, 7, 11, 15, and 16, in each instance, strike the bracket; in line 7, strike "**(1)**"; in line 11, strike "**(2)**"; in line 15, strike "**(3)**"; in line 16, strike "**A**"; after line 27, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Insurance Administration shall conduct a review of dental provider contracts, the terms and conditions of the contracts, and the impact that the contracts have on the dental profession.

(b) (1) On or before December 31, 2009, the Administration shall report its findings, in accordance with § 2–1246 of the State Government Article, to the House Health and Government Operations Committee and the Senate Finance Committee.

(2) In the report required under this subsection, the Administration shall provide recommendations to the committees concerning whether the provisions of § 15–112.2(c) and (d) of the Insurance Article should apply to provider contracts for dental provider panels.";

in line 28, strike "2." and substitute "3."; in the same line, after "That" insert "Section 1 of"; in line 32, strike "3." and substitute "4."; in the same line, after "That" insert "Section 1 of"; and after line 35, insert:

"SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, this Act shall take effect June 1, 2009.".

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 792 – Senator Klausmeier

AN ACT concerning

Property and Casualty Insurance – Portable Electronics Insurance – Regulation

SB0792/107070/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 792
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "prohibiting the issuance of portable electronics insurance unless" and substitute "establishing a limited lines license to sell coverage under a policy of portable electronics insurance subject to the jurisdiction of the Maryland Insurance Commissioner; providing that the limited lines license authorizes certain employees and authorized representatives of a vendor of portable electronics to sell certain portable electronics insurance under certain circumstances; deeming the acts of certain employees and authorized representatives to be the acts of the vendor for certain purposes; providing for the billing, collection, and maintenance of certain premiums by certain persons; establishing certain limitations on the compensation of certain employees and authorized representatives who sell portable electronics insurance on behalf of a vendor; providing for the issuance and renewal of a limited lines license to sell coverage under a policy of portable electronics insurance subject to certain requirements and procedures; providing for the scope of authority of the limited lines license; requiring the prior filing and approval of certain portable electronics insurance policies; requiring a vendor to hold certain appointments from certain authorized insurers; requiring"; in line 5, strike "materials are available" and substitute "disclosures to be provided"; in line 6, strike "materials" and substitute "disclosures"; in line 7, strike "disclosure" and substitute "statement"; in line 8, strike "enrollment in" and substitute "purchase of"; strike beginning with "a certain" in line 9 down through "coverage," in line 10; strike beginning with "authorizing" in line 11 down through "purposes;" in line 17 and substitute "providing that coverage under a policy of portable electronics insurance is primary to certain other coverage; authorizing the Commissioner to suspend, revoke, or refuse to renew a limited lines license under certain circumstances; prohibiting a vendor and the employees and authorized representatives of the vendor from advertising, representing, or otherwise holding themselves out as a certain insurer or insurance producer; authorizing the Commissioner to adopt certain regulations;"; strike beginning with "authorizing" in line 18 down through "manner;" in line 19; in line 20, strike "Maryland Insurance"; and in line 21, after "violations;" insert "authorizing the issuance of portable electronics insurance on a month–to–month or other periodic basis as a certain commercial inland marine policy; requiring the establishment of certain eligibility and underwriting standards;".

On page 2, in line 2, after "terms;" insert "providing for a delayed effective date;"; in line 6, after "Section" insert "10–701 through 10–708 to be under the new subtitle "Subtitle 7. Portable Electronics Vendors"; and"; and in the same line, strike "19–904" and substitute "19–903".

AMENDMENT NO. 2

On page 2, in line 13, strike "**9.**" and substitute "**7.**"; in the same line, strike "**INSURANCE**" and substitute "**VENDORS**"; in line 14, strike "**19–901.**" and substitute "**10–701.**"; in line 18, strike "**ENROLL IN**" and substitute "**PURCHASE**"; in line 20, after "**PURCHASES**" insert "**OR LEASES**"; in line 21, after "**ELECTRONICS**" insert "**OR PURCHASES SERVICE RELATED TO THE USE OF PORTABLE ELECTRONICS**"; in line 22, after "**MEANS**" insert a colon; and strike beginning with "**ELECTRONIC**" in line 22 down through "**DEVICES**" in line 28 and substitute:

"**(I) HANDSETS, PAGERS, PERSONAL DIGITAL ASSISTANTS, PORTABLE COMPUTERS, CELLULAR TELEPHONES, BATTERIES, AND OTHER DEVICES OR ACCESSORIES USED TO ORIGINATE OR RECEIVE COMMUNICATIONS SIGNALS OR SERVICES; AND**

(II) ANY OTHER ELECTRONIC DEVICE THAT IS PORTABLE IN NATURE THAT THE COMMISSIONER APPROVES.

(2) "PORTABLE ELECTRONICS" DOES NOT INCLUDE TELECOMMUNICATIONS SWITCHING EQUIPMENT, TRANSMISSION WIRES, CELL SITE TRANSCEIVER EQUIPMENT, OR OTHER EQUIPMENT AND SYSTEMS USED BY TELECOMMUNICATIONS COMPANIES TO PROVIDE TELECOMMUNICATIONS SERVICE TO CONSUMERS".

On page 3, in line 1, after "**LOSS**" insert "**BY DISAPPEARANCE**"; in line 6, after "**PERIL**" insert "**, AS APPROVED BY THE COMMISSIONER**"; in line 7, after "**INCLUDE**" insert "**:**

(I)";

and in line 9, after "**ARTICLE**" insert "**THAT DOES NOT INCLUDE COVERAGE FOR LOSS BY DISAPPEARANCE OR THEFT;**

(II) A POLICY OF INSURANCE COVERING A SELLER'S OR A MANUFACTURER'S OBLIGATIONS UNDER A WARRANTY; OR

(III) A HOMEOWNER'S, RENTER'S, PRIVATE PASSENGER AUTOMOBILE, OR SIMILAR POLICY THAT COVERS LOSS OR THEFT OF PORTABLE ELECTRONICS".

strike lines 10 and 11 in their entirety and substitute:

"**(F) "PORTABLE ELECTRONICS TRANSACTION" MEANS:**

(1) THE SALE OR LEASE OF PORTABLE ELECTRONICS BY A VENDOR TO A CUSTOMER; OR

(2) THE SALE OF SERVICE RELATED TO THE USE OF PORTABLE ELECTRONICS BY A VENDOR TO A CUSTOMER.";

in line 13, after "**ELECTRONICS**" insert "**, OR SELLING OR PROVIDING SERVICE RELATED TO THE USE OF PORTABLE ELECTRONICS,**"; after line 14, insert:

"**10–702.**

THIS SUBTITLE DOES NOT APPLY TO:

(1) A SERVICE CONTRACT GOVERNED BY TITLE 14, SUBTITLE 4 OF THE COMMERCIAL LAW ARTICLE THAT DOES NOT INCLUDE COVERAGE FOR LOSS BY DISAPPEARANCE OR THEFT;

(2) A POLICY OF INSURANCE COVERING A SELLER'S OR A MANUFACTURER'S OBLIGATIONS UNDER A WARRANTY; OR

(3) A HOMEOWNER'S, RENTER'S, PRIVATE PASSENGER AUTOMOBILE, OR SIMILAR POLICY THAT COVERS LOSS OR THEFT OF PORTABLE ELECTRONICS.";

and strike in their entirety lines 15 through 19, inclusive, and substitute:

"**10–703.**

(A) A VENDOR SHALL HOLD A LIMITED LINES LICENSE TO SELL COVERAGE UNDER A POLICY OF PORTABLE ELECTRONICS INSURANCE IN CONNECTION WITH, AND INCIDENTAL TO, A PORTABLE ELECTRONICS TRANSACTION WITH A CUSTOMER BEFORE THE VENDOR OR THE EMPLOYEES OF OR AUTHORIZED REPRESENTATIVES OF THE VENDOR MAY SELL OR OFFER TO SELL COVERAGE UNDER A POLICY OF PORTABLE ELECTRONICS INSURANCE TO A CUSTOMER.

(B) A LIMITED LINES LICENSE ISSUED UNDER THIS SUBTITLE SHALL ALSO AUTHORIZE ANY SALARIED OR HOURLY EMPLOYEE OR AUTHORIZED REPRESENTATIVE OF THE VENDOR TO SELL COVERAGE UNDER A POLICY OF PORTABLE ELECTRONICS INSURANCE TO A CUSTOMER IN CONNECTION WITH, AND INCIDENTAL TO, A PORTABLE ELECTRONICS TRANSACTION ONLY IF THE EMPLOYEE OR AUTHORIZED REPRESENTATIVE IS:

(1) TRAINED UNDER § 10–705 OF THIS SUBTITLE TO ACT ON BEHALF OF THE VENDOR; AND

(2) ACTING UNDER THE SUPERVISION OF THE VENDOR.

(C) THE ACTS OF AN EMPLOYEE OR AUTHORIZED REPRESENTATIVE OFFERING TO SELL OR SELLING COVERAGE UNDER A POLICY OF PORTABLE ELECTRONICS INSURANCE SHALL BE DEEMED THE ACTS OF THE VENDOR FOR THE PURPOSES OF THIS SUBTITLE.

(D) (1) A VENDOR MAY BILL AND COLLECT PREMIUMS FROM COVERED CUSTOMERS FOR COVERAGE UNDER A POLICY OF PORTABLE ELECTRONICS INSURANCE.

(2) A VENDOR THAT BILLS AND COLLECTS PREMIUMS UNDER THIS SECTION IS NOT REQUIRED TO MAINTAIN THE PREMIUMS COLLECTED IN A SEGREGATED ACCOUNT IF:

(I) THE VENDOR'S APPOINTING INSURER AGREES IN WRITING THAT SEGREGATION OF FUNDS IS NOT REQUIRED; AND

(II) THE VENDOR REMITS THE FUNDS COLLECTED TO THE APPOINTING INSURER OR THAT INSURER'S APPOINTED INSURANCE PRODUCER WITHIN 60 DAYS AFTER RECEIPT.

(3) THE PREMIUMS FOR COVERAGE UNDER A POLICY OF PORTABLE ELECTRONICS INSURANCE SHALL BE SEPARATELY ITEMIZED FROM THE CHARGES FOR THE PURCHASE OR LEASE OF THE PORTABLE ELECTRONICS.

(E) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A VENDOR AND THE EMPLOYEES OR AUTHORIZED REPRESENTATIVES OF THE VENDOR MAY NOT RECEIVE COMPENSATION FOR THE SALE OF COVERAGE UNDER A POLICY OF PORTABLE ELECTRONICS INSURANCE.

(2) A VENDOR MAY RECEIVE COMPENSATION FOR BILLING AND COLLECTION SERVICES UNDER A POLICY OF PORTABLE ELECTRONICS INSURANCE.

(3) NOTHING IN THIS SUBSECTION SHALL AFFECT THE ABILITY OF A VENDOR OR AN AUTHORIZED REPRESENTATIVE OF THE VENDOR TO COMPENSATE THE EMPLOYEES OF THE VENDOR OR OF THE AUTHORIZED REPRESENTATIVE IN A MANNER THAT DOES NOT DEPEND ON THE SALE OF PORTABLE ELECTRONICS INSURANCE.

10–704.

(A) THE COMMISSIONER SHALL ISSUE TO A VENDOR A LIMITED LINES LICENSE AUTHORIZING THE VENDOR TO SELL OR OFFER TO SELL COVERAGE UNDER A POLICY OF PORTABLE ELECTRONICS INSURANCE TO A CUSTOMER IN CONNECTION WITH, AND INCIDENTAL TO, A PORTABLE ELECTRONICS TRANSACTION IF THE VENDOR:

(1) MEETS THE REQUIREMENTS OF § 10–705 OF THIS SUBTITLE;

(2) PAYS THE FEES FOR INSURANCE PRODUCERS REQUIRED UNDER § 2–112 OF THIS ARTICLE THAT ARE APPLICABLE TO AN INSURANCE PRODUCER LICENSE; AND

(3) SUBMITS TO THE COMMISSIONER ANY ADDITIONAL INFORMATION OR DOCUMENTATION THAT THE COMMISSIONER REQUIRES, INCLUDING ANY INFORMATION OR DOCUMENTATION NEEDED TO DETERMINE THE PROFESSIONAL COMPETENCE, GOOD CHARACTER, AND TRUSTWORTHINESS OF THE VENDOR.

(B) A LIMITED LINES LICENSE UNDER THIS SUBTITLE IS SUBJECT TO THE SAME TERM AND RENEWAL CONDITIONS THAT ARE SPECIFIED FOR AN INSURANCE PRODUCER LICENSE UNDER § 10–115 OF THIS TITLE.

10–705.

(A) A LIMITED LINES LICENSE TO SELL COVERAGE UNDER A POLICY OF PORTABLE ELECTRONICS INSURANCE TO A CUSTOMER ISSUED UNDER THIS SUBTITLE AUTHORIZES A VENDOR OR AN AUTHORIZED REPRESENTATIVE OF THE VENDOR TO SELL COVERAGE UNDER A POLICY OF PORTABLE ELECTRONICS INSURANCE TO CUSTOMERS IN CONNECTION WITH, AND INCIDENTAL TO, A PORTABLE ELECTRONICS TRANSACTION AT EACH LOCATION AT WHICH THE VENDOR ENGAGES IN PORTABLE ELECTRONICS TRANSACTIONS IN THE STATE IF:

(1) THE PORTABLE ELECTRONICS INSURANCE POLICIES HAVE BEEN FILED WITH AND APPROVED BY THE COMMISSIONER;

(2) THE VENDOR HOLDS AN APPOINTMENT UNDER § 10–118 OF THIS TITLE WITH EACH AUTHORIZED INSURER THAT THE VENDOR INTENDS TO REPRESENT;

(3) AT EACH LOCATION WHERE COVERAGE UNDER A POLICY OF PORTABLE ELECTRONICS INSURANCE IS OFFERED OR SOLD TO CUSTOMERS,

THE VENDOR PROVIDES TO THE CUSTOMERS DISCLOSURES APPROVED BY THE COMMISSIONER THAT:".

AMENDMENT NO. 3

On page 3, in line 20, strike "**(1)**" and substitute "**(I)**"; in the same line, strike "**, CLEARLY AND CORRECTLY,**"; in lines 23, 25, 26, and 27, strike "**(I)**", "**(III)**", "**(IV)**", and "**(V)**", respectively, and substitute "**1.**", "**2.**", "**3.**", and "**4.**", respectively; strike line 24 in its entirety; and in line 27, before "**THE**" insert "**THE MAJOR FEATURES OF**".

On page 4, in line 1, strike "**(VI)**" and substitute "**5. THE MAJOR FEATURES OF**"; in line 3, after "**WITH**" insert "**SIMILAR MAKE AND MODEL**"; in line 5, strike "**(2)**" and substitute "**(II) 1.**"; in the same line, strike "**DISCLOSE**" and substitute "**STATE**"; in line 8, after "**COVERAGE;**" insert "**AND**

2. STATE THAT THE PURCHASE OF COVERAGE UNDER A POLICY OF PORTABLE ELECTRONICS INSURANCE WOULD MAKE THIS COVERAGE PRIMARY TO ANY OTHER COVERAGE, INCLUDING DUPLICATE COVERAGE;";

strike in their entirety lines 9 through 11, inclusive, and substitute:

"**(III) STATE THAT THE PURCHASE OF COVERAGE UNDER A POLICY OF PORTABLE ELECTRONICS INSURANCE IS NOT REQUIRED IN ORDER TO ENTER INTO THE PORTABLE ELECTRONICS TRANSACTION;**";

in line 12, strike "**(4)**" and substitute "**(IV)**"; in line 13, strike "**ENROLL IN**" and substitute "**PURCHASE**"; in lines 15, 16, 18, and 20, strike "**(I)**", "**(II)**", "**(III)**", and "**(IV)**", respectively, and substitute "**1.**", "**2.**", "**3.**", and "**4.**", respectively; strike in their entirety lines 21 through 27, inclusive; in line 28, strike "**(7)**" and substitute "**(V)**"; in line 29, strike "**(I)**" and substitute "**1.**"; and in the same line, after "**CANCEL**" insert "**COVERAGE UNDER**".

On page 5, in line 1, strike "**(II)**" and substitute "**2.**"; in the same line, after "**CANCELS**" insert "**COVERAGE UNDER**"; in line 3, after "**LAW**" insert "**; AND**

(VI) PROVIDE THE TOLL–FREE CONSUMER HOTLINE TELEPHONE NUMBER OF THE ADMINISTRATION; AND

(4) (I) THE VENDOR PROVIDES A TRAINING PROGRAM, APPROVED BY THE COMMISSIONER, FOR ANY EMPLOYEE OR AUTHORIZED REPRESENTATIVE WHO SELLS COVERAGE UNDER A POLICY OF PORTABLE ELECTRONICS INSURANCE TO CUSTOMERS UNDER THIS SUBTITLE THAT INCLUDES INSTRUCTION:

1. ABOUT THE PORTABLE ELECTRONICS INSURANCE OFFERED TO CUSTOMERS OF THE VENDOR;

2. THAT THE EMPLOYEE OR AUTHORIZED REPRESENTATIVE MAY NOT REPRESENT OR IMPLY TO A CUSTOMER THAT PURCHASE OF COVERAGE UNDER A POLICY OF PORTABLE ELECTRONICS INSURANCE IS REQUIRED IN ORDER TO PURCHASE PORTABLE ELECTRONICS;

3. THAT PORTABLE ELECTRONICS INSURANCE MAY DUPLICATE INSURANCE COVERAGE ALREADY PROVIDED BY A CUSTOMER'S HOMEOWNER'S INSURANCE POLICY, RENTER'S INSURANCE POLICY, OR OTHER SOURCE OF INSURANCE COVERAGE; AND

4. ABOUT THE OTHER DISCLOSURES REQUIRED BY ITEM (3) OF THIS SUBSECTION.

(B) THE TRAINING REQUIRED UNDER SUBSECTION (A)(4) OF THIS SECTION MAY BE PROVIDED IN ELECTRONIC FORM";

strike in their entirety lines 4 through 28, inclusive, and substitute:

"**10–706.**

COVERAGE UNDER A POLICY OF PORTABLE ELECTRONICS INSURANCE SOLD IN CONNECTION WITH A PORTABLE ELECTRONICS TRANSACTION UNDER THIS SUBTITLE IS PRIMARY TO ANY OTHER VALID AND COLLECTIBLE COVERAGE.

10–707.

(A) THE COMMISSIONER MAY SUSPEND, REVOKE, OR REFUSE TO RENEW A LIMITED LINES LICENSE ISSUED UNDER THIS SUBTITLE AFTER NOTICE AND OPPORTUNITY FOR A HEARING UNDER TITLE 2, SUBTITLE 2 OF THIS ARTICLE IF THE VENDOR OR AN EMPLOYEE OR AUTHORIZED REPRESENTATIVE OF THE VENDOR HAS:

(1) WILLFULLY VIOLATED THIS ARTICLE OR ANOTHER LAW OF THE STATE THAT RELATES TO INSURANCE;

(2) OPERATED WITHOUT A LIMITED LINES LICENSE AS REQUIRED UNDER THIS SUBTITLE;

(3) FAILED TO PROVIDE THE DISCLOSURES REQUIRED UNDER § 10–705 OF THIS SUBTITLE;

(4) OFFERED OR SOLD UNAPPROVED INSURANCE PRODUCTS;

(5) FAILED TO HOLD AN APPOINTMENT WITH AN INSURER;

(6) FAILED TO TRAIN EMPLOYEES OR AUTHORIZED REPRESENTATIVES AS REQUIRED UNDER § 10–705 OF THIS SUBTITLE; OR

(7) MISREPRESENTED PERTINENT FACTS OR POLICY PROVISIONS CONCERNING A POLICY OF PORTABLE ELECTRONICS INSURANCE.";

in line 29, strike "**(2) THE**" and substitute:

"**(B) A VENDOR AND THE**";

in the same line, strike "**DO**" and substitute "**OF THE VENDOR MAY**"; and strike line 31 in its entirety and substitute "**AN AUTHORIZED INSURER OR AS AN INSURANCE PRODUCER FOR ANY KIND OR SUBDIVISION OF INSURANCE, EXCEPT AS PROVIDED IN THIS SUBTITLE.**

(C) INSTEAD OF, OR IN ADDITION TO, SUSPENDING OR REVOKING A LIMITED LINES LICENSE ISSUED UNDER THIS SUBTITLE, THE COMMISSIONER MAY:

(1) IMPOSE ON THE VENDOR A PENALTY OF NOT MORE THAN $2,500 FOR EACH VIOLATION OF THIS SUBTITLE; AND

(2) REQUIRE THAT RESTITUTION BE MADE TO ANY PERSON WHO HAS SUFFERED FINANCIAL INJURY BECAUSE OF A VIOLATION OF THIS SUBTITLE.

10–708.

THE COMMISSIONER MAY ADOPT REGULATIONS TO CARRY OUT THIS SUBTITLE, INCLUDING REGULATIONS:

(1) CONCERNING THE FORM AND CONTENT OF REQUIRED DISCLOSURES TO CUSTOMERS;

(2) THE TRAINING REQUIREMENTS FOR EMPLOYEES AND AUTHORIZED REPRESENTATIVES OF VENDORS; AND

(3) THE QUALIFICATIONS OF THE INDIVIDUALS WHO PROVIDE TRAINING.".

AMENDMENT NO. 4

On pages 5 through 7, strike in their entirety the lines beginning with line 32 on page 5 through line 7 on page 7, inclusive, and substitute:

"**SUBTITLE 9. PORTABLE ELECTRONICS INSURANCE.**

19–901.

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

(B) "COVERED CUSTOMER" HAS THE MEANING STATED IN § 10–701 OF THIS ARTICLE.

(C) "CUSTOMER" HAS THE MEANING STATED IN § 10–701 OF THIS ARTICLE.

(D) "PORTABLE ELECTRONICS" HAS THE MEANING STATED IN § 10–701 OF THIS ARTICLE.

(E) "PORTABLE ELECTRONICS INSURANCE" HAS THE MEANING STATED IN § 10–701 OF THIS ARTICLE.

(F) "VENDOR" HAS THE MEANING STATED IN § 10–701 OF THIS ARTICLE.

19–902.

(A) PORTABLE ELECTRONICS INSURANCE MAY BE OFFERED ON A MONTH–TO–MONTH OR OTHER PERIODIC BASIS AS A GROUP OR MASTER COMMERCIAL INLAND MARINE POLICY ISSUED TO A VENDOR UNDER WHICH INDIVIDUAL CUSTOMERS MAY ELECT TO PURCHASE COVERAGE UNDER THE POLICY.

(B) ELIGIBILITY AND UNDERWRITING STANDARDS FOR CUSTOMERS PURCHASING COVERAGE UNDER A POLICY OF PORTABLE ELECTRONICS INSURANCE SHALL BE ESTABLISHED FOR EACH PORTABLE ELECTRONICS INSURANCE POLICY.

19–903.".

On page 7, in line 8, strike "**EXCEPT**" and substitute "**NOTWITHSTANDING ANY OTHER PROVISION OF LAW AND EXCEPT**"; in line 13, after "**A**" insert "**POLICY OF**"; in line 14, strike "**POLICY**"; in line 15, strike "**THEN**"; in line 23, after "**COVERAGE**" insert "**OF A COVERED CUSTOMER**"; in line 24, after "**INSURANCE**" insert "**:**

(1)";

in the same line, strike "**15**" and substitute "**45**"; in line 26, after "**POLICY**" insert "**; OR**

(2) AFTER 10 DAYS' NOTICE FOR NONPAYMENT OF PREMIUM";

in line 27, after "**COVERAGE**" insert "**OF A COVERED CUSTOMER**"; and in line 30, strike "**TELECOMMUNICATIONS SERVICE WITH THE VENDOR;**" and substitute "**SERVICE RELATED TO THE USE OF PORTABLE ELECTRONICS WITH THE VENDOR; OR**".

On page 8, in line 1, after "**IF**" insert "**:**

1.";

in line 3, strike "**AND**" and substitute "**; AND**

2.";

strike beginning with the semicolon in line 5 down through "**PREMIUM**" in line 7; in line 10, after "**POLICY**" insert "**OF PORTABLE ELECTRONICS INSURANCE**"; in line 20, strike "**30**" and substitute "**45**"; in lines 27 and 31, in each instance, after "**COVERAGE**" insert "**UNDER A POLICY OF PORTABLE ELECTRONICS INSURANCE**"; and in line 34, strike "**MAILED OR DELIVERED**" and substitute "**SENT BY CERTIFICATE OF MAIL**".

On page 9, in lines 3 and 4, strike "**OR OTHER COMMERCIAL MAIL DELIVERY SERVICE**"; and in line 6, strike "July 1, 2009" and substitute "January 1, 2010".

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 1063 – Senator Pugh

EMERGENCY BILL

AN ACT concerning

Joint Emergency Medical Services Oversight Committee

SB1063/357477/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 1063
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, strike "EMERGENCY BILL"; in the sponsor line, strike "Senator Pugh" and substitute "Senators Pugh, Glassman, and Middleton"; in line 2, strike "Emergency Medical Services"; in the same line, after "Committee" insert "on Emergency Medical Services"; in line 3, strike "Emergency Medical Services"; in line 4, after "Committee" insert "on Emergency Medical Services"; in the same line, strike "composition" and substitute "membership"; in line 6, strike "submit a certain"; strike beginning with "making" in line 7 down through "measure;" in line 8; in line 9, strike "Emergency Medical Services"; in the same line, after "Committee" insert "on Emergency Medical Services"; strike beginning with "**IN**" in line 19 down through "**(B)**" in line 21; in line 21, strike "**EMERGENCY MEDICAL SERVICES**"; and in line 22, after "**COMMITTEE**" insert "**ON EMERGENCY MEDICAL SERVICES**".

AMENDMENT NO. 2

On page 2, in lines 1, 9, and 16, strike "**(C)**", "**(E)**", and "**(F)**", respectively, and substitute "**(B)**", "**(C)**", and "**(D)**", respectively; strike beginning with "**FOUR**" in line 3 down through "**AND**" in line 4 and substitute "**THREE SHALL BE MEMBERS OF THE SENATE FINANCE COMMITTEE, APPOINTED BY THE PRESIDENT OF THE SENATE;**"; strike beginning with "**FOUR**" in line 5 down through "**HOUSE**" in line 6 and substitute "**ONE SHALL BE A MEMBER OF THE SENATE BUDGET AND TAXATION COMMITTEE, APPOINTED BY THE PRESIDENT OF THE SENATE;**

(III) THREE SHALL BE MEMBERS OF THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, APPOINTED BY THE SPEAKER OF THE HOUSE; AND

(IV) ONE SHALL BE A MEMBER OF THE HOUSE APPROPRIATIONS COMMITTEE, APPOINTED BY THE SPEAKER OF THE HOUSE";

strike lines 7 and 8 in their entirety; in line 10, after "**PRESIDENT**" insert "**OF THE SENATE**"; in line 11, after "**SPEAKER**" insert "**OF THE HOUSE**"; and in line 17, strike "**ASSISTANCE TO**" and substitute "**FOR**".

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 18 on page 2 through line 12 on page 3, inclusive, and substitute:

"**(E) THE COMMITTEE SHALL PROVIDE LEGISLATIVE OVERSIGHT OF EMERGENCY MEDICAL SERVICES IN THE STATE.**

(F) TO CARRY OUT ITS OVERSIGHT MISSION, THE COMMITTEE SHALL:

(1) MONITOR PROCUREMENT OF MARYLAND STATE POLICE MEDEVAC HELICOPTERS;

(2) (I) REVIEW PROTOCOL CHANGES FOR EMERGENCY MEDICAL SERVICES FIELD PROVIDERS; AND

(II) ENSURE THAT TRAINING AND EXAMINATION REQUIREMENTS RELATED TO THE PROTOCOL CHANGES ARE ADEQUATE;

(3) REVIEW EFFORTS BY THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS TO ADDRESS RECOMMENDATIONS OF THE EXPERT PANEL ON HELICOPTER UTILIZATION AND PROTOCOLS ASSEMBLED BY THE INSTITUTE IN NOVEMBER 2008;

(4) MONITOR ONGOING SAFETY IMPROVEMENTS FOR THE MARYLAND STATE POLICE MEDEVAC HELICOPTERS, INCLUDING:

(I) COMPLIANCE WITH 14 C.F.R. PART 135 (FEDERAL AVIATION ADMINISTRATION);

(II) ACCREDITATION BY THE COMMISSION FOR THE ACCREDITATION OF MEDICAL TRANSPORT SYSTEMS;

(III) EQUIPMENT UPGRADES;

(IV) THE PHASE IN OF ADDITIONAL CO–PILOTS TO THE MEDEVAC HELICOPTER FLIGHT CREW; AND

(V) IMPROVEMENTS RECOMMENDED BY THE NATIONAL TRANSPORTATION SAFETY BOARD, INCLUDING FLIGHT RISK EVALUATION AND FLIGHT FOLLOWING PROCEDURES; AND

(5) REVIEW THE FOLLOWING UPDATES, STUDIES, AND REPORTS REQUESTED IN THE MARCH 2009 REPORT OF THE HOUSE EMERGENCY MEDICAL SERVICES WORKGROUP:

(I) AN UPDATE FROM THE MARYLAND INSTITUTE OF EMERGENCY MEDICAL SERVICES SYSTEMS AND THE MARYLAND STATE POLICE OF THE STUDY REPORTED IN FEBRUARY 2009 OF THE APPROPRIATE NUMBER AND DISTRIBUTION OF MEDEVAC HELICOPTERS AND BASES;

(II) A STUDY FROM THE MARYLAND STATE POLICE OF SERVICE DELIVERY OPTIONS FOR MEDEVAC HELICOPTER MAINTENANCE;

(III) A STUDY AND RECOMMENDATIONS FROM THE MARYLAND HEALTH CARE COMMISSION, IN COOPERATION WITH THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS, REGARDING THE CONFIGURATION OF THE STATE'S NETWORK OF TRAUMA AND SPECIALTY REFERRAL CENTERS;

(IV) A REPORT FROM THE MARYLAND INSTITUTE ON EMERGENCY MEDICAL SERVICES SYSTEMS ON AMBULANCE INFORMATION SYSTEM FEATURES THAT PROMOTE ANALYSIS OF SYSTEM PERFORMANCE; AND

(V) THE ANNUAL REPORT REQUIRED UNDER § 13–509(B)(4) OF THE EDUCATION ARTICLE FROM THE EMERGENCY MEDICAL SERVICES BOARD.

(G) IN COOPERATION WITH THE MARYLAND INSTITUTE OF EMERGENCY MEDICAL SERVICES SYSTEMS, THE EMERGENCY MEDICAL SERVICES BOARD, THE STATE EMERGENCY MEDICAL SERVICES ADVISORY COUNCIL, AND THE MARYLAND STATE POLICE, THE COMMITTEE SHALL:

(1) EXAMINE THE LONG–TERM VIABILITY OF THE MARYLAND EMERGENCY MEDICAL SERVICES OPERATING FUND; AND

(2) DEVELOP A LONG–TERM FINANCING PLAN FOR EMERGENCY MEDICAL SERVICES.

(H) THE COMMITTEE SHALL REPORT ITS FINDINGS AND RECOMMENDATIONS, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY ON OR BEFORE DECEMBER 1 OF EACH YEAR.".

On page 3, strike beginning with "is" in line 13 down through "enacted" in line 17 and substitute "shall take effect October 1, 2009"; and strike beginning with "from" in line 17 down through "period" in line 18 and substitute "and, at the end of September 30, 2013".

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 #19

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

House Bill 868 – Delegates Love and Krysiak

AN ACT concerning

Property and Casualty Insurance – Portable Electronics Insurance – Regulation

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:

House Bill 1383 – Delegates Gaines, Healey, and Ross

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:

House Bill 1435 – Chair, Appropriations Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Higher Education – Enforcement Powers of Maryland Higher Education Commission and Secretary of Higher Education

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:

House Bill 1452 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Waiver of Examination Requirements – BRAC – Stationary Engineers, Plumbers, Gas Fitters, and Heating, Ventilation, Air–Conditioning, and Refrigeration Contractors

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

MESSAGE TO THE SENATE

BILL: **HB 0303**
SPONSOR: The Spkr (Admin), et al
SUBJECT: Vehicle Laws – Teen Driver Safety

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Malone, Chairman
Delegate Frush, and
Delegate Stull.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **HB 0303**
SPONSOR: The Spkr (Admin), et al
SUBJECT: Vehicle Laws – Teen Driver Safety

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Malone, Chair
Delegate Frush
Delegate Stull

The Senate appoints:
Senator Frosh, Chairman
Senator Haines
Senator Muse.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE TO THE SENATE

BILL: **HB 0547**
SPONSOR: Del Stein, et al
SUBJECT: Vehicle Laws – Advertising Practices – Prohibited Acts

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Stein, Chairman
Delegate Healey, and
Delegate Serafini.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

Senator Frosh moved that the Senate recede on its position.

The motion was adopted.

HB0547/948972/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 547
(Third Reading File Bill)

On page 2, in line 24, strike "**ANY FREIGHT OR**".

The preceding amendment was withdrawn.

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

Affirmative – 46 Negative – 0 (See Roll Call No. 957)

The Bill was then sent to the House of Delegates.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **HB 0547**
SPONSOR: Del Stein, et al
SUBJECT: Vehicle Laws – Advertising Practices – Prohibited Acts

The Senate recedes from its position on HB 0547.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

LAID OVER BILLS

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

House Bill 1179 – Delegates Cardin, Hixson, Olszewski, and Ross

AN ACT concerning

Election Law – Early Voting

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

FLOOR AMENDMENT

HB1179/623522/1

BY: Senator Kittleman

AMENDMENTS TO HOUSE BILL 1179
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, after "voting;" insert "requiring an election judge to require an individual who seeks to vote at an early voting center to present certain identification;".

AMENDMENT NO. 2

On page 9, after line 12, insert:

"**(H) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AN ELECTION JUDGE SHALL REQUIRE AN INDIVIDUAL WHO SEEKS TO VOTE AT AN EARLY VOTING CENTER TO PRESENT A FORM OF IDENTIFICATION AS SPECIFIED UNDER THE HELP AMERICA VOTE ACT OF 2002.**";

and in line 13, strike "**(H)**" and substitute "**(I)**".

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

Affirmative – 20 Negative – 25 (See Roll Call No. 958)

FLOOR AMENDMENT

HB1179/743729/1

BY: Senator Kittleman

AMENDMENTS TO HOUSE BILL 1179, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (HB1179/284638/1), in line 3 of Amendment No. 1, after "selecting" insert "and establishing".

AMENDMENT NO. 2

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments, in line 6 of Amendment No. 5, after "county" insert "and establish locations for early voting centers that are fair and impartial, that do not provide an undue advantage to any candidates or political parties, and that ensure convenience and public safety for the county's voters".

The preceding 2 amendments were read and adopted.

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

Affirmative – 44 Negative – 2 (See Roll Call No. 959)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #43

CONSENT CALENDAR #53

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

House Bill 227 – Delegate Elmore

AN ACT concerning

Somerset County – Liquor Control Board – Borrowing Limit

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:

House Bill 616 – Howard County Delegation

AN ACT concerning

Howard County – Alcoholic Beverages – Hearing Board and Liquor Board Personnel
Ho. Co. 11–09

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:

House Bill 624 – Allegany County Delegation

AN ACT concerning

Allegany County – Alcoholic Beverages – Volunteer Company 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:

House Bill 731 – Howard County Delegation

AN ACT concerning

Baltimore County and Howard County – Alcoholic Beverages Licenses – Application Requirements – Citizenship Status
Ho. Co. 8–09

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:

House Bill 821 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Alcoholic Beverages – Corporate Training Center License
MC 902–09

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:

House Bill 833 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Winery Special Event Permits – Montgomery County Agricultural Fair
MC 928–09

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:

House Bill 835 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Kensington – Expansion of Area for Alcoholic Beverages Licenses
MC 934–09

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:

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

HB1021/124333/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1021
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "in" in line 7 down through the second "County" in line 8 and substitute "at the National Harbor".

AMENDMENT NO. 2

On page 2, strike beginning with "**IN**" in line 14 down through "**COUNTY**" in line 16 and substitute "**AT THE NATIONAL HARBOR**"; and strike beginning with "**OR**" in line 21 down through "**DAYS**" in line 22.

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:

House Bill 1141 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Montgomery County Municipal Corporations – Authority to Regulate Commercial Signs
MC/PG 111–09

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:

House Bill 1439 – Delegates Bromwell and Lafferty (By Request – Baltimore County Administration)

AN ACT concerning

Baltimore County – Towson Commercial Revitalization District – Alcoholic Beverages – Transfer and Conversion of Licenses

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:

House Bill 334 – Delegate Beitzel

AN ACT concerning

Garrett County – Alcoholic Beverages – Wine and Beer Tasting License – Off–Site Retail Delivery Procedures – Fees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #44

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

House Bill 173 – Delegates Bromwell, Cardin, Costa, DeBoy, Eckardt, Frank, Kach, Kipke, Kullen, McDonough, Montgomery, Morhaim, Niemann, Oaks, Olszewski, Pena–Melnyk, Rosenberg, Schuh, Shewell, Tarrant, V. Turner, Weir, and Weldon

AN ACT concerning

Health Occupations – Maryland Athletic Trainers Act

HB0173/584433/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 173
(Third Reading File Bill)

On page 3, after line 14, insert:

"**(G) "EDUCATIONAL INSTITUTION" INCLUDES:**

(1) THE SCHOOLS IN THE PUBLIC ELEMENTARY AND SECONDARY EDUCATION SYSTEM OF THE STATE;

(2) A NONCOLLEGIATE EDUCATIONAL INSTITUTION GOVERNED UNDER § 2–206 OF THE EDUCATION ARTICLE; AND

(3) AN INSTITUTION OF HIGHER EDUCATION AS DEFINED IN § 10–101 OF THE EDUCATION ARTICLE.";

in lines 15, 18, 20, 22, and 25, strike "**(G)**", "**(H)**", "**(I)**", "**(J)**", and "**(K)**", respectively, and substitute "**(H)**", "**(I)**", "**(J)**", "**(K)**", and "**(L)**", respectively; and in line 27, strike "**ACTIVE INDIVIDUALS AND**".

On page 4, in line 23, strike "**(L)**" and substitute "**(M)**".

On page 5, in line 5, strike "**(M)**" and substitute "**(N)**".

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:

House Bill 252 – Delegate Costa

AN ACT concerning

State Board of Pharmacy – Pharmacy Permit – Term and Renewal

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:

House Bill 576 – Delegates Bromwell, Costa, Donoghue, Elliott, Hammen, Hubbard, Kach, Kullen, Riley, ~~and Weldon~~ Weldon, Pendergrass, Benson, Kipke, Krebs, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Tarrant, and V. Turner

AN ACT concerning

Dental Hygienists – Expanded Functions

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:

House Bill 654 – Delegate Hubbard

AN ACT concerning

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

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:

House Bill 660 – Delegates Kaiser, Anderson, Gilchrist, Ivey, Rice, F. Turner, and Valderrama

AN ACT concerning

Education – Suspension and Expulsion Procedures – Attendance–Related Offenses

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:

House Bill 944 – Delegates Love, Barnes, Costa, Doory, Dumais, Glenn, Kipke, Olszewski, Pena–Melnyk, Robinson, and Rudolph

AN ACT concerning

Commission on the Establishment of a Maryland Women in Military Service Monument ~~— Extension of Termination Date~~

HB0944/784939/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 944
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after the semicolon insert "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;".

AMENDMENT NO. 2

On page 3, after line 26, insert:

"**(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.**";

and in line 27, strike "**(G)**" and substitute "**(H)**".

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:

House Bill 1078 – Delegate Niemann

AN ACT concerning

Environment – Permit Applications – Notice Requirements

HB1078/634536/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1078
(Third Reading File Bill)

On page 3, in line 20, strike "**SUBSECTIONS**" and substitute "**SUBSECTION**"; and in the same line, strike "**AND (B)**".

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 EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #45

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

House Bill 85 – Delegates Rice, Holmes, Barnes, Ali, Barkley, Barve, Cardin, Carr, Davis, Dumais, Elmore, Feldman, Frick, George, Gutierrez, Hixson, Howard, Kaiser, Kipke, Krebs, Manno, Murphy, Myers, Niemann, Olszewski,

Pena–Melnyk, Ramirez, Ross, Stukes, Tarrant, Taylor, Vaughn, Waldstreicher, and Walker

AN ACT concerning

College Textbook Competition and Affordability Act of 2009

HB0085/234432/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 85
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, after "packages;" insert "requiring certain institutions to provide certain information to certain bookstores under certain circumstances, subject to certain notifications and certain conditions;".

AMENDMENT NO. 2

On page 4, after line 30, insert:

"**(II) THE EXISTENCE OF VARIANCES IN PRICE OF BUNDLED AND UNBUNDLED COURSE MATERIALS;**";

and in line 31, strike "**(II)**" and substitute "**(III)**".

On page 5, in lines 3 and 6, strike "**(III)**" and "**(IV)**", respectively, and substitute "**(IV)**" and "**(V)**", respectively.

AMENDMENT NO. 3

On page 6, in line 5, after "**SHALL**" insert "**ACKNOWLEDGE**"; in line 6, after "**(I)**" insert "**1.**"; in lines 7 and 10, in each instance, strike "**ACKNOWLEDGE**"; in line 9, strike "**(II)**" and substitute "**2.**"; in line 10, strike the comma; in lines 11, 15, 18, 21, and 24, strike "**1.**", "**2.**", "**3.**", "**4.**", and "**5.**", respectively, and substitute "**A.**", "**B.**", "**C.**", "**D.**", and "**(II)**", respectively; in line 20, after the semicolon, insert "**AND**"; in line 23, strike "**AND**"; and in line 25, after "**SECTION**" insert "**; AND**

(III) THAT SUPPLEMENTAL MATERIAL INCLUDED IN A BUNDLE IS INTENDED FOR USE IN THE COURSE".

AMENDMENT NO. 4

On page 7, strike in their entirety lines 23 through 25, inclusive.

AMENDMENT NO. 5

On page 8, after line 18, insert:

"**(G) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, ON THE REQUEST OF A BOOKSTORE, AN INSTITUTION OF HIGHER EDUCATION SHALL PROVIDE THE INFORMATION LISTED UNDER PARAGRAPH (3) OF THIS SUBSECTION TO A BOOKSTORE BY THE EARLIER OF:**

1. WITHIN 1 WEEK OF A FACULTY MEMBER'S SELECTION OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL AND TRANSMISSION TO A CAMPUS BOOKSTORE; OR

2. WHEN THE SELECTION BY A FACULTY MEMBER OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL IS FINALIZED.

(II) A BOOKSTORE THAT OBTAINS INFORMATION UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH MAY NOT MAKE THE INFORMATION AVAILABLE TO STUDENTS OR MEMBERS OF THE PUBLIC UNTIL THE INFORMATION IS MADE AVAILABLE TO THE BOOKSTORE IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.";

in line 29, strike "**(G) (1)**" and substitute "**(2)**"; and in line 30, strike "**(2)**" and substitute "**(3)**".

AMENDMENT NO. 6

On page 9, in lines 1, 2, 16, 26, and 29, strike "**(3)**", "**(4)**", "**(2)**", "**(3)**", and "**(1)**", respectively, and substitute "**(4)**", "**(5)**", "**(3)**", "**(4)**", and "**(2)**", respectively; in line 2, strike "**30 DAYS**" and substitute "**3 WEEKS**"; and in line 16, strike "**PARAGRAPH (1)**" and substitute "**PARAGRAPHS (1) AND (2)**".

On page 10, in line 14, strike "**(4)**" and substitute "**(5)**"; in the same line, strike "**PARAGRAPH (1)**" and substitute "**PARAGRAPHS (1) AND (2)**"; and in line 16, strike "**OR A CAMPUS BOOKSTORE**".

The preceding 6 amendments were read only.

Senator Middleton moved, duly seconded, to make the Bill and Amendments a Special Order for April 10, 2009.

The motion was adopted.

MESSAGE TO THE SENATE

BILL: **HB 0102**
SPONSOR: The Spkr (Admin)
SUBJECT: Capital Budget of 2009

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints:

Delegate Jones, Chair
Delegate Griffith
Delegate Conway
Delegate Gaines
Delegate Beitzel

In addition, the House has appointed in advisory capacity: Delegates DeBoy, Haynes and Bohanan.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **HB 0102**
SPONSOR: The Spkr (Admin)
SUBJECT: Capital Budget of 2009

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Jones, Chair
Delegate Griffith
Delegate Conway
Delegate Gaines
Delegate Beitzel

In addition, the House has appointed in advisory capacity: Delegates DeBoy, Haynes and Bohanan.

The Senate appoints:
Senator DeGrange, Chair
Senator Currie
Senator McFadden
Senator Kasemeyer
Senator Munson

In addition, the Senate has appointed in advisory capacity: Senators King and Edwards.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #22

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

Senate Bill 177 – Senators Glassman, Colburn, Edwards, Jacobs, Klausmeier, Pugh, and Robey

AN ACT concerning

Emergency Responders – Death Benefits and Funeral Expenses

SB0177/419830/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 177
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 4 and 5, in each instance, after "responders" insert "for the Department of the Environment"; and in line 5, after "terms;" insert "requiring the Department of the Environment to place in reserve each fiscal year a certain amount to pay a certain death benefit under certain circumstances;".

AMENDMENT NO. 2

On page 2, in line 4, strike "**RESPONDER**" and substitute "**RESPONSE TEAM EMPLOYEE**"; strike beginning with "**ANY**" in line 4 down through "**MATERIALS**" in line 6 and substitute "**AN EMPLOYEE OF THE DEPARTMENT OF THE ENVIRONMENT WHO IS ON CALL 24 HOURS A DAY TO PROVIDE EMERGENCY RESPONSE TO A DISCHARGE OF OIL OR A RELEASE OF HAZARDOUS MATERIAL OR OTHER EMERGENCY RESPONSE ACTIVITY**"; in line 14, after "member**,**" insert "**OR**"; strike beginning with "**MATERIALS**" in line 15 down through "**FOUNDATION**" in line 16 and substitute "**MATERIAL RESPONSE TEAM EMPLOYEE**"; and strike beginning with "**PERFORMING**" in line 29 down through "**MATERIALS**" in line 30 and substitute "**PROVIDING EMERGENCY RESPONSE TO A DISCHARGE OF OIL OR A RELEASE OF HAZARDOUS MATERIAL OR OTHER EMERGENCY RESPONSE ACTIVITY**".

AMENDMENT NO. 3

On page 3, in line 23, after "conflict**;**" insert "**OR**"; and strike beginning with "**RESPONDER;**" in line 24 down through "**FOUNDATION**" in line 26 and substitute "**RESPONSE TEAM EMPLOYEE**".

AMENDMENT NO. 4

On page 4, in line 7, after "(v)" insert "**AND (VII)**"; in line 12, after "rescue," insert "**RESPONSE TO A DISCHARGE OF OIL OR A RELEASE OF**"; and in line 13, strike "response".

AMENDMENT NO. 5

On page 5, in line 5, after "Marshal**;**" insert "**OR**"; and strike beginning with "**RESPONDER;**" in line 6 down through "**FOUNDATION**" in line 8 and substitute "**RESPONSE TEAM EMPLOYEE**".

AMENDMENT NO. 6

On page 6, after line 15, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That the Department of the Environment shall place in reserve each fiscal year from a combination of the State Hazardous Substance Control Fund and the Oil Disaster Containment, Cleanup & Contingency Fund the amount needed to pay for one death benefit for a hazardous material response team employee, as provided for under § 1–202 of the Public Safety Article, as enacted by Section 1 of this Act, for the purpose of covering the death benefit, and, in the event of the death of a hazardous material response team employee who qualifies for payment of the death benefit, shall pay to the Department of Public Safety and Correctional Services the funds required to pay the benefit.";

and in line 16, strike "2." and substitute "3.".

The preceding 6 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:

House Bill 193 – Delegates Love and Kullen

AN ACT concerning

Gaming – Instant Bingo – Extension of Sunset

HB0193/299130/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 193
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Instant"; in the same line, strike "– Extension of Sunset"; in line 3, after "of" insert "altering the distribution of revenue from a certain State tax in a certain manner; creating the Special Fund for Preservation of Cultural Arts in Maryland; providing for the purpose and administration of the Fund; specifying that the Fund is a special, nonlapsing fund; requiring that the State Treasurer hold the Fund separately and the Comptroller account for the Fund; specifying the contents of the Fund; specifying that the Fund may be used only for a certain purpose; authorizing the Governor, for each appropriation to the Fund, to include funds in the State budget subject to appropriation by the General Assembly or transfer the funds by budget amendment from the Fund under certain circumstances; specifying that money expended from the Fund for cultural arts organizations or other similar entities is supplemental and not intended to take the place of certain other funding; altering the rate of the State admissions and amusement tax on electronic bingo and electronic tip jars; limiting the rate of the State admissions and amusement tax in a certain manner under certain circumstances; limiting the rate of a county or municipal corporation admissions and amusement tax that is applicable to electronic bingo or electronic tip jars under certain circumstances; prohibiting a county from imposing a certain fee or tax under certain circumstances on or before a certain date;"; in line 4, after "machines;" insert "altering a certain condition on certain authority for certain persons to continue to operate certain games in a certain manner; establishing that a certain action may be brought only in a certain circuit court; establishing that the enforcement and implementation of this Act may not be stayed under certain circumstances; expressing the intent of the General Assembly regarding the proliferation of certain gaming machines;"; in line 5, after "to" insert "electronic bingo and"; and after line 10, insert:

"BY adding to
Article – Economic Development
Section 4–801 to be under the new subtitle "Subtitle 8. Special Fund for Preservation of Cultural Arts in Maryland"

Annotated Code of Maryland
(2008 Volume)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 2–202 and 4–105(a–1)
Annotated Code of Maryland
(2004 Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 4–102(d) and 4–105(a)
Annotated Code of Maryland
(2004 Volume and 2008 Supplement)".

AMENDMENT NO. 2
On page 3, after line 5, insert:

"Article – Economic Development

SUBTITLE 8. SPECIAL FUND FOR PRESERVATION OF CULTURAL ARTS IN MARYLAND.

4–801.

(A) IN THIS SECTION, "FUND" MEANS THE SPECIAL FUND FOR PRESERVATION OF CULTURAL ARTS IN MARYLAND.

(B) THERE IS A SPECIAL FUND FOR PRESERVATION OF CULTURAL ARTS IN MARYLAND.

(C) THE PURPOSE OF THE FUND IS TO PROVIDE EMERGENCY GRANTS TO CULTURAL ARTS ORGANIZATIONS, INCLUDING MUSEUMS, OR SIMILAR ENTITIES IN THE STATE.

(D) THE SECRETARY OF BUSINESS AND ECONOMIC DEVELOPMENT SHALL ADMINISTER THE FUND.

(E) (1) THE FUND IS A SPECIAL, NONLAPSING FUND THAT IS NOT SUBJECT TO § 7–302 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

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

(F) THE FUND CONSISTS OF:

(1) REVENUE DISTRIBUTED TO THE FUND UNDER § 2–202(A)(1)(I) OF THE TAX – GENERAL ARTICLE; AND

(2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(G) THE FUND MAY BE USED ONLY FOR PREVENTING THE CLOSURE OR TERMINATION OF CULTURAL ARTS ORGANIZATIONS, INCLUDING MUSEUMS, OR SIMILAR ENTITIES IN THE STATE.

(H) (1) THE STATE TREASURER SHALL INVEST THE MONEY OF THE FUND IN THE SAME MANNER AS OTHER STATE MONEY MAY BE INVESTED.

(2) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE CREDITED TO THE GENERAL FUND OF THE STATE.

(I) FOR EACH APPROPRIATION TO THE FUND, THE GOVERNOR MAY:

(1) INCLUDE THE FUNDS IN THE STATE BUDGET SUBJECT TO APPROPRIATION BY THE GENERAL ASSEMBLY; OR

(2) TRANSFER THE FUNDS BY BUDGET AMENDMENT FROM THE FUND TO THE EXPENDITURE ACCOUNT OF THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT ONLY AFTER THE PROPOSED BUDGET AMENDMENT HAS BEEN:

(I) SUBMITTED TO THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE OF THE GENERAL ASSEMBLY; AND

(II) APPROVED BY THE LEGISLATIVE POLICY COMMITTEE.

(J) MONEY EXPENDED FROM THE FUND FOR CULTURAL ARTS ORGANIZATIONS, INCLUDING MUSEUMS, OR OTHER SIMILAR ENTITIES IS SUPPLEMENTAL TO AND IS NOT INTENDED TO TAKE THE PLACE OF FUNDING THAT OTHERWISE WOULD BE APPROPRIATED FOR THOSE ORGANIZATIONS OR SIMILAR ENTITIES.

Article – Tax – General

2–202.

After making the distribution required under § 2–201 of this subtitle, within 20 days after the end of each quarter, the Comptroller shall distribute:

(1) **FROM** the revenue from the State admissions and amusement tax on electronic bingo and electronic tip jars under § 4–102(d) of this article**:**

(I) THE REVENUE ATTRIBUTABLE TO A TAX RATE OF 20% to the General Fund of the State; and

(II) THE REVENUE ATTRIBUTABLE TO A TAX RATE IN EXCESS OF 20% TO THE SPECIAL FUND FOR PRESERVATION OF CULTURAL ARTS IN MARYLAND, AS PROVIDED IN § 4–801 OF THE ECONOMIC DEVELOPMENT ARTICLE; AND

(2) the remaining admissions and amusement tax revenue:

(i) to the Maryland Stadium Authority, county, or municipal corporation that is the source of the revenue; or

(ii) if the Maryland Stadium Authority and also a county or municipal corporation tax a reduced charge or free admission:

1. 80% of that revenue to the Authority; and

2. 20% to the county or municipal corporation.

4–102.

(d) (1) In this subsection, "net proceeds" means the total receipts from the operation of an electronic bingo machine or electronic tip jar machine less the amount of money winnings or prizes paid out to players.

(2) A State tax is imposed on the net proceeds derived from any charge for the operation of an electronic bingo machine permitted under a commercial bingo license or an electronic tip jar machine authorized under Title 13 of the Criminal Law Article that is operated for commercial purposes.

4–105.

(a) Except as otherwise provided in this section, the admissions and amusement tax rate is:

(1) the rate that a county or municipal corporation sets, not exceeding 10% of gross receipts subject to the admissions and amusement tax; or

(2) the rate that the Stadium Authority sets, not exceeding 8% of gross receipts subject to the admissions and amusement tax.

(a–1) **(1)** **[**The**]** **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE** rate of the State admissions and amusement tax imposed on electronic bingo or electronic tip jars under § 4–102(d) of this subtitle is **[**20%**]** **30%** of the net proceeds subject to the tax.

(2) IF NET PROCEEDS SUBJECT TO THE STATE ADMISSIONS AND AMUSEMENT TAX IMPOSED ON ELECTRONIC BINGO OR ELECTRONIC TIP JARS UNDER § 4–102(D) OF THIS SUBTITLE ARE ALSO SUBJECT TO AN ADMISSIONS AND AMUSEMENT TAX IMPOSED BY A COUNTY OR A MUNICIPAL CORPORATION UNDER THIS SUBTITLE:

(I) THE RATE OF THE STATE TAX MAY NOT EXCEED A RATE THAT, WHEN COMBINED WITH THE RATE OF ANY COUNTY OR MUNICIPAL CORPORATION TAX, WILL EXCEED 35% OF THE NET PROCEEDS; AND

(II) THE RATE OF ANY COUNTY OR MUNICIPAL CORPORATION ADMISSIONS AND AMUSEMENT TAX THAT IS APPLICABLE TO NET PROCEEDS DERIVED FROM ELECTRONIC BINGO OR ELECTRONIC TIP JARS MAY NOT EXCEED THE RATE OF THE ADMISSIONS AND AMUSEMENT TAX IMPOSED BY THE COUNTY OR MUNICIPAL CORPORATION AS OF JANUARY 1, 2009.".

AMENDMENT NO. 3

On page 3, in line 12, strike "**2011**" and substitute "**2012**"; in line 13, after "(a)" insert "**(1)**"; in line 14, after "2007;" insert "**OR**

(2) THE MACHINES WERE IN OPERATION UNDER A COMMERCIAL BINGO LICENSE AS OF DECEMBER 31, 2007;";

after line 18, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on or before July 1, 2012, a county may not impose a fee or tax on electronic bingo in addition to any tax or fee imposed by the county as of January 1, 2009.

SECTION 3. AND BE IT FURTHER ENACTED, That, notwithstanding any other law, an action for declaratory, injunctive, or other relief to challenge the legality of any provision of this Act or any amendment made by this Act:

(1) may be brought only in the circuit court for Anne Arundel County; and

(2) does not stay the enforcement and implementation of this Act pending the disposition of the action.

SECTION 4. AND BE IT FURTHER ENACTED, That, notwithstanding any provision of this Act, it is the intent of the General Assembly that the proliferation of gaming in the State be reduced by limiting the use of gaming machines that are similar in appearance and operation to video lottery terminals and that, in authorizing the temporary continuation of gaming activity with such machines by commercial and

charitable entities that have operated such machines over a long period of time, this Act be construed not as approval of an expansion of such gaming, but as enacting a mechanism to provide additional funding required to address the State's important fiscal needs on a temporary basis while the State video lottery terminal program is being implemented.";

and in line 19, strike "2." and substitute "5.".

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:

House Bill 787 – Delegates Conway, Malone, Beitzel, Cane, DeBoy, Mathias, ~~and Rudolph~~ Rudolph, Aumann, Bates, Bohanan, Branch, G. Clagett, Gaines, Guzzone, Jones, Proctor, Sophocleus, Stocksdale, and Wood

AN ACT concerning

Emergency Responders – Death Benefits and Funeral Expenses

HB0787/659831/1

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 787
(Third Reading File Bill)

On page 6, strike beginning with "Budget" in line 33 down through "Management" in line 34 and substitute "Public Safety and Correctional Services".

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:

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

Favorable report adopted.

Senator Brinkley moved, duly seconded, to make the Bill a Special Order for April 10, 2009.

The motion was adopted.

THE COMMITTEE ON FINANCE REPORT #35

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

House Bill 113 – Delegates Hubbard ~~and Hammen~~, Hammen, and Oaks

AN ACT concerning

~~Interagency Committee on Aging Services – Modifications~~
Department of Health and Mental Hygiene – Long–Term Care Supports and Services – Report

HB0113/747470/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 113
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, after "group;" insert "requiring the Department to submit a federal waiver on or before a certain date under certain circumstances;".

AMENDMENT NO. 2

On page 2, in line 7, strike "The" and substitute "On or before September 1, 2009, the"; in lines 7 and 8, strike "to the General Assembly"; in line 8, after the first "report" insert ", and"; in the same line, strike "2009" and substitute "2010"; in the same line, strike "and" and substitute "shall submit"; strike beginning with the second "on" in line 8 down through "2010" in line 9 and substitute "to the General Assembly"; in lines 11 and 12, strike "and other State programs"; strike beginning with "In" in line 27 down through "(d)" in line 31; in line 31, strike "final report" and substitute "reports"; in lines 32 and 33, strike ": (1)"; strike beginning with "as" in line 34 down through "section" in line 35; in line 36, strike "Act; and" and substitute "section."; and after line 36, insert:

"(d) The stakeholder group required under subsection (c) of this section shall include:

(1) legislators;

(2) affected State agencies;

(3) providers with experience in dementia, geriatrics, end–of–life care, mental health, and disabilities in younger adults;

(4) long–term care providers;

(5) managed care organizations;

(6) acute care providers;

(7) lay care providers;

(8) advocates for individuals receiving long–term care or community services; and

(9) consumers.".

On page 3, in line 1, strike "(2)" and substitute "(e)"; in the same line, strike "provide for a" and substitute "The"; in line 2, strike "that includes" and substitute "shall include"; in lines 4 and 12, strike "(i)" and "(ii)", respectively, and substitute "(1)" and "(2)", respectively; in line 5, strike the first "of" and substitute "in"; in the same line, after the first "and" insert "in"; in line 8, strike "and other State programs"; in

line 10, strike "Community Choice" and substitute "CommunityChoice"; in line 11, after "recommendations;" insert "and"; in lines 14, 17, 19, and 21, strike "1.", "2.", "3.", and "4.", respectively, and substitute "(i)", "(ii)", "(iii)", and "(iv)", respectively; in line 20, strike "and"; and in line 25, strike "(iii)" and substitute "(v)".

On pages 3 and 4, strike in their entirety the lines beginning with line 27 on page 3 through line 5 on page 4, inclusive.

On page 4, in line 6, after "shall" insert ":

(1) include in the interim report required under subsection (a) of this section a timeline and work plan for the stakeholder process required under subsection (e) of this section; and

(2)";

in the same line, strike the comma; in line 7, strike the comma; strike beginning with "under" in line 9 down through "necessary" in line 10; and after line 10, insert:

"(g) If the General Assembly enacts legislation that requires the submission of a federal waiver, the Department shall submit the waiver on or before June 1, 2011.".

The preceding 2 amendments were read only.

Senator Middleton moved, duly seconded, to make the Bill and Amendments a Special Order for April 10, 2009.

The motion was adopted.

MESSAGE TO THE SENATE

BILL: **HB 0539**
SPONSOR: Del Branch, et al
SUBJECT: Public Safety – Electronic Control Devices – Requirements

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Rosenberg, Chairman
Delegate Barnes, and
Delegate McConkey.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **HB 0539**
SPONSOR: Del Branch, et al
SUBJECT: Public Safety – Electronic Control Devices – Requirements

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Rosenberg, Chair
Delegate Barnes
Delegate McConkey

The Senate appoints:
Senator Muse, Chairman
Senator Forehand
Senator Simonaire.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

SPECIAL ORDERS

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

Senate Bill 361 – Senator Gladden

AN ACT concerning

Environment – Reducing Lead Risk in Housing – Lead Paint Dust Testing

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

SB0361/788976/1

BY: Judicial Proceedings Committee

AMENDMENT TO SENATE BILL 361
(First Reading File Bill)

On page 1, in the sponsor line, strike "Senator Gladden" and substitute "Senators Gladden and Harrington".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0361/753228/1

BY: Senator Pinsky

AMENDMENTS TO SENATE BILL 361
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "properties;" insert "repealing a certain exception to a certain requirement that owners of certain property have a certain inspection

performed at each change in occupancy;"; and in line 10, strike "and (b)" and substitute ", (b), and (c)".

AMENDMENT NO. 2

On page 2 in line 16, and on page 3 in line 31, in each instance, strike "**LEAD–BASED PAINT OR UNTESTED**".

On page 2 in line 21, and on page 4 in line 5, in each instance, strike "**WHERE LEAD–BASED PAINT OR UNTESTED PAINT EXISTS**".

On page 2 in line 24, and on page 4 in line 8, in each instance, after "**TO**" insert "**STATE OR**".

On page 3, after line 13, insert:

"(c) **[**Except for affected properties that pass a test for lead–contaminated dust under § 6–816 of this subtitle, at**]** **AT** each change in occupancy, an owner of an affected property shall have the property inspected to verify that the risk reduction standard specified in this section has been satisfied.".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 1569 – ~~Delegate McIntosh~~ Delegates McIntosh, Barkley, Beidle, Carr, V. Clagett, Dumais, Frush, Glenn, Haynes, Healey, Howard, Hucker, Ivey, Kaiser, Lafferty, Lee, McHale, Morhaim, Niemann, Olszewski, Riley, Robinson, Stein, and Waldstreicher

AN ACT concerning

Standing – Miscellaneous Environmental Protection Proceedings and Judicial Review

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

FLOOR AMENDMENT

HB1569/953329/2

BY: Senators Pipkin and Jacobs

AMENDMENTS TO HOUSE BILL 1569
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "of" insert "adding certain sewage sludge permits to the list of permits for which certain provisions relating to public participation in permitting processes apply;".

AMENDMENT NO. 2

On page 3, after line 11, insert:

"**(5) SEWAGE SLUDGE PERMITS ISSUED PURSUANT TO § 9–236 OF THIS ARTICLE FOR USE ON LAND THAT IS IN THE CHESAPEAKE AND ATLANTIC COASTAL BAYS CRITICAL AREAS;**";

and in lines 12, 14, and 16, strike "(5)", "(6)", and "(7)", respectively, and substitute "**(6)**", "**(7)**", and "**(8)**", respectively.

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

Affirmative – 11 Negative – 33 (See Roll Call No. 960)

FLOOR AMENDMENT

HB1569/673123/1

BY: Senators Pipkin and Jacobs

AMENDMENTS TO HOUSE BILL 1569
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Standing" insert "and Issuance of Permits"; in line 18, after "requirements;" insert "prohibiting the Secretary of the Environment from issuing certain permits relating to landfills and incinerators until an environmental impact statement has been prepared;"; and in line 20, after "to" insert "the issuance of permits and".

On page 2, in line 19, after "1–606" insert "and 9–201(d)".

AMENDMENT NO. 2

On page 13, after line 26, insert:

"9–210.

(D) THE SECRETARY MAY NOT ISSUE A PERMIT TO INSTALL, MATERIALLY ALTER, OR MATERIALLY EXTEND LANDFILL SYSTEMS, INCINERATORS FOR PUBLIC USE, OR RUBBLE LANDFILLS UNTIL AN ENVIRONMENTAL IMPACT STUDY HAS BEEN PREPARED.".

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

Affirmative – 14 Negative – 30 (See Roll Call No. 961)

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

Affirmative – 35 Negative – 9 (See Roll Call No. 962)

The Bill was then sent to the House of Delegates.

House Bill 1564 – Delegate Stein

EMERGENCY BILL

AN ACT concerning

Program Open Space – Use of Funds – Indoor or Outdoor Recreational Facilities

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

FLOOR AMENDMENT

HB1564/193729/2

BY: Senator Dyson

AMENDMENTS TO HOUSE BILL 1564
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "facilities;" insert "requiring certain legislative committees to conduct a certain evaluation and submit a certain report to the General

Assembly on or before a certain date;"; and in the same line, after "measure;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 3, after line 9, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That the Senate Education, Health, and Environmental Affairs Committee, the House Environmental Matters Committee, the Senate Budget and Taxation Committee, and the House Appropriations Committee shall evaluate whether Program Open Space funds should be used for both indoor and outdoor recreational purposes. On or before December 1, 2010, the committees shall jointly report the results of the evaluation, as well as any recommended statutory or administrative changes, to the General Assembly, in accordance with § 2–1246 of the State Government Article.";

in line 10, strike "2." and substitute "3."; and in line 14, after "enacted." insert "It shall remain effective through June 1, 2011, and, at the end of June 1, 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 adopted.

Senator Frosh moved, duly seconded, to make the Bill a Special Order for April 11, 2009.

The motion was adopted.

Senate Bill 1065 – ~~Senator Frosh~~ Senators Frosh, Harrington, and Lenett

AN ACT concerning

Standing – Miscellaneous Environmental Protection Proceedings and Judicial Review

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

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

Affirmative – 36 Negative – 8 (See Roll Call No. 963)

The Bill was then sent to the House of Delegates.

QUORUM CALL

The presiding officer announced a quorum call, showing 43 Members present.

(See Roll Call No. 964)

ADJOURNMENT

At 5:34 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day April 6, 2009, Calendar Day, Friday, April 10, 2009.

Annapolis, Maryland
Legislative Day: April 6, 2009
Calendar Day: Friday, April 10, 2009
10:00 A.M. Session

The Senate met at 10:06 A.M.

Prayer by Reverend Henry Baines, New Shiloh Baptist Church, guest of Senator Pugh.

(See Exhibit A of Appendix III)

The Journal of April 5, 2009 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 966)

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 8	Sen. Haines	Ins – Unfair & Decptve Pras – Lmt on Offr, Prmse, or Gft of Valuable Cnsdrtn Not Spcfied in a Cntrct
SB 63	Ch., Finance Com.	Oral Health Safety Net Program – Sunset Repeal
SB 76	Chair, EHE Com.	Baltimore City Community College – Term of Student Trustee
SB 81	Ch., Finance Com.	St Pers – Md Whistleblower Law – Confidlty of Info Obtained During Invstgns of Complaints
SB 99	Sen. Stone	Criminal Law – Possession of Child Pornography – Penalties
SB 132	Sen. Conway	Department of General

		Services – Renovation of Historic Structures – Procurement Exemptions
SB 158	Sen. Stone	Baltimore County – Property Tax Credit – Civic League of Inverness, Inc
SB 234	Sen. King	Education – Maryland's Preschool for All Business Plan – Final Report Requirements
SB 242	Sen. Pugh	Dispensation of Prescription Medication – Provsn of Info Rltg to Incorrectly Filled Prescriptions
SB 303	Sen. Kramer	Silver Alert Program – Establishment
SB 335	Sen. Colburn	Dor Co and Tal Co – Prop Tax Cr for Habitat for Humanity of Tal & Dor Counties, Inc
SB 464	Sen. Edwards	Maryland Trauma Physician Services Fund – Rural Trauma Centers – Reimbursement
SB 471	Sen. Kelley	State Bd of Examiners of Nursing Home Administrators – Composition and Exec Director
SB 507	Sen. Conway	Maryland Locksmiths Act
SB 573	Sen. Stoltzfus	Wicomico County – Local Board of Elections – Compensation
SB 601	Sen. Zirkin	Domestic Violence – Temporary Protective Orders – Extension
SB 628	Sen. Dyson	Health Occupations – Licensure of Social Workers
SB 636	Sen. Middleton	Health Insurance – Required Report and Repeal of Obsolete Provisions
SB 751	Sen. Gladden	Insurance – Slavery Era Insurance Policies – Reporting
SB 776	Sen. Della	Health Services Cost Review Commission – Financial Assistance and Debt Collection Policies
SB 789 (Emergency Bill)	Sen. Klausmeier	State Board of Chiropractic and Massage Therapy Examiners – Terms of Members
SB 802	Sen. Klausmeier	Higher Education – Edward T. Conroy Memorial Scholarship

		Program – Alterations
SB 1011	Sen. DeGrange	Department of Transportation – Consolidated Transportation Bonds – Issuance Procedures
SB 1036 (Emergency Bill)	Sen. Middleton	Credit Regulation – Mortgage Loans – Proof of Ability to Repay – Exception
SB 1039 (Emergency Bill)	Sen. Currie	Prince George's County Hospital Authority
SB 1054	Sen. Lenett	State Advisory Council on Quality Care at the End of Life – Membership

Endorsed as having been read the third time and passed by yeas and nays in the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 135 – Cecil County Delegation

AN ACT concerning

Environment – Sewage Sludge Utilization – Zoning and Land Use Requirements

FOR the purpose of ~~prohibiting~~ authorizing the Department of the Environment ~~from issuing a sewage sludge utilization permit for a site unless the site meets~~ to consider all county and municipal zoning and land use requirements ~~or ordinances; prohibiting the Department from issuing a sewage sludge utilization permit for a site that will be on certain land~~ before issuing a permit for the application of sewage sludge on land; requiring a county or municipality to send certain zoning and land use information to the Department within a certain number of days after receiving a certain application; requiring the Department to adopt certain regulations to establish a certain buffer; and generally relating to the use of sewage sludge.

BY repealing and reenacting, ~~with~~ without amendments,
Article – Environment
Section 9–233
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY adding to

Article – Environment
Section 9–234.2
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Senator Klausmeier moved to suspend the rules to allow **House Bill 135** to be referred immediately.

The motion was adopted.

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

House Bill 388 – Delegate Simmons

AN ACT concerning

Criminal Law – Narcotic Drugs – Enhanced Penalties

FOR the purpose of adding conspiracy to distribute certain narcotic drugs and the commission of a certain crime in another state as predicates for a certain enhanced penalty for certain offenses relating to narcotic drugs; and generally relating to narcotic drugs and enhanced penalties.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 5–608
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

Senator Klausmeier moved to suspend the rules to allow **House Bill 388** to be referred immediately.

The motion was adopted.

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

House Bill 420 – Delegates Love, Beidle, V. Clagett, Costa~~, George~~, and Sophocleus

AN ACT concerning

Environment – Limitation of Actions – Political Subdivisions

FOR the purpose of extending to political subdivisions of the State a certain statute of limitations for suits instituted seeking a civil penalty for violations of certain environmental statutes or any rule, regulation, order, or permit adopted or

issued in accordance with those statutes, or for a violation under certain regulatory programs; providing for the application of this Act; and generally relating to the statute of limitations for civil suits for environmental violations.

BY repealing and reenacting, with amendments,
Article – Environment
Section 1–303
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Senator Klausmeier moved to suspend the rules to allow **House Bill 420** to be referred immediately.

The motion was adopted.

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:

House Bill 85 – Delegates Rice, Holmes, Barnes, Ali, Barkley, Barve, Cardin, Carr, Davis, Dumais, Elmore, Feldman, Frick, George, Gutierrez, Hixson, Howard, Kaiser, Kipke, Krebs, Manno, Murphy, Myers, Niemann, Olszewski, Pena–Melnyk, Ramirez, Ross, Stukes, Tarrant, Taylor, Vaughn, Waldstreicher, and Walker

AN ACT concerning

College Textbook Competition and Affordability Act of 2009

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (6) AND THE FAVORABLE REPORT.

HB0085/234432/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 85
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, after "packages;" insert "requiring certain institutions to provide certain information to certain bookstores under certain circumstances, subject to certain notifications and certain conditions;".

AMENDMENT NO. 2

On page 4, after line 30, insert:

"**(II) THE EXISTENCE OF VARIANCES IN PRICE OF BUNDLED AND UNBUNDLED COURSE MATERIALS;**";

and in line 31, strike "**(II)**" and substitute "**(III)**".

On page 5, in lines 3 and 6, strike "**(III)**" and "**(IV)**", respectively, and substitute "**(IV)**" and "**(V)**", respectively.

AMENDMENT NO. 3

On page 6, in line 5, after "**SHALL**" insert "**ACKNOWLEDGE**"; in line 6, after "**(I)**" insert "**1.**"; in lines 7 and 10, in each instance, strike "**ACKNOWLEDGE**"; in line 9, strike "**(II)**" and substitute "**2.**"; in line 10, strike the comma; in lines 11, 15, 18, 21, and 24, strike "**1.**", "**2.**", "**3.**", "**4.**", and "**5.**", respectively, and substitute "**A.**", "**B.**", "**C.**", "**D.**", and "**(II)**", respectively; in line 20, after the semicolon, insert "**AND**"; in line 23, strike "**AND**"; and in line 25, after "**SECTION**" insert "**; AND**

(III) THAT SUPPLEMENTAL MATERIAL INCLUDED IN A BUNDLE IS INTENDED FOR USE IN THE COURSE".

AMENDMENT NO. 4

On page 7, strike in their entirety lines 23 through 25, inclusive.

AMENDMENT NO. 5

On page 8, after line 18, insert:

"**(G) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, ON THE REQUEST OF A BOOKSTORE, AN INSTITUTION OF HIGHER EDUCATION SHALL PROVIDE THE INFORMATION LISTED UNDER PARAGRAPH (3) OF THIS SUBSECTION TO A BOOKSTORE BY THE EARLIER OF:**

1. WITHIN 1 WEEK OF A FACULTY MEMBER'S SELECTION OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL AND TRANSMISSION TO A CAMPUS BOOKSTORE; OR

2. WHEN THE SELECTION BY A FACULTY MEMBER OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL IS FINALIZED.

(II) A BOOKSTORE THAT OBTAINS INFORMATION UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH MAY NOT MAKE THE INFORMATION AVAILABLE TO STUDENTS OR MEMBERS OF THE PUBLIC UNTIL THE INFORMATION IS MADE AVAILABLE TO THE BOOKSTORE IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.";

in line 29, strike "**(G) (1)**" and substitute "**(2)**"; and in line 30, strike "**(2)**" and substitute "**(3)**".

AMENDMENT NO. 6

On page 9, in lines 1, 2, 16, 26, and 29, strike "**(3)**", "**(4)**", "**(2)**", "**(3)**", and "**(1)**", respectively, and substitute "**(4)**", "**(5)**", "**(3)**", "**(4)**", and "**(2)**", respectively; in line 2, strike "**30 DAYS**" and substitute "**3 WEEKS**"; and in line 16, strike "**PARAGRAPH (1)**" and substitute "**PARAGRAPHS (1) AND (2)**".

On page 10, in line 14, strike "**(4)**" and substitute "**(5)**"; in the same line, strike "**PARAGRAPH (1)**" and substitute "**PARAGRAPHS (1) AND (2)**"; and in line 16, strike "**OR A CAMPUS BOOKSTORE**".

The preceding 6 amendments were read only.

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

The motion was adopted.

House Bill 113 – Delegates Hubbard ~~and Hammen~~, Hammen, and Oaks

AN ACT concerning

~~Interagency Committee on Aging Services – Modifications~~
Department of Health and Mental Hygiene – Long–Term Care Supports and Services – Report

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

HB0113/747470/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 113
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, after "group;" insert "requiring the Department to submit a federal waiver on or before a certain date under certain circumstances;".

AMENDMENT NO. 2

On page 2, in line 7, strike "The" and substitute "On or before September 1, 2009, the"; in lines 7 and 8, strike "to the General Assembly"; in line 8, after the first "report" insert ", and"; in the same line, strike "2009" and substitute "2010"; in the same line, strike "and" and substitute "shall submit"; strike beginning with the second "on" in line 8 down through "2010" in line 9 and substitute "to the General Assembly"; in lines 11 and 12, strike "and other State programs"; strike beginning with "In" in line 27 down through "(d)" in line 31; in line 31, strike "final report" and substitute "reports"; in lines 32 and 33, strike ": (1)"; strike beginning with "as" in line 34 down through "section" in line 35; in line 36, strike "Act; and" and substitute "section."; and after line 36, insert:

"(d) The stakeholder group required under subsection (c) of this section shall include:

(1) legislators;

(2) affected State agencies;

(3) providers with experience in dementia, geriatrics, end–of–life care, mental health, and disabilities in younger adults;

(4) long–term care providers;

(5) managed care organizations;

(6) acute care providers;

(7) lay care providers;

(8) advocates for individuals receiving long–term care or community services; and

(9) consumers.".

On page 3, in line 1, strike "(2)" and substitute "(e)"; in the same line, strike "provide for a" and substitute "The"; in line 2, strike "that includes" and substitute "shall include"; in lines 4 and 12, strike "(i)" and "(ii)", respectively, and substitute "(1)" and "(2)", respectively; in line 5, strike the first "of" and substitute "in"; in the same line, after the first "and" insert "in"; in line 8, strike "and other State programs"; in line 10, strike "Community Choice" and substitute "CommunityChoice"; in line 11, after "recommendations;" insert "and"; in lines 14, 17, 19, and 21, strike "1.", "2.", "3.", and "4.", respectively, and substitute "(i)", "(ii)", "(iii)", and "(iv)", respectively; in line 20, strike "and"; and in line 25, strike "(iii)" and substitute "(v)".

On pages 3 and 4, strike in their entirety the lines beginning with line 27 on page 3 through line 5 on page 4, inclusive.

On page 4, in line 6, after "shall" insert ":

(1) include in the interim report required under subsection (a) of this section a timeline and work plan for the stakeholder process required under subsection (e) of this section; and

(2)";

in the same line, strike the comma; in line 7, strike the comma; strike beginning with "under" in line 9 down through "necessary" in line 10; and after line 10, insert:

"(g) If the General Assembly enacts legislation that requires the submission of a federal waiver, the Department shall submit the waiver on or before June 1, 2011.".

The preceding 2 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. 967)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #72

Senate Bill 80 – Chair, Finance Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Distribution of Tobacco–Related Products to Minors – Enforcement

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

Affirmative – 47 Negative – 0 (See Roll Call No. 968)

The Bill was then sent to the House of Delegates.

Senate Bill 177 – Senators Glassman, Colburn, Edwards, Jacobs, Klausmeier, Pugh, and Robey

AN ACT concerning

Emergency Responders – Death Benefits and Funeral Expenses

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

Affirmative – 47 Negative – 0 (See Roll Call No. 969)

The Bill was then sent to the House of Delegates.

Senate Bill 481 – ~~Senator Pipkin~~ Senators Pipkin, Middleton, Astle, Della, Exum, Garagiola, Glassman, Kelley, Kittleman, Klausmeier, and Pugh

AN ACT concerning

Health Insurance – Dental Provider Panels – Provider Contracts

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

Affirmative – 47 Negative – 0 (See Roll Call No. 970)

The Bill was then sent to the House of Delegates.

Senate Bill 792 – Senator Klausmeier

AN ACT concerning

Property and Casualty Insurance – Portable Electronics Insurance – Regulation

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

Affirmative – 46 Negative – 1 (See Roll Call No. 971)

The Bill was then sent to the House of Delegates.

Senate Bill 1027 – Senator Dyson

AN ACT concerning

Real Property – Conservation Easements – Disclosure

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

Affirmative – 46 Negative – 0 (See Roll Call No. 972)

The Bill was then sent to the House of Delegates.

Senate Bill 1063 – ~~Senator Pugh~~ Senators Pugh, Glassman, and Middleton

~~EMERGENCY BILL~~

AN ACT concerning

Joint ~~Emergency Medical Services~~ Oversight Committee on Emergency Medical Services

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

Affirmative – 46 Negative – 1 (See Roll Call No. 973)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #21
CONSENT CALENDAR #14

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 94 (Emergency Bill)	Del. Anderson	Foreign Trade Zones – Application and Process	FIN
HB 119 (Emergency Bill)	Del. Hubbard	Children's Products Containing Lead – Modifications	FIN & B&T
HB 163	Ch., Econ Matters Co.	Motor Fuel – Dyed Diesel Fuel – Violations	FIN
HB 243	Del. Haddaway	Milk Products – Pilot Farmstead Cheese Program – Repeal of Sunset	FIN
HB 277	St. Mary's County Del.	St. Mary's County – Appointment to Assistant Sheriff – Rank Eligibility	JPR
HB 289 (AMENDED)	Del. Proctor	Attorney General – State Legal Business – Hiring Counsel	JPR
HB 361	Washington County Del.	Public Safety – Hagerstown Community College Police Force	JPR
HB 548	Caroline County Del.	Caroline County – Department of Corrections Employment Applicants – Lie Detector Tests	JPR
HB 571 (Emergency Bill)	Del. Kramer	Senior Investment Protection Act	JPR
HB 606	Del. Beitzel	Garrett Co – Co Commissioners – Signs Adjacent to St and Loc Roadways – Auth to Adopt	JPR

		Loc Ordinance	
HB 625	Washington County Del.	Washington County – Office of the Sheriff – Special Deputy Sheriffs	JPR
HB 637 (Emergency Bill)	Del. Levi	Task Force on Prisoner Reentry	JPR
HB 760	Del. Walkup	Kent County – Office of the Sheriff – Salary	JPR
HB 942	Queen Anne's Co. Del.	Queen Anne's County – Local Detention Center – County's Authority to Continue Management	JPR
HB 1128	Prince George's Del.	Prince George's County – Sheriff and Sheriff's Deputies – Alteration of Duties PG 304–09	JPR

All of the above listed bills on the Third Reading Consent Calendar No. 14 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 974)

The Bills were then sent to the House of Delegates.

House Bill 122 – ~~Calvert County Delegation~~ Delegates Kullen, Proctor, and Vallario

AN ACT concerning

Calvert County – Education – Certificated School Personnel – ~~Employee Service or Representation Fee~~ Collective Bargaining Representation Fees

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

Affirmative – 39 Negative – 7 (See Roll Call No. 975)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #22
CONSENT CALENDAR #15

BILL NO.	SPONSOR	CONTENT	COMMITTEE

HB 487	Del. Montgomery	State Health Services Cost Review Commission – Health Care Facilities – Required Forms	FIN
HB 585 (AMENDED)	Del. Costa	Health Insurance – Use of Physician Rating Systems by Carriers	FIN
HB 674	Del. Morhaim	Health Insurance – Small Group Market Regulation – Modifications	FIN
HB 739	Del. Hammen	Maryland Medical Assistance Program – Substance Abuse Services	FIN
HB 782 (AMENDED)	Del. James	Nursing Facilities – Accountability Measures – Pay–for–Performance Program	FIN
HB 957	Del. Hubbard	Office of the Treasurer – Community Services Trust Fund – Workgroup	FIN
HB 1069 (AMENDED)	Del. Hammen	Health Services Cost Review Commission – Financial Assistance and Debt Collection Policies	FIN
HB 1071	Del. Kach	Health Insurance – Definition of Coverage Decisions – Pharmacy Inquiries	FIN
HB 1406	Ch., Econ Matters Co.	Business and Economic Development – Maryland Public Art Initiative – Sunset Repeal	FIN
HB 1442	Del. Walkup	Jane E. Lawton Conservation Fund – Renewable Energy Projects	FIN
HB 1451 (AMENDED)	Ch., Econ Matters Co.	Military Personnel and Service–Disabled Veterans	FIN

		No–Interest Loan Program	
HB 1535 (Emergency Bill)	Del. Rudolph	Credit Regulation – Mortgage Loans – Proof of Ability to Repay – Exception	FIN

All of the above listed bills on the Third Reading Consent Calendar No. 15 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 976)

The Bills were then sent to the House of Delegates.

House Bill 310 – The Speaker (By Request – Administration) and Delegates Feldman, Harrison, Jones, Manno, and Taylor

EMERGENCY BILL

AN ACT concerning

Unemployment Insurance – Eligibility – Part–Time Work

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

Affirmative – 38 Negative – 9 (See Roll Call No. 977)

The Bill was then sent to the House of Delegates.

House Bill 314 – Delegate Rudolph and the Speaker (By Request – Administration)

AN ACT concerning

Maryland Environmental Service – Energy Generation Projects

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

Affirmative – 46 Negative – 1 (See Roll Call No. 978)

The Bill was then sent to the House of Delegates.

House Bill 579 – Delegates Mizeur, Aumann, Barkley, Benson, Cane, Carr, Costa, Feldman, Frick, Guzzone, Hecht, Hubbard, Krysiak, Lafferty, Manno, McHale, Montgomery, Ramirez, Reznik, Robinson, Schuler, Tarrant, ~~and Taylor~~ Taylor, and Rice

AN ACT concerning

Prosthetic Parity Act

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

Affirmative – 45 Negative – 2 (See Roll Call No. 979)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #23

House Bill 66 – Delegates Anderson, Carter, Conaway, Rosenberg, Simmons, Sophocleus, and Waldstreicher

AN ACT concerning

Criminal Law – Theft – Penalties

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

Affirmative – 39 Negative – 8 (See Roll Call No. 980)

The Bill was then sent to the House of Delegates.

House Bill 193 – Delegates Love and Kullen

AN ACT concerning

Gaming – Instant Bingo – Extension of Sunset

FLOOR AMENDMENT

HB0193/539634/1

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 193, AS AMENDED

On page 3 of the Budget and Taxation Committee Amendments (HB0193/299130/1), in lines 13 and 14 of Amendment No. 2, strike "**§ 2–202(A)(1)(I)**" and substitute "**§ 2–202(1)(II)**".

The preceding amendment was read and adopted.

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

Affirmative – 43 Negative – 4 (See Roll Call No. 981)

The Bill was then sent to the House of Delegates.

House Bill 349 – Washington County Delegation

AN ACT concerning

Washington County – Mental Health Advisory Committee

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

Affirmative – 47 Negative – 0 (See Roll Call No. 982)

The Bill was then sent to the House of Delegates.

House Bill 521 – Delegates Donoghue, Conway, ~~and Mathias~~ Mathias, Cane, Haddaway, Eckardt, and Elmore

AN ACT concerning

Maryland Trauma Physician Services Fund – Rural Trauma Centers – Reimbursement

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

Affirmative – 45 Negative – 1 (See Roll Call No. 983)

The Bill was then sent to the House of Delegates.

House Bill 550 – Delegates Kelly, Simmons, and Smigiel

AN ACT concerning

Special Police Commissions – Recommended Denial of Application – Appeals

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

Affirmative – 47 Negative – 0 (See Roll Call No. 984)

The Bill was then sent to the House of Delegates.

House Bill 683 – Delegates Ivey, Carter, Conaway, and Ramirez

AN ACT concerning

Post Adoption Support Services Pilot Program

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

Affirmative – 47 Negative – 0 (See Roll Call No. 985)

The Bill was then sent to the House of Delegates.

House Bill 689 – Delegates Rosenberg, Boteler, Bronrott, Doory, Elmore, Healey, Kramer, Levy, Mathias, McHale, and Montgomery

AN ACT concerning

CINA, Guardianship, Adoption, Custody, and Visitation – Disability of Parent, Guardian, Custodian, or Party

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

Affirmative – 46 Negative – 0 (See Roll Call No. 986)

The Bill was then sent to the House of Delegates.

House Bill 719 – Frederick County Delegation

AN ACT concerning

Frederick County – Tip Jars and Punchboards – Licensed Distributors

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

Affirmative – 45 Negative – 1 (See Roll Call No. 987)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 988)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 989)

The Bill was then sent to the House of Delegates.

House Bill 1183 – Delegate Simmons

AN ACT concerning

Juvenile Law – Hearings

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

Affirmative – 45 Negative – 1 (See Roll Call No. 990)

The Bill was then sent to the House of Delegates.

House Bill 1219 – Washington County Delegation

AN ACT concerning

Washington County – Sheriff – Salary

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

Affirmative – 46 Negative – 0 (See Roll Call No. 991)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 41 Negative – 6 (See Roll Call No. 992)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #24

House Bill 51 – The Speaker (By Request – Department of Legislative Services – Code Revision)

AN ACT concerning

Human Relations

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

Affirmative – 47 Negative – 0 (See Roll Call No. 993)

The Bill was then sent to the House of Delegates.

House Bill 52 – The Speaker (By Request – Department of Legislative Services – Code Revision)

AN ACT concerning

Human Relations – Cross–References and Corrections

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

Affirmative – 47 Negative – 0 (See Roll Call No. 994)

The Bill was then sent to the House of Delegates.

House Bill 53 – The Speaker (By Request – Department of Legislative Services – Code Revision)

AN ACT concerning

Human Relations – Substantive Modifications

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

Affirmative – 47 Negative – 0 (See Roll Call No. 995)

The Bill was then sent to the House of Delegates.

House Bill 54 – The Speaker (By Request – Department of Legislative Services – Code Revision)

AN ACT concerning

Human Relations – Civil Actions – Unlawful Employment Practices

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

Affirmative – 45 Negative – 0 (See Roll Call No. 996)

The Bill was then sent to the House of Delegates.

House Bill 300 – The Speaker (By Request – Administration) and Delegates Hixson, Howard, Cardin, F. Turner, V. Clagett, Gaines, Olszewski, Pena–Melnyk, Ross, ~~and Stein~~ Stein, and Manno

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 – 45 Negative – 1 (See Roll Call No. 997)

The Bill was then sent to the House of Delegates.

House Bill 795 – Delegates Impallaria, Aumann, Boteler, Bromwell, McDonough, Olszewski, Schuler, and Weir

AN ACT concerning

Baltimore County – Property Tax Credit – Loreley Beach Community Association

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

Affirmative – 44 Negative – 0 (See Roll Call No. 998)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 39 Negative – 8 (See Roll Call No. 999)

The Bill was then sent to the House of Delegates.

House Bill 811 – Delegate Heller (Chair, Joint Committee on the Management of Public Funds) and Delegates Elmore, Howard, and Levy

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. 1000)

The Bill was then sent to the House of Delegates.

House Bill 841 – Montgomery County Delegation

AN ACT concerning

Montgomery County Public Schools – Funding Accountability and Transparency Act
MC 930–09

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1001)

The Bill was then sent to the House of Delegates.

House Bill 865 – Harford County Delegation

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 – 47 Negative – 0 (See Roll Call No. 1002)

The Bill was then sent to the House of Delegates.

House Bill 1171 – Delegates Bartlett, Hecht, Boteler, Cardin, Carr, Carter, Conaway, George, Haddaway, Ivey, Kullen, Murphy, O'Donnell, Olszewski, Rice, Walker, ~~and Walkup~~ Walkup, Frick, Gilchrist, Shank, Elmore, Howard, Doory, Hixson, Barve, Ross, Kaiser, Myers, Stukes, Aumann, Beidle, Bobo, Bronrott, G. Clagett, DeBoy, Lee, Mizeur, Stein, and Waldstreicher

AN ACT concerning

Alternative Energy Tax Incentive Act of 2009

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1003)

The Bill was then sent to the House of Delegates.

House Bill 1370 – Charles County Delegation

AN ACT concerning

Charles County – Special Taxing Districts – Hotel Rental Taxes

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

Affirmative – 42 Negative – 4 (See Roll Call No. 1004)

The Bill was then sent to the House of Delegates.

House Bill 1399 – Chair, Ways and Means Committee (By Request – Departmental – Housing and Community Development)

AN ACT concerning

Department of Housing and Community Development – Neighborhood and Community Assistance Program – Individual Donor Eligibility – Tax Credit

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1005)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #25

House Bill 79 – Delegates Stifler and Niemann

AN ACT concerning

Real Property – Mortgage Fraud – Creation of Fraudulent Documents

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1006)

The Bill was then sent to the House of Delegates.

House Bill 149 – Delegates Kach and Olszewski

AN ACT concerning

Estates and Trusts – Trust for Care of Animal

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

Affirmative – 44 Negative – 3 (See Roll Call No. 1007)

The Bill was then sent to the House of Delegates.

House Bill 282 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County – Adult Public Guardianship Review Board – Membership

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1008)

The Bill was then sent to the House of Delegates.

House Bill 378 – Delegate Feldman

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 – 45 Negative – 0 (See Roll Call No. 1009)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 42 Negative – 4 (See Roll Call No. 1010)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1011)

The Bill was then sent to the House of Delegates.

House Bill 542 – Delegates Simmons and Waldstreicher

AN ACT concerning

Criminal Law – Human Trafficking – Inducing or Enticing

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1012)

The Bill was then sent to the House of Delegates.

House Bill 582 – Delegates Carter, McComas, McConkey, and Vallario

AN ACT concerning

Estates and Trusts – Real and Leasehold Property – Valuation

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1013)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1014)

The Bill was then sent to the House of Delegates.

House Bill 754 – Delegates Stein, Boteler, V. Clagett, Glenn, Hucker, James, Lafferty, and Weir

AN ACT concerning

Real Property – Conservation Easements – Disclosure

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1015)

The Bill was then sent to the House of Delegates.

House Bill 773 – Delegates Conway and Mathias

AN ACT concerning

Worcester County – Gaming – Bingo

Senator Pipkin moved, duly seconded, to make the Bill a Special Order for April 13, 2009.

The motion was adopted.

House Bill 792 – Delegates Rice, Ali, Barkley, Cane, Glenn, Howard, Hucker, Kaiser, Lee, Levi, Manno, Montgomery, Olszewski, Pena–Melnyk, Reznik, Schuler, Valderrama, Vaughn, ~~and Waldstreicher~~ Waldstreicher, Cardin, Frick, Gilchrist, Ivey, Murphy, Ross, and Walker

AN ACT concerning

Education – Collective Bargaining – Topics of Negotiation

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

Affirmative – 34 Negative – 13 (See Roll Call No. 1016)

The Bill was then sent to the House of Delegates.

House Bill 864 – Howard County Delegation

AN ACT concerning

Howard County – Roadside Solicitation of Money or Donations – Prohibition Ho. Co. 9–09

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

Affirmative – 41 Negative – 4 (See Roll Call No. 1017)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #26
CONSENT CALENDAR #16

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 227	Del. Elmore	Somerset County – Liquor Control Board – Borrowing Limit	EHE
HB 616	Howard County Del.	Howard County – Alcoholic Beverages – Hearing Board and Liquor Board Personnel Ho. Co. 11–09	EHE
HB 624	Allegany County Del.	Allegany County – Alcoholic Beverages – Volunteer Company License	EHE
HB 731	Howard County Del.	Balt Co and How Co – Alc Bevs Lics – Appln Reqmts – Citizenship Status Ho. Co. 8–09	EHE
HB 821	Montgomery Co. Del.	Montgomery County – Alcoholic Beverages – Corporate Training Center License MC 902–09	EHE
HB 833	Montgomery Co. Del.	Montgomery County – Winery Special Event Permits – Montgomery County Agricultural Fair MC 928–09	EHE
HB 835	Montgomery Co. Del.	Montgomery County – Kensington – Expansion of Area for Alcoholic Beverages Licenses MC 934–09	EHE
HB 1141	Montgomery/PG Co. Del.	M–NCPPC – Montgomery Co Mun Corpns – Auth to Regulate Commercial Signs MC/PG 111–09	EHE
HB 1439	Del. Bromwell	Baltimore Co – Towson Commercial Revitalization District – Alc Bevs – Transf and Conv of Licenses	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 16 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1018)

The Bills were then sent to the House of Delegates.

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

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

Affirmative – 46 Negative – 1 (See Roll Call No. 1019)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #27
CONSENT CALENDAR #17

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 572	Ch., Envir. Mat. Com.	Washington Metropolitan Area Transit Authority – Finance and Governance	B&T
HB 623	Allegany County Del.	Local School Systems – Biannual Financial Status Report Requirement – Repeal	B&T
HB 809	Del. Heller	State Debt – Annuity Bond Fund – Payment of Fiscal Agents	B&T
HB 813	Del. Heller	State Checks – Electronic Publication of Payee Names	B&T
HB 883	Del. Olszewski	Income Tax Refund – Direct Deposit – Multiple Accounts	B&T

HB 931	Cecil County Del.	Cecil County – Public Facilities Bond Bill	B&T
HB 959	Prince George's Del.	Prince George's County – Green Businesses – Tax Credits PG 401–09	B&T
HB 976	Carroll County Del.	Carroll County – Public Facilities Bonds	B&T
HB 1330	Del. Conway	Creation of a State Debt – Community Dev Admin – Local Govt Infrastructure Financing Program	B&T
HB 1331	Del. Conway	Community Dev Admin – Local Govt Infrastructure Financing Program – Capital Reserve Funds	B&T
HB 1425	Del. Gaines	Department of Transportation – Consolidated Transportation Bonds – Issuance Procedures	B&T
HB 1486 (Emergency Bill)	Del. Hubbard	Prince George's County Hospital Authority	B&T

All of the above listed bills on the Third Reading Consent Calendar No. 17 were read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1020)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #28

House Bill 334 – Delegate Beitzel

AN ACT concerning

Garrett County – Alcoholic Beverages – Wine and Beer Tasting License – Off–Site Retail Delivery Procedures – Fees

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

Affirmative – 46 Negative – 1 (See Roll Call No. 1021)

The Bill was then sent to the House of Delegates.

House Bill 660 – Delegates Kaiser, Anderson, Gilchrist, Ivey, Rice, F. Turner, and Valderrama

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. 1022)

The Bill was then sent to the House of Delegates.

House Bill 944 – Delegates Love, Barnes, Costa, Doory, Dumais, Glenn, Kipke, Olszewski, Pena–Melnyk, Robinson, and Rudolph

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. 1023)

The Bill was then sent to the House of Delegates.

House Bill 1078 – Delegate Niemann

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. 1024)

The Bill was then sent to the House of Delegates.

House Bill 1133 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

Washington Suburban Sanitary Commission – Comprehensive Whistleblower Protections
MC/PG 120–09

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1025)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 46 Negative – 1 (See Roll Call No. 1026)

The Bill was then sent to the House of Delegates.

House Bill 1374 – Delegates Oaks and Carter

AN ACT concerning

Baltimore City ~~School Police Officers – Baltimore City School Police Lodge Five~~ Public Schools – School Police Officers – Employee Organization

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

Affirmative – 44 Negative – 3 (See Roll Call No. 1027)

The Bill was then sent to the House of Delegates.

House Bill 1466 – Chair, Appropriations Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Investment Program – Temporary Cash Assistance – Assignment of Support

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1028)

The Bill was then sent to the House of Delegates.

House Bill 1472 – Chair, Health and Government Operations Committee (By Request – Departmental – Health Insurance Plan)

AN ACT concerning

Health Insurance – Senior Prescription Drug Assistance Program – Funding

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1029)

The Bill was then sent to the House of Delegates.

House Bill 1479 – Chair, Health and Government Operations Committee (By Request – Departmental – Department of Information Technology)

AN ACT concerning

Board of Directors of the Assistive Technology Loan Program – Membership

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1030)

The Bill was then sent to the House of Delegates.

House Bill 1480 – Chair, Health and Government Operations Committee (By Request – Departmental – Aging)

AN ACT concerning

Interagency Committee on Aging Services – Membership

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1031)

The Bill was then sent to the House of Delegates.

House Bill 1542 – ~~Delegate Haddaway~~ Delegates Haddaway, Donoghue, Eckardt, Elmore, Mathias, Cane, Rudolph, Conway, Kach, Krebs, Kullen, McDonough, Pena–Melnyk, Riley, and Tarrant

EMERGENCY BILL

AN ACT concerning

Health – ~~Regulation and Permitting of Egg Sellers at Farmers' Markets~~ Licensing of Food Establishments – Exception for Egg Producers

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

Affirmative – 44 Negative – 0 (See Roll Call No. 1032)

The Bill was then sent to the House of Delegates.

House Bill 1555 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Financial Institutions – Enhanced Supervision – Branch Banking

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1033)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #29

House Bill 173 – Delegates Bromwell, Cardin, Costa, DeBoy, Eckardt, Frank, Kach, Kipke, Kullen, McDonough, Montgomery, Morhaim, Niemann, Oaks, Olszewski, Pena–Melnyk, Rosenberg, Schuh, Shewell, Tarrant, V. Turner, Weir, and Weldon

AN ACT concerning

Health Occupations – Maryland Athletic Trainers Act

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1034)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 36 Negative – 11 (See Roll Call No. 1035)

The Bill was then sent to the House of Delegates.

House Bill 250 – Delegates Kullen, Eckardt, Bromwell, Kipke, Montgomery, Pena–Melnyk, Reznik, Riley, V. Turner, ~~and Weldon~~ Weldon, Nathan–Pulliam, Donoghue, Benson, Krebs, and Tarrant

AN ACT concerning

Public Health – ~~Authority to Certify Incapacity or~~ Certificates of Death – Nurse Practitioners

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1036)

The Bill was then sent to the House of Delegates.

House Bill 252 – Delegate Costa

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. 1037)

The Bill was then sent to the House of Delegates.

House Bill 427 – Cecil County Delegation

AN ACT concerning

Cecil County – Employees of Cecil County Treasurer's Office

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1038)

The Bill was then sent to the House of Delegates.

House Bill 576 – Delegates Bromwell, Costa, Donoghue, Elliott, Hammen, Hubbard, Kach, Kullen, Riley, ~~and Weldon~~ Weldon, Pendergrass, Benson, Kipke, Krebs, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Tarrant, and V. Turner

AN ACT concerning

Dental Hygienists – Expanded Functions

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1039)

The Bill was then sent to the House of Delegates.

House Bill 577 – Carroll County Delegation

AN ACT concerning

Carroll County – Education – Organization of Teachers and Other Personnel

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1040)

The Bill was then sent to the House of Delegates.

House Bill 654 – Delegate Hubbard

AN ACT concerning

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1041)

The Bill was then sent to the House of Delegates.

House Bill 725 – Delegates Tarrant, Benson, Bromwell, Costa, Pena–Melnyk, Reznik, Riley, and V. Turner

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. 1042)

The Bill was then sent to the House of Delegates.

House Bill 787 – Delegates Conway, Malone, Beitzel, Cane, DeBoy, Mathias, ~~and Rudolph~~ Rudolph, Aumann, Bates, Bohanan, Branch, G. Clagett, Gaines, Guzzone, Jones, Proctor, Sophocleus, Stocksdale, and Wood

AN ACT concerning

Emergency Responders – Death Benefits and Funeral Expenses

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1043)

The Bill was then sent to the House of Delegates.

House Bill 843 – Delegates Love, Cardin, Costa, Kipke, Lafferty, Montgomery, Simmons, ~~and Stein~~ Stein, V. Turner, Kullen, Pena–Melnyk, Nathan–Pulliam, Morhaim, Donoghue, Kach, McDonough, Benson, Tarrant, and Oaks

AN ACT concerning

Continuing Care Retirement Communities – ~~Subscriber Complaints and Investigations~~ Internal Grievance Procedure and Mediation

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1044)

The Bill was then sent to the House of Delegates.

House Bill 1017 – Harford County Delegation

AN ACT concerning

Harford County – Property Tax ~~Exemption~~ Credit – Continuing Care Facility for the Aged

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1045)

The Bill was then sent to the House of Delegates.

House Bill 1429 – Chair, Ways and Means Committee and Chair, Economic Matters Committee (By Request – Departmental – Business and Economic Development)

AN ACT concerning

Business and Economic Development – BRAC Community Enhancement Act

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1046)

The Bill was then sent to the House of Delegates.

CONCURRENCE CALENDAR #8

AMENDED IN THE HOUSE

Senate Bill 613 – Senators Gladden, Brochin, Conway, Dyson, Kramer, Madaleno, Munson, Muse, Peters, Pipkin, Raskin, Robey, Rosapepe, Stone, ~~and Zirkin~~ Zirkin, and Simonaire

AN ACT concerning

CINA, Guardianship, Adoption, Custody, and Visitation – Disability of Parent, Guardian, Custodian, or Party

Senator Frosh moved that the Senate concur in the House amendments.

SB0613/292019/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 613
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "prohibiting" in line 4 down through "circumstances" in line 6 and substitute "establishing that, in making a disposition on a child in need of assistance (CINA) petition, a disability of the child's parent, guardian, or custodian is relevant only to a certain extent; establishing that, in determining whether to grant custody and guardianship of a CINA to a relative or nonrelative, a disability of the relative or nonrelative is relevant only to a certain extent"; strike beginning with "prohibiting" in line 16 down through "circumstances" in line 18 and substitute "establishing that, in any custody or visitation proceeding, a disability of a party is relevant only to a certain extent"; in line 18, after "term;" insert "altering a certain definition;"; and in line 23, strike "and 3–819.2(a)".

On page 2, in line 5, strike "3–819.2(g)" and substitute "3–819.2(a) and (g)".

AMENDMENT NO. 2

On pages 3 and 4, strike beginning with "**A**" in line 30 on page 3 down through "**ACT**" in line 6 on page 4 and substitute "**:**

A. A PHYSICAL DISABILITY, INFIRMITY, MALFORMATION, OR DISFIGUREMENT THAT IS CAUSED BY BODILY INJURY, BIRTH DEFECT, OR ILLNESS, INCLUDING EPILEPSY;

B. A MENTAL IMPAIRMENT OR DEFICIENCY;

C. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS PARAGRAPH; OR

D. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS PARAGRAPH.

2. "DISABILITY" INCLUDES:

A. ANY DEGREE OF PARALYSIS OR AMPUTATION;

B. BLINDNESS OR VISUAL IMPAIRMENT;

C. DEAFNESS OR HEARING IMPAIRMENT;

D. MUTENESS OR SPEECH IMPEDIMENT;

E. PHYSICAL RELIANCE ON A SERVICE ANIMAL OR A WHEELCHAIR OR OTHER REMEDIAL APPLIANCE OR DEVICE; AND

F. INTELLECTUAL DISABILITY, AS DEFINED IN § 7–101 OF THE HEALTH – GENERAL ARTICLE, AND ANY OTHER MENTAL IMPAIRMENT OR DEFICIENCY THAT MAY HAVE NECESSITATED REMEDIAL OR SPECIAL EDUCATION AND RELATED SERVICES".

On page 4, strike beginning with the second "a" in line 17 down through "Act" in line 23 and substitute "**:**

(I) A PHYSICAL DISABILITY, INFIRMITY, MALFORMATION, OR DISFIGUREMENT THAT IS CAUSED BY BODILY INJURY, BIRTH DEFECT, OR ILLNESS, INCLUDING EPILEPSY;

(II) A MENTAL IMPAIRMENT OR DEFICIENCY;

(III) A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS SUBSECTION; OR

(IV) BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS SUBSECTION.

(2) "DISABILITY" INCLUDES:

(I) ANY DEGREE OF PARALYSIS OR AMPUTATION;

(II) BLINDNESS OR VISUAL IMPAIRMENT;

(III) DEAFNESS OR HEARING IMPAIRMENT;

(IV) MUTENESS OR SPEECH IMPEDIMENT;

(V) PHYSICAL RELIANCE ON A SERVICE ANIMAL OR A WHEELCHAIR OR OTHER REMEDIAL APPLIANCE OR DEVICE; AND

(VI) INTELLECTUAL DISABILITY, AS DEFINED IN § 7–101 OF THE HEALTH – GENERAL ARTICLE, AND ANY OTHER MENTAL IMPAIRMENT OR DEFICIENCY THAT MAY HAVE NECESSITATED REMEDIAL OR SPECIAL EDUCATION AND RELATED SERVICES".

On pages 4 and 5, strike beginning with "**A**" in line 30 on page 4 down through "**ACT**" in line 6 on page 5 and substitute "**:**

1. A PHYSICAL DISABILITY, INFIRMITY, MALFORMATION, OR DISFIGUREMENT THAT IS CAUSED BY BODILY INJURY, BIRTH DEFECT, OR ILLNESS, INCLUDING EPILEPSY;

2. A MENTAL IMPAIRMENT OR DEFICIENCY;

3. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS PARAGRAPH; OR

4. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS PARAGRAPH.

(II) "DISABILITY" INCLUDES:

1. ANY DEGREE OF PARALYSIS OR AMPUTATION;

2. BLINDNESS OR VISUAL IMPAIRMENT;

3. DEAFNESS OR HEARING IMPAIRMENT;

4. MUTENESS OR SPEECH IMPEDIMENT;

5. PHYSICAL RELIANCE ON A SERVICE ANIMAL OR A WHEELCHAIR OR OTHER REMEDIAL APPLIANCE OR DEVICE; AND

6. INTELLECTUAL DISABILITY, AS DEFINED IN § 7–101 OF THE HEALTH – GENERAL ARTICLE, AND ANY OTHER MENTAL IMPAIRMENT OR DEFICIENCY THAT MAY HAVE NECESSITATED REMEDIAL OR SPECIAL EDUCATION AND RELATED SERVICES".

On page 5, strike beginning with "**A**" in line 13 down through "**ACT**" in line 21 and substitute "**:**

1. A PHYSICAL DISABILITY, INFIRMITY, MALFORMATION, OR DISFIGUREMENT THAT IS CAUSED BY BODILY INJURY, BIRTH DEFECT, OR ILLNESS, INCLUDING EPILEPSY;

2. A MENTAL IMPAIRMENT OR DEFICIENCY;

3. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS PARAGRAPH; OR

4. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS PARAGRAPH.

(II) "DISABILITY" INCLUDES:

1. ANY DEGREE OF PARALYSIS OR AMPUTATION;

2. BLINDNESS OR VISUAL IMPAIRMENT;

3. DEAFNESS OR HEARING IMPAIRMENT;

4. MUTENESS OR SPEECH IMPEDIMENT;

5. PHYSICAL RELIANCE ON A SERVICE ANIMAL OR A WHEELCHAIR OR OTHER REMEDIAL APPLIANCE OR DEVICE; AND

6. INTELLECTUAL DISABILITY, AS DEFINED IN § 7–101 OF THE HEALTH – GENERAL ARTICLE, AND ANY OTHER MENTAL IMPAIRMENT OR DEFICIENCY THAT MAY HAVE NECESSITATED REMEDIAL OR SPECIAL EDUCATION AND RELATED SERVICES".

On page 6, strike beginning with "**A**" in line 1 down through "**ACT**" in line 9 and substitute "**:**

1. A PHYSICAL DISABILITY, INFIRMITY, MALFORMATION, OR DISFIGUREMENT THAT IS CAUSED BY BODILY INJURY, BIRTH DEFECT, OR ILLNESS, INCLUDING EPILEPSY;

2. A MENTAL IMPAIRMENT OR DEFICIENCY;

3. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS PARAGRAPH; OR

4. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS PARAGRAPH.

(II) "DISABILITY" INCLUDES:

1. ANY DEGREE OF PARALYSIS OR AMPUTATION;

2. BLINDNESS OR VISUAL IMPAIRMENT;

3. DEAFNESS OR HEARING IMPAIRMENT;

4. MUTENESS OR SPEECH IMPEDIMENT;

5. PHYSICAL RELIANCE ON A SERVICE ANIMAL OR A WHEELCHAIR OR OTHER REMEDIAL APPLIANCE OR DEVICE; AND

6. INTELLECTUAL DISABILITY, AS DEFINED IN § 7–101 OF THE HEALTH – GENERAL ARTICLE, AND ANY OTHER MENTAL

IMPAIRMENT OR DEFICIENCY THAT MAY HAVE NECESSITATED REMEDIAL OR SPECIAL EDUCATION AND RELATED SERVICES".

On page 6, strike beginning with "**A**" in line 16 down through "**ACT**" in line 24 and substitute "**:**

1. A PHYSICAL DISABILITY, INFIRMITY, MALFORMATION, OR DISFIGUREMENT THAT IS CAUSED BY BODILY INJURY, BIRTH DEFECT, OR ILLNESS, INCLUDING EPILEPSY;

2. A MENTAL IMPAIRMENT OR DEFICIENCY;

3. A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS PARAGRAPH; OR

4. BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS PARAGRAPH.

(II) "DISABILITY" INCLUDES:

1. ANY DEGREE OF PARALYSIS OR AMPUTATION;

2. BLINDNESS OR VISUAL IMPAIRMENT;

3. DEAFNESS OR HEARING IMPAIRMENT;

4. MUTENESS OR SPEECH IMPEDIMENT;

5. PHYSICAL RELIANCE ON A SERVICE ANIMAL OR A WHEELCHAIR OR OTHER REMEDIAL APPLIANCE OR DEVICE; AND

6. INTELLECTUAL DISABILITY, AS DEFINED IN § 7–101 OF THE HEALTH – GENERAL ARTICLE, AND ANY OTHER MENTAL IMPAIRMENT OR DEFICIENCY THAT MAY HAVE NECESSITATED REMEDIAL OR SPECIAL EDUCATION AND RELATED SERVICES".

On page 7, strike beginning with the second "A" in line 1 down through "ACT" in line 9 and substitute "**:**

(I) A PHYSICAL DISABILITY, INFIRMITY, MALFORMATION, OR DISFIGUREMENT THAT IS CAUSED BY BODILY INJURY, BIRTH DEFECT, OR ILLNESS, INCLUDING EPILEPSY;

(II) A MENTAL IMPAIRMENT OR DEFICIENCY;

(III) A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS SUBSECTION; OR

(IV) BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS SUBSECTION.

(2) "DISABILITY" INCLUDES:

(I) ANY DEGREE OF PARALYSIS OR AMPUTATION;

(II) BLINDNESS OR VISUAL IMPAIRMENT;

(III) DEAFNESS OR HEARING IMPAIRMENT;

(IV) MUTENESS OR SPEECH IMPEDIMENT;

(V) PHYSICAL RELIANCE ON A SERVICE ANIMAL OR A WHEELCHAIR OR OTHER REMEDIAL APPLIANCE OR DEVICE; AND

(VI) INTELLECTUAL DISABILITY, AS DEFINED IN § 7–101 OF THE HEALTH – GENERAL ARTICLE, AND ANY OTHER MENTAL IMPAIRMENT OR DEFICIENCY THAT MAY HAVE NECESSITATED REMEDIAL OR SPECIAL EDUCATION AND RELATED SERVICES".

On page 12, strike beginning with the second "A" in line 17 down through "ACT" in line 25 and substitute "**:**

(I) A PHYSICAL DISABILITY, INFIRMITY, MALFORMATION, OR DISFIGUREMENT THAT IS CAUSED BY BODILY INJURY, BIRTH DEFECT, OR ILLNESS, INCLUDING EPILEPSY;

(II) A MENTAL IMPAIRMENT OR DEFICIENCY;

(III) A RECORD OF HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS SUBSECTION; OR

(IV) BEING REGARDED AS HAVING A PHYSICAL OR MENTAL IMPAIRMENT AS DEFINED UNDER THIS SUBSECTION.

(2) "DISABILITY" INCLUDES:

(I) ANY DEGREE OF PARALYSIS OR AMPUTATION;

(II) BLINDNESS OR VISUAL IMPAIRMENT;

(III) DEAFNESS OR HEARING IMPAIRMENT;

(IV) MUTENESS OR SPEECH IMPEDIMENT;

(V) PHYSICAL RELIANCE ON A SERVICE ANIMAL OR A WHEELCHAIR OR OTHER REMEDIAL APPLIANCE OR DEVICE; AND

(VI) INTELLECTUAL DISABILITY, AS DEFINED IN § 7–101 OF THE HEALTH – GENERAL ARTICLE, AND ANY OTHER MENTAL IMPAIRMENT OR DEFICIENCY THAT MAY HAVE NECESSITATED REMEDIAL OR SPECIAL EDUCATION AND RELATED SERVICES".

AMENDMENT NO. 3

On page 4, strike beginning with "**THE**" in line 8 down through "**NEEDS**" in line 12 and substitute "**A DISABILITY OF THE CHILD'S PARENT, GUARDIAN, OR CUSTODIAN IS RELEVANT ONLY TO THE EXTENT THAT THE COURT FINDS, BASED ON EVIDENCE IN THE RECORD, THAT THE DISABILITY AFFECTS THE ABILITY OF THE PARENT, GUARDIAN, OR CUSTODIAN TO GIVE PROPER CARE AND**

ATTENTION TO THE CHILD AND THE CHILD'S NEEDS"; and strike beginning with the first "the" in line 25 down through "child" in line 27 and substitute "**A DISABILITY OF THE RELATIVE OR NONRELATIVE IS RELEVANT ONLY TO THE EXTENT THAT THE COURT FINDS, BASED ON EVIDENCE IN THE RECORD, THAT THE DISABILITY AFFECTS THE BEST INTEREST OF THE CHILD**".

On page 12, strike beginning with "**THE**" in line 26 down through "**CHILD**" in line 29 and substitute "**A DISABILITY OF A PARTY IS RELEVANT ONLY TO THE EXTENT THAT THE COURT FINDS, BASED ON EVIDENCE IN THE RECORD, THAT THE DISABILITY AFFECTS THE BEST INTEREST OF THE CHILD**".

The preceding 3 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1047)

AMENDED IN THE HOUSE

Senate Bill 684 – Senators Kramer, Astle, DeGrange, Della, Forehand, Jones, Kelley, Klausmeier, Lenett, Madaleno, Pinsky, Pugh, Robey, Rosapepe, ~~and Zirkin~~ Zirkin, Brochin, Haines, Jacobs, Raskin, Muse, Simonaire, and Stone

EMERGENCY BILL

AN ACT concerning

Senior Investment Protection Act

Senator Frosh moved that the Senate concur in the House amendments.

SB0684/303894/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 684
(Third Reading File Bill)

On page 8, in line 33, strike "**11–417(A)(7)**" and substitute "**11–412(A)(7)**".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1048)

CONCURRENCE CALENDAR #9

AMENDED IN THE HOUSE

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

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

The motion was adopted.

AMENDED IN THE HOUSE

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

Senator Currie moved that the Senate concur in the House amendments.

SB0458/894461/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 458
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "governing" in line 11 down through "body" in line 12 and substitute "government unit"; in line 13, strike "governing body" and substitute "government unit"; and in line 16, after "Treasurer;" insert "altering a certain penalty provision;".

AMENDMENT NO. 2

On page 5, in line 3, strike "A" and substitute "**IF A**"; in the same line, strike "who"; in the same line, after "subsection" insert "**, THE POLITICAL SUBDIVISION EMPLOYING THE FINANCIAL OFFICER**"; and in line 4, strike "personally".

AMENDMENT NO. 3

On page 8, strike beginning with "**THE**" in line 33 down through "**OF**" in line 34.

On page 9, in line 15, strike "**GOVERNING BODY OF THE**"; and in line 18, strike "**GOVERNING BODY OF A**".

The preceding 3 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1049)

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #46

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

House Bill 455 – Caroline County Delegation

AN ACT concerning

Caroline County ~~– Elected School Board~~ Board of Education – Election of Members – Referendum

HB0455/594339/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 455

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Election" insert "and Appointment"; in line 4, strike the second "the" and substitute "certain"; in line 5, after "elected;" insert "requiring that certain members of the Caroline County Board of Education be appointed;"; in the same line, after the first "of" insert "certain"; in line 16, after "the" insert "certain"; in line 17, after "specifying" insert "elected"; in the same line, after "qualifications;" insert "establishing qualifications for certain student members; providing that certain high schools in Caroline County have representation through a student member of the county board; providing for the appointment of certain members by the Governor; specifying certain criteria for the Governor with regard to the appointment of certain members; providing for the nomination and selection of certain student members;"; in line 18, after the first "the" insert "elected"; in the same line, after the third "the" insert "elected"; in line 19, strike "a vacancy" and substitute "certain vacancies"; in line 21, after "of" insert "certain"; and in line 24, strike the first "the" and substitute "certain".

On page 2, in line 3, after "election" insert "and appointment".

On page 2, in line 6, strike "3–114(a)" and substitute "3–108(a) and 3–114".

AMENDMENT NO. 2

On page 2, after line 17, insert:

"3–108.

(a) **(1)** Except **[**for the Baltimore City Board of School Commissioners established under § 3–108.1 of this subtitle, counties listed in § 3–114 of this subtitle, and subject to the provisions of § 3–110 of this subtitle with respect to the Anne Arundel County Board of Education**]** **AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION**, the Governor shall appoint the members of each county board from the residents of that county.

(2) THE MEMBERS OF THE FOLLOWING COUNTY BOARDS OF EDUCATION SHALL BE SELECTED AS FOLLOWS:

(I) THE BALTIMORE CITY BOARD OF SCHOOL COMMISSIONERS IN ACCORDANCE WITH § 3–108.1 OF THIS SUBTITLE;

(II) THE CAROLINE COUNTY BOARD OF EDUCATION IN ACCORDANCE WITH § 3–3A–02 OF THIS TITLE;

(III) THE ANNE ARUNDEL COUNTY BOARD OF EDUCATION IN ACCORDANCE WITH § 3–110 OF THIS SUBTITLE; AND

(IV) THE COUNTY BOARDS OF EDUCATION IN THE COUNTIES LISTED IN § 3–114 OF THIS SUBTITLE IN ACCORDANCE WITH THE PROVISIONS OF THAT SECTION.".

On pages 2 and 3, strike beginning with line 23 on page 2 through line 11 on page 3, inclusive, and substitute:

"(3) Carroll;

(4) Cecil;

(5) Charles;

(6) Dorchester;

(7) Frederick;

(8) Garrett;

(9) Howard;

(10) Kent;

(11) Prince George's;

(12) Montgomery;

(13) Queen Anne's;

(14) St. Mary's;

(15) Somerset;

(16) Talbot;

(17) Washington; and

(18) Worcester.

(B) IN CAROLINE COUNTY, IN ACCORDANCE WITH SUBTITLE 3A OF THIS TITLE, THE MEMBERS OF THE COUNTY BOARD SHALL BE A COMBINATION OF MEMBERS WHO ARE ELECTED AND APPOINTED.

[(b)**]** **(C)** An individual subject to the authority of the county board may not serve as a member of the county board. At the time of filing a certificate of candidacy for election to a county board, a person shall certify to the local board of supervisors of election whether or not he is subject to the authority of the county board. The Governor shall not issue a commission of election to a person who has certified affirmatively and who is elected to a county board until the member–elect offers proof that he is no longer subject to the authority of the county board.

[(c)**]** **(D)** The election of the county boards shall be held as provided in Subtitles 2 through 14 of this title and the Election Law Article.".

AMENDMENT NO. 3

On page 3, after line 15, insert:

"**(B) "APPOINTED MEMBER" MEANS ONE OF THE TWO VOTING MEMBERS APPOINTED BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE, UNDER § 3–3A–02(B)(3)(I)1 OF THIS SUBTITLE.**";

in lines 16 and 19, strike "**(B)**" and "**(C)**", respectively, and substitute "**(C)**" and "**(D)(1)**", respectively; in line 19, strike "**FIVE**" and substitute "**THREE**"; in line 20, after "**EDUCATION**" insert "**ELECTED BY THE VOTERS OF CAROLINE COUNTY**"; and after line 20, insert:

"**(2) "ELECTED MEMBER" DOES NOT INCLUDE THE NONVOTING STUDENT MEMBERS SELECTED UNDER § 3–3A–02(F) OF THIS SUBTITLE.**".

On page 4, in line 3, strike "**FIVE**" and substitute "**:**

(1) THREE";

in line 4, after "**MEMBERS**" insert "**;**

(2) TWO APPOINTED MEMBERS; AND

(3) TWO NONVOTING STUDENT MEMBERS";

in line 6, strike "**FIVE**" and substitute "**THREE**"; and after line 11, insert:

"**(3) (I) 1. TWO APPOINTED MEMBERS SHALL BE APPOINTED BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE, FROM THE COUNTY AT–LARGE.**

2. EACH APPOINTED MEMBER SHALL BE A RESIDENT OF THE COUNTY.

(II) IN APPOINTING MEMBERS TO THE COUNTY BOARD, THE GOVERNOR SHALL ENSURE, TO THE EXTENT PRACTICABLE, THAT THE TOTAL MAKEUP OF THE COUNTY BOARD REFLECTS GENDER, ETHNIC, AND RACIAL DIVERSITY.".

AMENDMENT NO. 4

On page 5, after line 11, insert:

"**(F) (1) A STUDENT MEMBER OF THE COUNTY BOARD SHALL:**

(I) BE A REGULARLY ENROLLED ELEVENTH OR TWELFTH GRADE STUDENT OF GOOD CHARACTER AND IN GOOD STANDING IN A CAROLINE COUNTY PUBLIC HIGH SCHOOL DURING THE STUDENT'S TERM IN OFFICE;

(II) BE SELECTED IN THE STUDENT'S TENTH OR ELEVENTH GRADE IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION; AND

(III) 1. SERVE FOR A TERM OF 1 YEAR; AND

2. IF THE STUDENT IS IN THE TWELFTH GRADE, CONTINUE TO SERVE AFTER GRADUATION AND UNTIL A SUCCESSOR IS SELECTED AND QUALIFIES.

(2) EACH HIGH SCHOOL IN THE COUNTY SHALL BE REPRESENTED BY A STUDENT MEMBER OF THE COUNTY BOARD.

(3) (I) FOR NOMINATION TO THE COUNTY BOARD, THE STUDENT BODY SHALL SUBMIT TO THE PRINCIPAL OF THE HIGH SCHOOL A LIST OF NOMINEES THAT CONTAINS THE NAMES OF ELIGIBLE STUDENTS.

(II) THE PRINCIPAL OF THE HIGH SCHOOL SHALL SELECT THE STUDENT MEMBER FROM THE LIST OF NOMINEES SUBMITTED TO THE PRINCIPAL UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(4) IF A VACANCY IN THE POSITION OF STUDENT MEMBER OCCURS DURING THE TERM OF A STUDENT MEMBER, THE PRINCIPAL OF THE HIGH SCHOOL REPRESENTED ON THE COUNTY BOARD SHALL SELECT ANOTHER STUDENT MEMBER USING THE METHOD SET FORTH UNDER PARAGRAPH (3) OF THIS SUBSECTION.";

in lines 12 and 26, strike "**(F)**" and "**(G)**", respectively, and substitute "**(G)**" and "**(H)**", respectively; in line 22, strike "**TWO MEMBERS**" and substitute "**MEMBER**"; in line 23, strike "**RECEIVE**" and substitute "**RECEIVES**"; in line 26, after "**VACANCY**" insert "**OF AN ELECTED MEMBER**"; and in line 28, strike "**ELECTED**" and substitute "**VOTING**".

On page 6, in lines 2 and 18, in each instance, strike "**ELECTED**" and substitute "**VOTING**".

On page 8, in lines 4, 10, and 18, in each instance, strike "**ELECTED**" and substitute "**VOTING**"; and in line 20, strike "**AN ELECTED**" and substitute "**A VOTING**".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0455/693827/1

BY: Senator Colburn

AMENDMENT TO HOUSE BILL 455
(Third Reading File Bill)

On page 9, in line 14, strike "Elected by the Voters of Caroline County" and substitute "Elected in Part by the Voters of Caroline County (3 members) and Appointed in Part by the Governor (2 members)"; and strike beginning with "Elected" in line 17 down through "County" in line 18 and substitute "Elected in Part by the Voters of Caroline County (3 members) and Appointed in Part by the Governor (2 members)".

The preceding amendment was read and 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:

House Bill 1058 – Delegates Walkup, Eckardt, Haddaway, and Sossi

AN ACT concerning

Environment – Sewage Sludge Utilization Permits – Local Notice

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #47

CONSENT CALENDAR #56

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

House Bill 962 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Wine Festival License
PG 322–09

HB0962/884632/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 962
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "Festival" insert "each year".

AMENDMENT NO. 2

On page 2, in line 8, after "**(B)**" insert "**(1)**"; in the same line, strike "**THIS**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THIS**"; after line 8, insert:

"**(2) THIS SECTION DOES NOT APPLY IN THE 24TH LEGISLATIVE DISTRICT.**";

in line 9, strike "**A**" and substitute "**ONE**"; and in the same line, after "**LICENSE**" insert "**EACH YEAR**".

On page 3, after line 8, insert:

"**(I) BE LONGER THAN 3 DAYS;**";

and in lines 9 and 11, strike "**(I)**" and "**(II)**", respectively, and substitute "**(II)**" and "**(III)**", respectively.

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:

House Bill 1019 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Salaries of Inspectors
PG 307–09

HB1019/214931/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1019
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "may" and substitute "shall"; and in the same line, after "receive" insert "not less than".

AMENDMENT NO. 2

On page 2, in line 14, strike "**MAY**" and substitute "**SHALL**"; and in line 15, after "**OF**" insert "**NOT LESS THAN**".

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:

House Bill 1138 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

Maryland–Washington Regional District – Prince George's County – General Plan and ~~Local~~ Area Master Plans
MC/PG 106–09

Senator Madaleno moved, duly seconded, to make the Bill and Report a Special Order for April 11, 2009.

The motion was adopted.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #48

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

House Bill 796 – Delegates Walker and Vaughn

AN ACT concerning

Agriculture – Emerald Ash Borer Grant 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:

House Bill 921 – Delegates Barnes, Pena–Melnyk, Frush, Ali, Beidle, Benson, Cane, Carr, Dumais, Healey, Holmes, Hubbard, Hucker, Glenn, Lafferty, Levy, O'Donnell, Shewell, Stein, and Weir

EMERGENCY BILL

AN ACT concerning

Construction Permits – Expiration Dates

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:

House Bill 1305 – Delegate King

AN ACT concerning

Environment – Coal Combustion Byproducts – Department Regulations – Transport and Beneficial Use

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:

House Bill 1373 – Delegates Conway, Cane, Elmore, and Mathias

EMERGENCY BILL

AN ACT concerning

Natural Resources – Somers Cove Marina Commission

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:

House Bill 1416 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Small Business Pollution Compliance Loan Fund – 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:

House Bill 1417 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

EMERGENCY BILL

AN ACT concerning

Water Quality and Drinking Water Quality Revolving Loan Funds – Use of Funds

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:

House Bill 1418 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Agricultural Land Preservation – Condemnation of Land Under Easement

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:

House Bill 1419 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Department of Natural Resources – Fish and Fisheries Laws Violations – Penalties

HB1419/974137/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1419

(Third Reading File Bill)

On page 1, in line 5, after "Resources" insert ", in consultation with certain entities,".

On page 3, in line 9, after "**DEPARTMENT**" insert "**, IN CONSULTATION WITH THE TIDAL FISHERIES ADVISORY COMMISSION AND THE SPORT FISHERIES ADVISORY 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:

House Bill 1570 – Delegate Weir

AN ACT concerning

Fisheries Management – Anchored Fishing Nets – Buoy Markers

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #49

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

House Bill 893 – Delegates Hixson, Cardin, Olszewski, Rice, ~~and Ross~~ Ross, Frick, Ivey, Howard, Kaiser, Walker, and Stukes

EMERGENCY BILL

AN ACT concerning

Election Law – Voting Systems – Requirements

HB0893/334630/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 893
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, strike "only" and substitute "at least"; strike beginning with "one" in line 19 down through "time" in line 22 and substitute "a voting machine that provides a voter–verifiable paper record within a certain time after a certain determination"; in line 22, after "use" insert ", at a certain time,"; and in line 23, strike "within a certain time".

On page 8, in line 13, strike "this" and substitute "that".

AMENDMENT NO. 2

On page 7, in line 12, strike "**ONLY**" and substitute "**AT LEAST**".

AMENDMENT NO. 3

On page 7, strike in their entirety lines 20 through 30, inclusive, and substitute:

"**(4) (I) THE STATE BOARD SHALL CERTIFY AND DEPLOY A VOTING MACHINE THAT PROVIDES A VOTER–VERIFIABLE PAPER RECORD WITHIN 2 YEARS AFTER A DETERMINATION THAT:**

1. THE VOTING MACHINE HAS BEEN EXAMINED BY AN INDEPENDENT TESTING LABORATORY THAT IS APPROVED BY THE U.S. ELECTION ASSISTANCE COMMISSION AND SHOWN BY THE TESTING LABORATORY TO MEET THE REQUIREMENTS OF SUBSECTIONS (F)(3) AND (H)(1) OF THIS SECTION;

2. THE VOTING MACHINE IS COMPATIBLE WITH THE VOTING SYSTEM SELECTED AND CERTIFIED FOR VOTING IN POLLING PLACES IN THE STATE; AND

3. THE VOTING MACHINE MEETS THE STATE CERTIFICATION REQUIREMENTS UNDER THIS SECTION.

(II) ON CERTIFICATION AND DEPLOYMENT OF A VOTING MACHINE THAT PROVIDES A VOTER–VERIFIABLE PAPER RECORD IN ACCORDANCE WITH SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE STATE BOARD SHALL DISCONTINUE THE USE OF ANY VOTING MACHINE THAT DOES NOT PROVIDE A VOTER–VERIFIABLE PAPER RECORD.".

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:

House Bill 969 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Bottle Clubs
PG 316–09

HB0969/624231/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 969
(Third Reading File Bill)

On page 2, in line 5, after "**2.**" insert "**A.**"; and in line 8, after "**ESTABLISHMENT**" insert "**; OR**

B. SERVES, GIVES, DISPENSES, OR ALLOWS TO BE CONSUMED BY A PATRON PAYING ADMISSION ALCOHOLIC BEVERAGES FROM SUPPLIES PURCHASED OR OTHERWISE BROUGHT TO THE PREMISES OR ESTABLISHMENT BY AN OWNER OR OPERATOR OR AN AGENT OF AN OWNER OR OPERATOR".

The preceding amendment was read only.

Senator Colburn 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 JUDICIAL PROCEEDINGS REPORT #32

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

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

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:

House Bill 72 – Delegates F. Turner~~, Ali,~~ and Waldstreicher and Delegates Barkley, Bartlett, Beidle, Bobo, Branch, Cardin, V. Clagett, Conway, DeBoy, Doory, Eckardt, Frick, Frush, Gilchrist, Gutierrez, Haddaway, Harrison, Heller, Hixson, Holmes, Howard, Hubbard, King, Kirk, Kramer, Krebs, Krysiak, Lee, Levy, Mathias, McDonough, McHale, Miller, Minnick, Montgomery, Morhaim, Murphy, Nathan–Pulliam, Olszewski, Pena–Melnyk, Pendergrass, Proctor, Reznik, Rice, Ross, Shewell, Sossi, Stocksdale, Stukes, Tarrant, Taylor, V. Turner, Vallario, Vaughn, Walker, ~~and Weir~~ Weir, Cane, Carr, Glenn, Healey, Hucker, Niemann, Norman, and Stein

AN ACT concerning

~~Motor Vehicles – Use of Text Messaging Device While Driving – Prohibition~~
The Delegate John Arnick Electronic Communications Traffic Safety Act

HB0072/618471/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 72
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "write" in line 4 down through "or send" in line 5 and substitute "write, send, or read"; in line 6, strike "certain terms" and substitute "a certain term"; and in lines 6 and 7, strike "providing for the application of this Act;".

AMENDMENT NO. 2

On page 2, in line 8, strike "**(1)**"; strike beginning with "**SECTION**" in line 8 down through "**TEXT**" in line 12 and substitute "**SECTION, "TEXT**"; and strike in their entirety lines 16 through 22, inclusive, and substitute:

"**(B) A PERSON MAY NOT USE A TEXT MESSAGING DEVICE TO WRITE, SEND, OR READ A TEXT MESSAGE WHILE OPERATING A MOTOR VEHICLE IN MOTION OR IN THE TRAVEL PORTION OF THE ROADWAY.**".

The preceding 2 amendments were read only.

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

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 482 – Delegate Rosenberg

AN ACT concerning

Criminal Law – Removing Human Remains from Burial Site – Exceptions

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:

House Bill 498 – Delegate Feldman

AN ACT concerning

Professional Service Corporations – Corporate Names – Approval by Professional Organizations

HB0498/348475/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 498
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "a" in line 4 down through "change" in line 9 and substitute "the name of a professional corporation be approved by the appropriate licensing unit under certain circumstances"; in line 11, strike "without" and substitute "with"; and in line 16, strike "with" and substitute "without".

AMENDMENT NO. 2

On page 2, in line 3, before "The" insert "**(A) THIS SECTION DOES NOT APPLY TO A PROFESSIONAL CORPORATION IN WHICH A MAJORITY OF STOCKHOLDERS ARE PHYSICIANS LICENSED BY THE STATE BOARD OF PHYSICIANS.**

(B)";

in line 23, strike the brackets; strike beginning with "**EXCEPT**" in line 23 down through "**ON**" in line 24; and strike in their entirety lines 31 through 33, 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 with amendments:

House Bill 561 – Delegates Kramer, Kelly, McComas, Shank, ~~and Smigiel~~ Smigiel, Waldstreicher, and Vallario

AN ACT concerning

~~Crimes of Violence – Voided Revised Sentences~~
Criminal Procedure – Sentencing or Disposition Hearing – Appearance of Victim or Victim's Representative

HB0561/648972/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 561
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Sentencing" in line 3 down through "Representative" in line 4 and substitute "Violation of Crime Victim Rights – Subsequent Proceedings"; in line 5, strike "requiring a"; and strike beginning with "prosecuting" in line 14 down through "hearings" in line 20 and substitute "providing that, if the victim or the victim's representative notifies certain offices that the victim or the victim's representative was not notified, the court shall schedule a hearing to make a certain determination; requiring the court, if a certain finding is made, to allow the victim or the victim's representative to address the court or submit a certain impact statement or recommendation; requiring the court to consider certain information presented by the State, defendant, child respondent, victim, or victim's representative; authorizing a court to reaffirm, modify, or vacate a prior sentence or disposition of a certain defendant or child respondent under certain circumstances; requiring a court to set forth certain information in the record explaining why a certain modification is appropriate under certain circumstances; providing for the application of this Act; and generally relating to the revisory power of a court in criminal sentencing".

On page 2, in line 4, strike "11–403" and substitute "11–503".

AMENDMENT NO. 2

On pages 5 and 6, strike in their entirety the lines beginning with line 5 on page 5 through line 13 on page 6, inclusive, and substitute:

"11–503.

(a) In this section, "subsequent proceeding" includes:

(1) a sentence review under § 8–102 of this article;

(2) a hearing on a request to have a sentence modified or vacated under the Maryland Rules;

(3) in a juvenile delinquency proceeding, a review of a commitment order or other disposition under the Maryland Rules;

(4) an appeal to the Court of Special Appeals;

(5) an appeal to the Court of Appeals; and

(6) any other postsentencing court proceeding.

(b) Following conviction or adjudication and sentencing or disposition of a defendant or child respondent, the State's Attorney shall notify the victim or victim's representative of a subsequent proceeding in accordance with § 11–104(e) of this title if:

(1) before the State's Attorney distributes notification request forms under § 11–104(c) of this title, the victim or victim's representative submitted to the State's Attorney a written request to be notified of subsequent proceedings; or

(2) after the State's Attorney distributes notification request forms under § 11–104(c) of this title, the victim or victim's representative submits a notification request form in accordance with § 11–104(d) of this title.

(c) (1) The State's Attorney's office shall:

(i) notify the victim or victim's representative of all appeals to the Court of Special Appeals and the Court of Appeals; and

(ii) send an information copy of the notification to the office of the Attorney General.

(2) After the initial notification to the victim or victim's representative or receipt of a notification request form, as defined in § 11–104 of this title, the office of the Attorney General shall:

(i) notify the victim or victim's representative of each subsequent date pertinent to the appeal, including dates of hearings, postponements, and decisions of the appellate courts; and

(ii) send an information copy of the notification to the State's Attorney's office.

(d) A notice sent under this section shall include the date, the time, the location, and a brief description of the subsequent proceeding.

(E) (1) IF A VICTIM OR VICTIM'S REPRESENTATIVE NOTIFIES THE STATE'S ATTORNEY'S OFFICE, THE OFFICE OF THE ATTORNEY GENERAL, OR THE COURT THAT THE VICTIM OR THE VICTIM'S REPRESENTATIVE WAS NOT NOTIFIED, AS REQUIRED BY THIS SECTION, WITHIN 1 YEAR OF THE COURT DATE THAT REVISED, MODIFIED, OR REDUCED THE SENTENCE, THE COURT SHALL SCHEDULE A HEARING TO DETERMINE IF PROPER NOTICE WAS GIVEN TO THE VICTIM OR THE VICTIM'S REPRESENTATIVE.

(2) ON A FINDING OF THE COURT THAT THE VICTIM OR THE VICTIM'S REPRESENTATIVE WAS NOT NOTIFIED AS REQUIRED BY THIS SECTION, THE COURT SHALL ALLOW THE VICTIM OR THE VICTIM'S REPRESENTATIVE TO ADDRESS THE COURT OR SUBMIT A WRITTEN UPDATED VICTIM IMPACT STATEMENT OR RECOMMENDATION.

(3) AFTER HEARING FROM THE VICTIM OR THE VICTIM'S REPRESENTATIVE OR CONSIDERING A WRITTEN UPDATED VICTIM IMPACT STATEMENT OR RECOMMENDATION, THE COURT SHALL CONSIDER

INFORMATION PRESENTED BY THE STATE, DEFENDANT, CHILD RESPONDENT, VICTIM, OR VICTIM'S REPRESENTATIVE, INCLUDING WHETHER THE DEFENDANT OR CHILD RESPONDENT HAS BEEN RELEASED AND HOW THE DEFENDANT OR CHILD RESPONDENT HAS CONFORMED BEHAVIOR TO THE CONDITIONS OF RELEASE, IF ANY.

(4) AFTER CONSIDERING THE INFORMATION PROVIDED TO THE COURT UNDER THIS SUBSECTION AND THE CONSTITUTIONAL AND STATUTORY RIGHTS OF THE DEFENDANT, CHILD RESPONDENT, VICTIM, OR VICTIM'S REPRESENTATIVE, THE COURT MAY REAFFIRM, MODIFY, OR VACATE A PRIOR SENTENCE OR DISPOSITION IMPOSED IN A SUBSEQUENT PROCEEDING IN THE INTERESTS OF JUSTICE.

(5) IF THE COURT MODIFIES A PRIOR SENTENCE OR DISPOSITION UNDER THIS SUBSECTION AND THE MODIFICATION RESULTS IN AN INCREASED SENTENCE, THE COURT SHALL SET FORTH THE FACTS IN THE RECORD EXPLAINING WHY THE MODIFICATION IS APPROPRIATE.

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

AMENDMENT NO. 3

On page 6, in line 14, 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 Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

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

AN ACT concerning

Criminal Procedure – De Novo Appeal – Stay of Sentence

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 626 – Delegate Anderson

AN ACT concerning

Criminal Law – Controlled Dangerous Substance – Manufacture

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:

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

HB0631/348379/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 631
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, after "hindering," insert "or"; strike beginning with "with," in line 17 down through "disturbing" in line 18 and substitute "with"; in line 21, after "hindering," insert "or"; and strike beginning with "with," in line 21 down through "disturbing" in line 22 and substitute "with".

AMENDMENT NO. 2

On page 6, in line 12, after "**HINDER,**" insert "**OR**"; and strike beginning with "**WITH,**" in line 12 down through "**DISTURB**" in line 13 and substitute "**WITH**".

On page 8, in line 14, after "**HINDER,**" insert "**OR**"; and in line 15, strike "**, OR OTHERWISE DISRUPT OR DISTURB**".

AMENDMENT NO. 3

On page 6 in line 18 and on page 8 in line 31, in each instance, strike "**18 MONTHS**" and substitute "**90 DAYS**".

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:

House Bill 1321 – Delegates Conway, Eckardt, Elmore, and Haddaway

AN ACT concerning

Juvenile Law – Truancy Reduction Pilot Program – Repeal of Sunset

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #33

CONSENT CALENDAR #55

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 9 – Delegates Waldstreicher and McComas

AN ACT concerning

Criminal Law – Possession of Child Pornography – Penalties

HB0009/838173/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 9
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 3 down through "gratification;" in line 5; in line 15, strike "11–201(f) and"; and after line 17, 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 2, in line 5, strike "**(1)**"; and strike in their entirety lines 6 through 8, 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 with amendments:

House Bill 501 – Delegates Kelly, Dwyer, Kramer, McComas, and Smigiel

AN ACT concerning

Criminal Law – ~~Theft~~ Fraudulent Conversion of Rental Property

HB0501/578474/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 501
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, after "requirements;" insert "providing that the item or thing of value have a certain value;".

AMENDMENT NO. 2

On page 6, in line 1, strike "not for nominal consideration" and substitute "**FOR A GOOD OR THING WITH A VALUE OF $1,500 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.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

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

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:

House Bill 1030 – Delegates Shank, Frank, Kelly, Kramer, Myers, Sossi, and Valderrama

AN ACT concerning

Criminal Procedure – Offender Registry – Retroactivity

HB1030/658271/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1030
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "convicted" insert "on or after a certain date"; in line 6, strike "on or"; and strike beginning with "date" in line 6 down through "date;" in line 8 and substitute "date; requiring the Department of Public Safety and Correctional Services to contact and notify certain individuals of the registration requirements under this Act;".

AMENDMENT NO. 2

On page 2, in line 4, after "a" insert "registrant convicted of an offense committed before July 1, 1997, and who is under the custody or supervision of a supervising authority on October 1, 2001."; strike in their entirety lines 6 through 12, inclusive; in lines 14 and 15, strike "**:**

(1)";

in line 15, after "1995" insert ", and who is under the custody or supervision of a supervising authority on October 1, 2001."; and strike in their entirety lines 16 through 20, inclusive, and substitute:

"**(C) (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, THIS SUBTITLE SHALL BE APPLIED RETROACTIVELY TO INCLUDE A PERSON CONVICTED ON OR AFTER OCTOBER 1, 1995, OF AN OFFENSE COMMITTED BEFORE OCTOBER 1, 1995, FOR WHICH REGISTRATION AS A SEXUALLY VIOLENT PREDATOR, SEXUALLY VIOLENT OFFENDER, OR A CHILD SEX OFFENDER IS REQUIRED UNDER THIS SUBTITLE.**

(2) THE DEPARTMENT SHALL CONTACT AND NOTIFY EACH PERSON WHO IS NOT UNDER THE CUSTODY OR SUPERVISION OF A SUPERVISING AUTHORITY ON OCTOBER 1, 2009, FOR WHOM REGISTRATION IS REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.".

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:

House Bill 1326 – Frederick County Delegation

AN ACT concerning

Frederick County – State's Attorney – Annual Salary

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #34

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

Senate Bill 905 – Senator Muse

AN ACT concerning

Orphans' Court – Minors – Guardianship of Person

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 933 – Senator Kelley

AN ACT concerning

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

SB0933/238471/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 933
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "cases required to be reviewed by" and substitute "duties of"; in line 6, after "tabulate" insert "and analyze"; in line 7, strike "them" and substitute "certain results and findings"; in line 8, strike "for certain community forums" and substitute "related to public outreach"; in the same line, strike "the

frequency of" and substitute "requirements related to"; in line 9, after "boards;" insert "requiring that certain case reviews be based on certain priorities and a certain agreement;"; and strike beginning with "repealing" in line 10 down through "finding;" in line 11.

AMENDMENT NO. 2

On page 2, in lines 8, 9, 32, and 33, in each instance, strike the bracket; in line 9, strike "**IN**" and substitute a comma; in line 24 after "tabulate" insert "**AND ANALYZE**"; in line 26, after "results" insert "**AND FINDINGS**"; in line 28, after "**TABULATE**" insert "**AND ANALYZE**"; in line 30 after "**RESULTS**" insert "**AND FINDINGS**"; and strike beginning with the first "or" in line 31 down through "that" in line 32 and substitute "**SHALL**".

On page 3, in line 1, strike "report the" and substitute "**MAKE AVAILABLE TO THE PUBLIC SYSTEMIC**"; and in line 2, strike the bracket.

AMENDMENT NO. 3

On page 4, in line 8, strike "**ONLY THOSE**"; strike beginning with "**WITH**" in line 8 down through "**SECTION**" in line 17 and substitute "**BASED ON PRIORITIES AGREED UPON BY THE DEPARTMENT AND THE STATE BOARD AND STATED IN A MEMORANDUM OF AGREEMENT**"; in line 20, after "include" insert "**, WHERE APPLICABLE,**"; and in lines 22 and 29, in each instance, strike the bracket.

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.

AMENDMENT NO. 4

On page 5, in line 3, strike "**(III)**" and substitute "**(5) THE**"; in line 4, strike "**AND**"; strike in their entirety lines 5 through 8, inclusive; in lines 9, 13, 15, 17, 19, and 21, strike "**(II)**", "**(IV)**", "(6)", "(7)", "**(V)**", and "**(VI)**", respectively, and substitute "**(6)**", "**(7)**", "**(8)**", "**(9)**", "**(10)**", and "**(11)**", respectively; in line 9, strike "**THAT**" and substitute "**WHETHER**"; in line 18, strike "and"; in line 19, strike "(8)"; strike in their entirety lines 11 and 12; and in lines 15, 19, and 24, in each instance, strike the bracket.

AMENDMENT NO. 5

On page 6, in line 11, strike the bracket; in line 12, strike the first set of brackets; in the same line, strike "**(D)**"; in line 15, after "tabulate" insert "**AND**

ANALYZE"; in line 16, after "results" insert "**AND FINDINGS**"; in line 18, after "**TABULATE**" insert "**AND ANALYZE**"; and in line 20, after "**RESULTS**" insert "**AND FINDINGS**".

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 974 – Senators Raskin and Rosapepe

AN ACT concerning

Local Government Tort Claims Act – Notice of Claim

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 201 – Delegate Frush

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 634 – Delegates Levi and Vallario

AN ACT concerning

Orphans' Court – Minors – Guardianship of Person

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:

House Bill 1196 – Delegates Ramirez, Barkley, Barnes, Frick, Haynes, Healey, Kramer, McComas, and Valderrama

AN ACT concerning

Domestic Violence – Protective Orders – Notification of Service

HB1196/158275/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1196
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, after "contingency;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 4, in line 31, after the period insert "It shall remain effective for a period of 2 years and, at the end of December 31, 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 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:

House Bill 1337 – Delegate Branch

AN ACT concerning

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

HB1337/108970/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 1337
(Third Reading File Bill)

On page 4, in line 27, strike "**LOCAL DEPARTMENT**" and substitute "**DEPARTMENT**".

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:

House Bill 1378 – Delegate Barnes

AN ACT concerning

Local Government Tort Claims Act – Notice of Claim

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senate Bill 905 – Senator Muse

AN ACT concerning

Orphans' Court – Minors – Guardianship of Person

Senator Exum moved, duly seconded, to place **Senate Bill 905** back on second reading for the purpose of adding amendments.

The motion was adopted.

STATUS OF BILL: BILL ON SECOND READING AND OPEN TO AMENDMENTS.

Senator Exum 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 #23

CONSENT CALENDAR #54

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

House Bill 448 – 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 – ~~Investment Manager Service Fees~~ Investments

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:

House Bill 473 – Delegate Griffith (Chair, Joint Committee on Pensions) and Delegates Bates, Branch, Conway, Haynes, Heller, James, and Levy

AN ACT concerning

State Retirement and Pension System – Participating Governmental Units

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:

House Bill 879 – Frederick County Delegation

AN ACT concerning

Divestiture from Iran and Sudan – Frederick County Retirement and Pension 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:

House Bill 1134 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

Washington Suburban Sanitary Commission – Audit and Financial Statements
MC/PG 122–09

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:

House Bill 1184 – Washington County Delegation

AN ACT concerning

Washington County – Property Tax ~~Deferral – Seniors~~ Relief

HB1184/769934/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 1184
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "credit;" insert "requiring the county or municipal corporation to consult with the Department of Assessments and Taxation as certain provisions are developed;".

AMENDMENT NO. 2

On page 3, after line 5, insert:

"**(4) THE GOVERNING BODY OF WASHINGTON COUNTY OR THE GOVERNING BODY OF A MUNICIPAL CORPORATION IN WASHINGTON COUNTY SHALL CONSULT WITH THE DEPARTMENT AS THEY DEVELOP THE PROVISIONS UNDER PARAGRAPH (3) OF THIS SUBSECTION.**".

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:

House Bill 477 – Frederick County Delegation

AN ACT concerning

Frederick County – County Commissioners – Retirement Benefits

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #24

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

Senate Joint Resolution 10 – Senator Stone

A Senate Joint Resolution concerning

State Spending of Federal Economic Recovery Funds

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:

House Bill 446 – Delegate Griffith (Chair, Joint Committee on Pensions) and Delegates Aumann, Bates, Branch, Conway, Haynes, Heller, James, Levi, and Levy

AN ACT concerning

State Retirement and Pension System – Board of Trustees – Attendance and Educational Training

HB0446/789337/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 446
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, strike "use certain leave" and substitute "be on work time".

AMENDMENT NO. 2

On page 2, strike beginning with "**ON**" in line 25 down through "**MEETING**" in line 27 and substitute "**GIVEN REASONABLE TIME DURING WORK TO ATTEND MONTHLY MEETINGS OF THE BOARD OF TRUSTEES OR COMMITTEE MEETINGS**".

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:

House Bill 784 – Delegates James, Gaines, and Riley

AN ACT concerning

Consolidated Transportation Program – Traffic Congestion ~~Reporting~~

HB0784/789033/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 784
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "that" insert "certain".

AMENDMENT NO. 2

On page 3, in line 17, after "**NEW**" insert "**MAJOR**".

The preceding 2 amendments were read only.

Senator Pipkin moved, duly seconded, to make the Bill and Amendments a Special Order for April 11, 2009.

The motion was adopted.

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

House Bill 803 – Delegate Beitzel

AN ACT concerning

Garrett County – Code of Ordinances – Natural Gas

HB0803/929136/1

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 803
(Third Reading File Bill)

On page 8, in line 3, strike "(1)"; and in line 7, strike "(2)" and substitute "**(B)**".

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:

House Bill 872 – Delegates Schuh, Dwyer, and Kipke

AN ACT concerning

Employees' Pension System – Purchase of Service Credit – Washington Suburban Transit Commission

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:

House Bill 1495 – ~~Delegate G. Clagett~~ Delegates G. Clagett and DeBoy

AN ACT concerning

State Police Retirement System – Reemployment of Retirees

HB1495/389035/1

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 1495
(Third Reading File Bill)

On page 8, in line 8, after "**PAY**" insert "**THE BALANCE OF THE RETIREE'S ACCUMULATED CONTRIBUTIONS AND**"; and in line 9, after "**RETIREMENT**" insert "**, WITH ACCUMULATED COST–OF–LIVING ADJUSTMENTS FROM THE DATE THE RETIREE RETIRED**".

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:

House Bill 1513 – Chair, Appropriations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Employees' Retirement and Pension Systems – Reemployment of Retirees – Health Care Practitioners

HB1513/539632/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 1513
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "practitioners;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 5, in line 7, 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 2 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 #25

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

Senate Bill 1072 – The President (By Request – Administration) and Senators Brinkley, Colburn, Conway, Currie, DeGrange, Garagiola, Gladden, Harrington, Jones, Kasemeyer, Klausmeier, Madaleno, McFadden, Middleton, Miller, Munson, Peters, Pipkin, Pugh, Robey, and Rosapepe

EMERGENCY BILL

AN ACT concerning

Pimlico and Laurel Park Racetracks, Bowie Race Course Training Center, and Preakness Stakes – State Purchase or Condemnation

SB1072/629730/1

BY: Budget and Taxation Committee

AMENDMENTS TO SENATE BILL 1072
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 20, strike "with amendments" and substitute "without amendments"; and after line 24, insert:

"BY adding to
Article – Business Regulation
Section 11–521
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 2

On page 2, in line 18, strike "the critical role enhancing" and substitute ", enhancing."; strike in their entirety lines 24 through 29, inclusive; and in line 31, after "its" insert "regulatory and".

AMENDMENT NO. 3

On page 3, after line 28, insert "**11–521.**"; in line 29, strike "**(E) (1)**" and substitute "**(A)**"; in the same line, strike "**SECTION**" and substitute "**SUBTITLE**"; in lines 32 and 33, strike "**PARAGRAPHS (2) AND (3) OF THIS SUBSECTION**" and substitute "**SUBSECTIONS (B) AND (C) OF THIS SECTION**".

On page 4, in lines 3, 7, 11, 16, 20, 25, and 30, strike "**(I)**", "**(II)**", "**(III)**", "**(IV)**", "**(V)**", "**(VI)**", and "**(VII)**", respectively, and substitute "**(1)**", "**(2)**", "**(3)**", "**(4)**", "**(5)**", "**(6)**", and "**(7)**", respectively; in lines 5, 9, and 13, in each instance, after "**IT**" insert "**WHEREVER LOCATED**"; in line 7, strike "**THE RACECOURSE KNOWN AS**"; in the same line, after "**LAUREL PARK,**" insert "**A RACETRACK**"; in lines 29 and 34, in each instance, strike "**, AND ANY BUSINESS ENTITY THAT OWNS IT**"; strike beginning with "**ASSOCIATION**" in line 30 down through "**ITS**" in line 31 and substitute "**ASSOC., INC., THE LAUREL RACING ASSOCIATION LIMITED PARTNERSHIP, OR THEIR RESPECTIVE**"; in line 33, strike "**IT**" and substitute "**THEM**"; in line 35, strike "**(2)**" and substitute "**(B)**"; and in line 36, strike "**PARAGRAPH (1) OF THIS**".

On page 5, in line 1, after "**SUBSECTION**" insert "**(A) OF THIS SECTION**"; in line 4, strike "**(3)**" and substitute "**(C)**"; in line 6, strike "**PARAGRAPH (1) OF THIS**"; in the same line, after "**SUBSECTION**" insert "**(A) OF THIS SECTION**"; in line 7, after "**PROPERTY**" insert "**CONSISTENT WITH THE PROCEDURES OF §§ 8–334 THROUGH 8–339 OF THE TRANSPORTATION ARTICLE**"; and in line 23, strike "**§ 11–520(E)**" and substitute "**§§ 11–520 AND 11–521**".

The preceding 3 amendments were read and adopted.

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

The motion was adopted.

MESSAGE TO THE SENATE

BILL: **SB 0145**
SPONSOR: Chr JPR (Md Jud Conf)
SUBJECT: Courts – Violation of Probation or Suspension of Sentence – Notice or Warrant

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments and respectfully requests the Senate to reconsider and concur. Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Lee, Chairman
Delegate Carter, and
Delegate Smigiel.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0145**
SPONSOR: Chr JPR (Md Jud Conf)
SUBJECT: Courts – Violation of Probation or Suspension of Sentence – Notice or Warrant

The Senate still does not concur in the House amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Lee, Chair
Delegate Carter
Delegate Smigiel

The Senate appoints:
Senator Gladden, Chairman
Senator Stone
Senator Brochin.

Said Bill is returned herewith.
By Order,

William B. C. Addison, Jr.,
Secretary
Read and adopted.

THE COMMITTEE ON FINANCE REPORT #36

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

House Bill 265 – Delegates G. Clagett, Barkley, Boteler, Cane, V. Clagett, Costa, DeBoy, Guzzone, Harrison, Jones, Levy, Love, Mathias, Sossi, ~~and V. Turner~~ V. Turner, Bohanan, Branch, Holmes, Malone, Weldon, Benson, Donoghue, Kullen, McDonough, Nathan–Pulliam, Pena–Melnyk, and Riley

AN ACT concerning

~~Public Safety~~ Emergency Medical Services – Emergency Medical Services Board ~~– Membership~~ and Joint Oversight Committee on Emergency Medical Services

HB0265/587276/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 265
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Emergency" in line 2 down through "and" in line 3; strike beginning with "altering" in line 5 down through "Command;" in line 9; strike beginning with "emergency" in line 13 down through "and" in line 14; and strike in their entirety lines 16 through 20, inclusive.

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 8 on page 2 through line 2 on page 4, inclusive.

AMENDMENT NO. 3

On page 4, in lines 7 and 8, in each instance, strike "**12**" and substitute "**EIGHT**"; strike in their entirety lines 9 through 12, inclusive, and substitute:

"**(I) THREE SHALL BE MEMBERS OF THE SENATE FINANCE COMMITTEE, APPOINTED BY THE PRESIDENT OF THE SENATE;**

(II) ONE SHALL BE A MEMBER OF THE SENATE BUDGET AND TAXATION COMMITTEE, APPOINTED BY THE PRESIDENT OF THE SENATE;

(III) THREE SHALL BE MEMBERS OF THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE, APPOINTED BY THE SPEAKER OF THE HOUSE; AND

(IV) ONE SHALL BE A MEMBER OF THE HOUSE APPROPRIATIONS COMMITTEE, APPOINTED BY THE SPEAKER OF THE HOUSE.";
in line 13, after "**(C)**" insert "**(1)**"; and after line 16, insert:

"**(2) THE SENATE CHAIR AND THE HOUSE CHAIR SHALL ALTERNATE ANNUALLY AS PRESIDING CHAIRS AND COCHAIRS OF THE COMMITTEE.**".

AMENDMENT NO. 4

On page 6, in line 16, strike "3." and substitute "2."; in line 17, strike "Section 2 of this Act" and substitute "It"; and in line 19, strike "Section 2 of".

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:

House Bill 461 – Delegates Rosenberg, G. Clagett, DeBoy, Jones, and Proctor

AN ACT concerning

State Personnel – Incentive Awards – Review and Evaluation Process

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 756 – Delegates Nathan–Pulliam, Ali, Benson, Braveboy, Gutierrez, Haynes, Ivey, Kaiser, Lee, Levy, Montgomery, Pena–Melnyk, Ramirez, Reznik, Taylor, and Valderrama

AN ACT concerning

Cultural and Linguistic Health Care Provider Competency Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 955 – Delegate V. Clagett

AN ACT concerning

Maryland Horse Industry Board – Equine Activities

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

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

House Bill 978 – Delegate Niemann

AN ACT concerning

Task Force to Study Motor Vehicle Towing Practices – Extension

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF RESOLUTIONS

(See Exhibit B of Appendix III)

Recipient	Sponsor	Resolution No.
Sergeant Jay L. Cash and his dog, Max	The President and All Members	662

Read and adopted by a roll call vote as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 1050)

THE COMMITTEE ON FINANCE REPORT #37

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

House Bill 453 – Delegates Haynes, Aumann, Barnes, Benson, Braveboy, Bromwell, Carr, Carter, G. Clagett, Conaway, DeBoy, Doory, Frick, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Guzzone, Hammen, Holmes, Hucker, Ivey, James, Kaiser, Kirk, Manno, Mizeur, Montgomery, Nathan–Pulliam, Pena–Melnyk, Ramirez, Reznik, Rice, Robinson, Rosenberg, Ross, Schuler, Stukes, Taylor, F. Turner, V. Turner, Valderrama, and Waldstreicher

AN ACT concerning

Public Service Companies – Termination of Electric and Gas Service – Extreme Temperatures

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:

House Bill 1526 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Workforce Development – Maryland Workforce Corporation

HB1526/457676/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 1526
(Third Reading File Bill)

On page 4, strike beginning with "**IN**" in line 26 down through "**STATE**" in line 28 and substitute "**TO THE EXTENT PRACTICABLE, THE MEMBERS APPOINTED TO THE BOARD SHALL REFLECT THE GEOGRAPHIC, RACIAL, ETHNIC, CULTURAL, AND GENDER DIVERSITY OF THE STATE**".

The preceding amendment was 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:

House Bill 969 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Bottle Clubs
PG 316–09

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

HB0969/624231/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 969
(Third Reading File Bill)

On page 2, in line 5, after "**2.**" insert "**A.**"; and in line 8, after "**ESTABLISHMENT**" insert "**; OR**

B. SERVES, GIVES, DISPENSES, OR ALLOWS TO BE CONSUMED BY A PATRON PAYING ADMISSION ALCOHOLIC BEVERAGES FROM SUPPLIES PURCHASED OR OTHERWISE BROUGHT TO THE PREMISES OR ESTABLISHMENT BY AN OWNER OR OPERATOR OR AN AGENT OF AN OWNER OR OPERATOR".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 72 – Delegates F. Turner~~, Ali,~~ and Waldstreicher and Delegates Barkley, Bartlett, Beidle, Bobo, Branch, Cardin, V. Clagett, Conway, DeBoy, Doory, Eckardt, Frick, Frush, Gilchrist, Gutierrez, Haddaway, Harrison, Heller, Hixson, Holmes, Howard, Hubbard, King, Kirk, Kramer, Krebs, Krysiak, Lee, Levy, Mathias, McDonough, McHale, Miller, Minnick, Montgomery, Morhaim, Murphy, Nathan–Pulliam, Olszewski, Pena–Melnyk, Pendergrass, Proctor, Reznik, Rice, Ross, Shewell, Sossi, Stocksdale, Stukes, Tarrant, Taylor, V. Turner, Vallario, Vaughn, Walker, ~~and Weir~~ Weir, Cane, Carr, Glenn, Healey, Hucker, Niemann, Norman, and Stein

AN ACT concerning

~~Motor Vehicles – Use of Text Messaging Device While Driving – Prohibition~~
The Delegate John Arnick Electronic Communications Traffic Safety Act

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

HB0072/618471/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 72
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "write" in line 4 down through "or send" in line 5 and substitute "write, send, or read"; in line 6, strike "certain terms" and substitute "a certain term"; and in lines 6 and 7, strike "providing for the application of this Act;".

AMENDMENT NO. 2

On page 2, in line 8, strike "**(1)**"; strike beginning with "**SECTION**" in line 8 down through "**TEXT**" in line 12 and substitute "**SECTION, "TEXT**"; and strike in their entirety lines 16 through 22, inclusive, and substitute:

"**(B) A PERSON MAY NOT USE A TEXT MESSAGING DEVICE TO WRITE, SEND, OR READ A TEXT MESSAGE WHILE OPERATING A MOTOR VEHICLE IN MOTION OR IN THE TRAVEL PORTION OF THE ROADWAY.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0072/103125/1

BY: Senator Mooney

AMENDMENTS TO HOUSE BILL 72, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 6, after "circumstances;" insert "establishing a certain exception to this Act;".

AMENDMENT NO. 2

In the Judicial Proceedings Committee Amendments (HB0072/618471/1), in line 4 of Amendment No. 2, after "**(B)**" insert "**THIS SECTION DOES NOT APPLY TO A PERSON WHO IS DEAF OR HEARING IMPAIRED AND WHO IS EXPERIENCING AN EMERGENCY OR URGENT SITUATION THAT REQUIRES PROMPT COMMUNICATION WITH AN INDIVIDUAL OUTSIDE OF THE MOTOR VEHICLE.**

(C)".

The preceding 2 amendments were read and rejected.

Read the second time and ordered prepared for Third Reading.

Senate Bill 1072 – The President (By Request – Administration) and Senators Brinkley, Colburn, Conway, Currie, DeGrange, Garagiola, Gladden, Harrington, Jones, Kasemeyer, Klausmeier, Madaleno, McFadden, Middleton, Miller, Munson, Peters, Pipkin, Pugh, Robey, and Rosapepe

EMERGENCY BILL

AN ACT concerning

Pimlico and Laurel Park Racetracks, Bowie Race Course Training Center, and Preakness Stakes – State Purchase or Condemnation

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

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB1072/193023/1

BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 1072, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 13, after "property;" insert "prohibiting the State from exercising its condemnation powers under this Act unless the State has reasonable cause to believe the Preakness Stakes are being moved out of the State;".

AMENDMENT NO. 2

On page 5 of the bill, after line 7, insert:

"**(D) THE STATE MAY NOT EXERCISE ITS CONDEMNATION POWERS UNDER THIS SECTION UNLESS THE STATE HAS REASONABLE CAUSE TO BELIEVE THAT THE PREAKNESS STAKES ARE BEING MOVED OUT OF THE STATE.**".

On page 1 of the Budget and Taxation Committee Amendments (SB1072/629730/1), in line 4 of Amendment No. 3, strike "**AND (C)**" and substitute "**, (C), AND (D)**".

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

Affirmative – 14 Negative – 32 (See Roll Call No. 1051)

FLOOR AMENDMENT

SB1072/723926/1

BY: Senator Pipkin

AMENDMENTS TO SENATE BILL 1072, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 13, after "property;" insert "establishing a Maryland Preakness Preservation Commission; providing for the composition of the Commission; establishing certain qualifications for members of the Commission; requiring the Commission to oversee the disposition of certain property acquired by the State in accordance with certain provisions of law and to ensure that the disposition of the property is conducted through a certain competitive process; authorizing the Commission to place certain conditions on the disposition of certain property; requiring the Commission to make certain recommendations to the Board of Public Works before the final disposition of certain property;".

On page 1 of the Budget and Taxation Committee Amendments (SB1072/629730/1), in line 5 of Amendment No. 1, after "11–521"insert "and 11–522".

AMENDMENT NO. 2

On page 5 of the bill, after line 7, insert:

"**11–522.**

(A) THERE IS A MARYLAND PREAKNESS PRESERVATION COMMISSION.

(B) (1) THE MARYLAND PREAKNESS PRESERVATION COMMISSION CONSISTS OF NINE MEMBERS APPOINTED AS FOLLOWS:

(I) THREE OF THE MEMBERS SHALL BE APPOINTED BY THE PRESIDENT OF THE SENATE;

(II) THREE OF THE MEMBERS SHALL BE APPOINTED BY THE SPEAKER OF THE HOUSE; AND

(III) THREE OF THE MEMBERS SHALL BE APPOINTED BY THE GOVERNOR.

(2) THE MEMBERSHIP OF THE COMMISSION APPOINTED UNDER THIS SUBSECTION SHOULD REFLECT THE RACE, GENDER, AND GEOGRAPHIC DIVERSITY OF THE POPULATION OF THE STATE.

(3) THE GOVERNOR SHALL APPOINT A CHAIR OF THE COMMISSION FROM AMONG THE MEMBERS.

(C) A MEMBER OF THE COMMSSION:

(1) SHALL BE AT LEAST 21 YEARS OF AGE;

(2) SHALL BE A CITIZEN OF THE UNITED STATES;

(3) SHALL BE A RESIDENT OF THE STATE; AND

(4) SHALL BE KNOWLEDGEABLE AND EXPERIENCED IN FISCAL MATTERS AND SHALL HAVE AT LEAST 10 YEARS SUBSTANTIAL EXPERIENCE:

(I) AS AN EXECUTIVE WITH FIDUCIARY RESPONSIBILITIES IN CHARGE OF A LARGE ORGANIZATION OR FOUNDATION;

(II) IN AN ACADEMIC FIELD RELATING TO FINANCE OR ECONOMICS; OR

(III) AS AN ECONOMIST, FINANCIAL ANALYST, ACCOUNTANT, OR AS A PROFESSIONAL IN A SIMILAR PROFESSION RELATING TO FISCAL MATTERS OR ECONOMICS.

(D) A MEMBER OF THE COMMISSION:

(1) MAY NOT RECEIVE COMPENSATION FOR SERVING ON THE COMMISSION; BUT

(2) IS ENTITLED TO REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

(E) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE CONTRARY, IF THE STATE ACQUIRES PIMLICO RACE COURSE AND THE PREAKNESS STAKES IN ACCORDANCE WITH § 11–521 OF THIS SUBTITLE, THE MARYLAND PREAKNESS PRESERVATION COMMISSION:

(1) SHALL OVERSEE, REVIEW, AND MAKE RECOMMENDATIONS REGARDING THE DISPOSITION OF ANY REAL, PERSONAL, AND INTELLECTUAL PROPERTY ACQUIRED BY THE STATE;

(2) SHALL ENSURE THAT THE DISPOSITION OF ANY REAL, PERSONAL, AND INTELLECTUAL PROPERTY ACQUIRED BY THE STATE IS CONDUCTED THROUGH A COMPETITIVE PROCESS THAT IS CONSISTENT WITH

THE PROCESS ESTABLISHED FOR COMPETITIVE SEALED BIDS UNDER TITLE 13 OF THE STATE FINANCE AND PROCUREMENT ARTICLE;

(3) MAY PLACE CONDITIONS ON THE SALE OF ANY REAL, PERSONAL, OR INTELLECTUAL PROPERTY AS NECESSARY TO PRESERVE THE PREAKNESS STAKES AT PIMLICO RACE COURSE; AND

(4) SHALL MAKE RECOMMENDATIONS TO THE BOARD OF PUBLIC WORKS BEFORE THE FINAL DISPOSITION OF ANY REAL, PERSONAL, OR INTELLECTUAL PROPERTY.".

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

Affirmative – 13 Negative – 32 (See Roll Call No. 1052)

FLOOR AMENDMENT

SB1072/993427/1

BY: Senator Jacobs

AMENDMENTS TO SENATE BILL 1072
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, after "Act;" insert "requiring the Maryland Economic Development Corporation to submit certain reports to certain committees of the General Assembly;".

AMENDMENT NO. 2

On page 5, after line 27, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That the Maryland Economic Development Corporation, in accordance with § 2–1246 of the State Government Article, shall report monthly to the Senate Budget and Taxation Committee, the House Environmental Matters Committee, and the Legislative Policy Committee on the status of the State's business plan regarding the management and disposition of any assets acquired under this Act.";

and in line 28, strike "2." and substitute "3.".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB1072/153928/1

BY: Senator Kittleman

AMENDMENTS TO SENATE BILL 1072
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, after "measure;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 5, in line 32, after "enacted." insert "It shall remain effective through June 30, 2010, and, at the end of June 30, 2010, 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 – 15 Negative – 30 (See Roll Call No. 1053)

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

The motion was adopted.

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

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

HB0004/577973/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 4
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Expansion"; strike beginning with "a" in line 5 down through "altering" in line 7; strike beginning with "requirements" in line 9 down through "and" in line 10; strike in their entirety lines 11 through 15, inclusive; and in line 18, strike "and 15–12A–03".

AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 28 on page 2 through line 8 on page 5, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

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

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

Senator Della moved, duly seconded, to make the Bill a Special Order for April 13, 2009.

The motion was adopted.

Senate Bill 905 – Senator Muse

AN ACT concerning

Orphans' Court – Minors – Guardianship of Person

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

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

The motion was adopted.

House Bill 85 – Delegates Rice, Holmes, Barnes, Ali, Barkley, Barve, Cardin, Carr, Davis, Dumais, Elmore, Feldman, Frick, George, Gutierrez, Hixson, Howard, Kaiser, Kipke, Krebs, Manno, Murphy, Myers, Niemann, Olszewski, Pena–Melnyk, Ramirez, Ross, Stukes, Tarrant, Taylor, Vaughn, Waldstreicher, and Walker

AN ACT concerning

College Textbook Competition and Affordability Act of 2009

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (6) AND THE FAVORABLE REPORT.

HB0085/234432/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 85
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, after "packages;" insert "requiring certain institutions to provide certain information to certain bookstores under certain circumstances, subject to certain notifications and certain conditions;".

AMENDMENT NO. 2

On page 4, after line 30, insert:

"**(II)** **THE EXISTENCE OF VARIANCES IN PRICE OF BUNDLED AND UNBUNDLED COURSE MATERIALS;**";

and in line 31, strike "**(II)**" and substitute "**(III)**".

On page 5, in lines 3 and 6, strike "**(III)**" and "**(IV)**", respectively, and substitute "**(IV)**" and "**(V)**", respectively.

AMENDMENT NO. 3

On page 6, in line 5, after "**SHALL**" insert "**ACKNOWLEDGE**"; in line 6, after "**(I)**" insert "**1.**"; in lines 7 and 10, in each instance, strike "**ACKNOWLEDGE**"; in line 9, strike "**(II)**" and substitute "**2.**"; in line 10, strike the comma; in lines 11, 15, 18, 21, and 24, strike "**1.**", "**2.**", "**3.**", "**4.**", and "**5.**", respectively, and substitute "**A.**", "**B.**", "**C.**", "**D.**", and "**(II)**", respectively; in line 20, after the semicolon, insert "**AND**"; in line 23, strike "**AND**"; and in line 25, after "**SECTION**" insert "**; AND**

(III) THAT SUPPLEMENTAL MATERIAL INCLUDED IN A BUNDLE IS INTENDED FOR USE IN THE COURSE".

AMENDMENT NO. 4

On page 7, strike in their entirety lines 23 through 25, inclusive.

AMENDMENT NO. 5

On page 8, after line 18, insert:

"**(G) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, ON THE REQUEST OF A BOOKSTORE, AN INSTITUTION OF HIGHER EDUCATION SHALL PROVIDE THE INFORMATION LISTED UNDER PARAGRAPH (3) OF THIS SUBSECTION TO A BOOKSTORE BY THE EARLIER OF:**

1. WITHIN 1 WEEK OF A FACULTY MEMBER'S SELECTION OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL AND TRANSMISSION TO A CAMPUS BOOKSTORE; OR

2. WHEN THE SELECTION BY A FACULTY MEMBER OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL IS FINALIZED.

(II) A BOOKSTORE THAT OBTAINS INFORMATION UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH MAY NOT MAKE THE INFORMATION AVAILABLE TO STUDENTS OR MEMBERS OF THE PUBLIC UNTIL THE

INFORMATION IS MADE AVAILABLE TO THE BOOKSTORE IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.";

in line 29, strike "**(G)** **(1)**" and substitute "**(2)**"; and in line 30, strike "**(2)**" and substitute "**(3)**".

AMENDMENT NO. 6

On page 9, in lines 1, 2, 16, 26, and 29, strike "**(3)**", "**(4)**", "**(2)**", "**(3)**", and "**(1)**", respectively, and substitute "**(4)**", "**(5)**", "**(3)**", "**(4)**", and "**(2)**", respectively; in line 2, strike "**30 DAYS**" and substitute "**3 WEEKS**"; and in line 16, strike "**PARAGRAPH (1)**" and substitute "**PARAGRAPHS (1) AND (2)**".

On page 10, in line 14, strike "**(4)**" and substitute "**(5)**"; in the same line, strike "**PARAGRAPH (1)**" and substitute "**PARAGRAPHS (1) AND (2)**"; and in line 16, strike "**OR A CAMPUS BOOKSTORE**".

The preceding 6 amendments were read only.

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

The motion was adopted by a roll call vote as follows:

Affirmative – 23 Negative – 21 (See Roll Call No. 1054)

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

STATUS OF BILL: BILL RETURNED FROM THE HOUSE WITH AMENDMENTS.

Senator Conway moved that the Senate concur in the House amendments.

The bill was made a Special Order for later.

MOTION

Senator King moved, duly seconded, to reconsider the vote by which **Senate Bill 85** was made a Special Order for April 10, 2009.

The motion was adopted by a roll call vote as follows:

Affirmative – 25 Negative – 20 (See Roll Call No. 1055)

House Bill 85 – Delegates Rice, Holmes, Barnes, Ali, Barkley, Barve, Cardin, Carr, Davis, Dumais, Elmore, Feldman, Frick, George, Gutierrez, Hixson, Howard, Kaiser, Kipke, Krebs, Manno, Murphy, Myers, Niemann, Olszewski, Pena–Melnyk, Ramirez, Ross, Stukes, Tarrant, Taylor, Vaughn, Waldstreicher, and Walker

AN ACT concerning

College Textbook Competition and Affordability Act of 2009

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (6) AND THE FAVORABLE REPORT.

HB0085/234432/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 85
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, after "packages;" insert "requiring certain institutions to provide certain information to certain bookstores under certain circumstances, subject to certain notifications and certain conditions;".

AMENDMENT NO. 2

On page 4, after line 30, insert:

"**(II) THE EXISTENCE OF VARIANCES IN PRICE OF BUNDLED AND UNBUNDLED COURSE MATERIALS;**";

and in line 31, strike "**(II)**" and substitute "**(III)**".

On page 5, in lines 3 and 6, strike "**(III)**" and "**(IV)**", respectively, and substitute "**(IV)**" and "**(V)**", respectively.

AMENDMENT NO. 3

On page 6, in line 5, after "**SHALL**" insert "**ACKNOWLEDGE**"; in line 6, after "**(I)**" insert "**1.**"; in lines 7 and 10, in each instance, strike "**ACKNOWLEDGE**"; in line 9, strike "**(II)**" and substitute "**2.**"; in line 10, strike the comma; in lines 11, 15, 18, 21, and 24, strike "**1.**", "**2.**", "**3.**", "**4.**", and "**5.**", respectively, and substitute "**A.**", "**B.**", "**C.**", "**D.**", and "**(II)**", respectively; in line 20, after the semicolon, insert "**AND**"; in line 23, strike "**AND**"; and in line 25, after "**SECTION**" insert "**; AND**

(III) THAT SUPPLEMENTAL MATERIAL INCLUDED IN A BUNDLE IS INTENDED FOR USE IN THE COURSE".

AMENDMENT NO. 4

On page 7, strike in their entirety lines 23 through 25, inclusive.

AMENDMENT NO. 5

On page 8, after line 18, insert:

"**(G) (1) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, ON THE REQUEST OF A BOOKSTORE, AN INSTITUTION OF HIGHER EDUCATION SHALL PROVIDE THE INFORMATION LISTED UNDER PARAGRAPH (3) OF THIS SUBSECTION TO A BOOKSTORE BY THE EARLIER OF:**

1. WITHIN 1 WEEK OF A FACULTY MEMBER'S SELECTION OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL AND TRANSMISSION TO A CAMPUS BOOKSTORE; OR

2. WHEN THE SELECTION BY A FACULTY MEMBER OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL IS FINALIZED.

(II) A BOOKSTORE THAT OBTAINS INFORMATION UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH MAY NOT MAKE THE INFORMATION AVAILABLE TO STUDENTS OR MEMBERS OF THE PUBLIC UNTIL THE INFORMATION IS MADE AVAILABLE TO THE BOOKSTORE IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.";

in line 29, strike "**(G)** **(1)**" and substitute "**(2)**"; and in line 30, strike "**(2)**" and substitute "**(3)**".

AMENDMENT NO. 6

On page 9, in lines 1, 2, 16, 26, and 29, strike "**(3)**", "**(4)**", "**(2)**", "**(3)**", and "**(1)**", respectively, and substitute "**(4)**", "**(5)**", "**(3)**", "**(4)**", and "**(2)**", respectively; in line 2, strike "**30 DAYS**" and substitute "**3 WEEKS**"; and in line 16, strike "**PARAGRAPH (1)**" and substitute "**PARAGRAPHS (1) AND (2)**".

On page 10, in line 14, strike "**(4)**" and substitute "**(5)**"; in the same line, strike "**PARAGRAPH (1)**" and substitute "**PARAGRAPHS (1) AND (2)**"; and in line 16, strike "**OR A CAMPUS BOOKSTORE**".

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0085/223027/1

BY: Senator Zirkin

AMENDMENTS TO HOUSE BILL 85, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (HB0085/234432/1), in Amendment No. 1, strike beginning with "requiring" in line 1 down through "conditions;" in line 3.

AMENDMENT NO. 2

On pages 2 and 3 of the Education, Health, and Environmental Affairs Committee Amendments, strike Amendment Nos. 5 and 6 in their entirety.

On page 9 of the bill, in line 2, strike "**30 DAYS**" and substitute "**3 WEEKS**".

On page 10 of the bill, in line 16, strike "**OR A CAMPUS BOOKSTORE**".

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

Affirmative – 19 Negative – 24 (See Roll Call No. 1056)

FLOOR AMENDMENT

HB0085/653928/1

BY: Senator Klausmeier

AMENDMENTS TO HOUSE BILL 85
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 16, after "terms;" insert "providing for a delayed effective date;".

AMENDMENT NO. 2

On page 13, in line 30, strike "2009" and substitute "2010".

The preceding 2 amendments were read and rejected.

FLOOR AMENDMENT

HB0085/383622/1

BY: Senator Middleton

AMENDMENT TO HOUSE BILL 85
(Third Reading File Bill)

On page 4, in line 21, strike "**THE**" and substitute "**:**

(1) THE";

and in line 22, after "**COLLEGE**" insert "**; OR**

(2) COMMUNITY COLLEGES".

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

Affirmative – 15 Negative – 30 (See Roll Call No. 1057)

Read the second time and ordered prepared for Third Reading.

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

STATUS OF BILL: BILL RETURNED FROM THE HOUSE WITH AMENDMENTS.

Senator Conway moved that the Senate concur in the House amendments.

SB0183/254365/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 183
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "affirmations" and substitute "acknowledgments"; in line 10, after "revisions," insert "and"; strike beginning with ", and" in line 10 down through "price" in line 11; in line 17, after "notifications" insert "and certain conditions"; in line 19, after "time" insert "subject to a certain extension under certain circumstances"; and strike beginning with "requiring" in line 21 down through "circumstances;" in line 23.

On page 2, in line 5, after "report" insert "to the Maryland Higher Education Commission"; in line 6, strike the comma and substitute "and"; and in line 9, after "date" insert "and report to the Governor and the General Assembly on or before a certain date".

AMENDMENT NO. 2

On page 3, in line 7, strike "**OR CUSTOM**" and substitute "**, CUSTOM, OR INTEGRATED**"; after line 30, insert:

"**(6)** **"INTEGRATED TEXTBOOK" MEANS A COLLEGE TEXTBOOK THAT IS COMBINED WITH:**

(I) **MATERIALS DEVELOPED BY A THIRD PARTY AND THAT, BY THIRD–PARTY CONTRACTUAL AGREEMENT, MAY NOT BE OFFERED BY PUBLISHERS SEPARATELY FROM THE COLLEGE TEXTBOOK WITH WHICH THE MATERIALS ARE COMBINED; OR**

(II) **OTHER MATERIALS THAT ARE SO INTERRELATED WITH THE CONTENT OF THE COLLEGE TEXTBOOK THAT THE SEPARATION OF THE COLLEGE TEXTBOOK FROM THE OTHER MATERIALS WOULD RENDER THE COLLEGE TEXTBOOK UNUSABLE FOR ITS INTENDED PURPOSE.**";

and in line 31, strike "**(6)**" and substitute "**(7)**".

On page 4, in lines 1, 6, 9, and 15, strike "**(7)**", "**(8)**", "**(9)**", and "**(10)**", respectively, and substitute "**(8)**", "**(9)**", "**(10)**", and "**(11)**", respectively; in line 10, after "**TEXTBOOK**" insert "**THAT IS NOT BEING USED AS A COMPONENT OF AN INTEGRATED TEXTBOOK**"; strike beginning with "**VARIANCES**" in line 25 down through "**MATERIALS**" in line 27 and substitute "**THE EXISTENCE OF VARIANCES IN PRICE OF BUNDLED AND UNBUNDLED COURSE MATERIALS**"; in line 32, strike "**AND**"; and after line 32, insert:

"**(IV)** **WHICH TEXTBOOKS ARE INTEGRATED TEXTBOOKS AND ARE THEREFORE NOT SUBJECT TO SUBSECTION (F)(3) OF THIS SECTION, AS REPORTED BY THE PUBLISHER UNDER SUBSECTION (E) OF THIS SECTION; AND**".

On page 5, in line 1, strike "**(IV)**" and substitute "**(V)**"; in line 30, strike "**IDENTIFYING**" and substitute "**SELECTING**"; and in line 34, after "**SHALL**" insert "**ACKNOWLEDGE**".

On page 6, in line 1, after "**(I)**" insert "**1.**"; in lines 2 and 5, in each instance, strike "**ACKNOWLEDGE**"; in lines 4, 6, 9, 12, and 15, strike "**(II)**", "**1.**", "**2.**", "**3.**", and "**4.**", respectively, and substitute "**2.**", "**A.**", "**B.**", "**C.**", and "**D.**", respectively; in line 5, strike the comma; in line 8, after "**TEXTBOOK**" insert "**AS REPORTED BY THE PUBLISHER UNDER SUBSECTION (E) OF THIS SECTION**"; in line 10, strike "**JUSTIFIED**" and substitute "**APPROPRIATE**"; and after line 17, insert:

"**(II) THAT AN INTEGRATED TEXTBOOK IS NOT SUBJECT TO SUBSECTION (F)(3) OF THIS SECTION;**

(III) THAT SUPPLEMENTAL MATERIAL INCLUDED IN A BUNDLE IS INTENDED FOR USE IN THE COURSE".

On page 7, in line 2, strike "**EXPRESSED AS AN ITEMIZED LIST**"; strike beginning with "**VARIANCES**" in line 6 down through "**ITEMS**" in line 7 and substitute "**A LIST OF TEXTBOOKS THAT ARE CLASSIFIED AS INTEGRATED TEXTBOOKS**"; in line 30, strike "**(I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH**" and substitute "**WITH THE PERMISSION OF A FACULTY MEMBER**"; and strike in their entirety lines 35 and 36.

On page 8, strike in their entirety lines 1 through 3, inclusive; in line 4, after "**(1)**" insert "**(I)**"; in the same line, strike "**PARAGRAPH (4) OF THIS SUBSECTION**" and substitute "**SUBPARAGRAPH (II) OF THIS PARAGRAPH**"; in line 6, strike "**(2)**" and substitute "**(3)**"; in line 7, after "**BOOKSTORE**" insert "**BY THE EARLIER OF:**

1. WITHIN 1 WEEK OF A FACULTY MEMBER'S SELECTION OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL AND TRANSMISSION TO A CAMPUS BOOKSTORE; OR

2. WHEN THE SELECTION BY A FACULTY MEMBER OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL IS FINALIZED.

(II) A BOOKSTORE THAT OBTAINS INFORMATION UNDER SUBPARAGRAPH (I)1 OF THIS PARAGRAPH MAY NOT MAKE THE INFORMATION AVAILABLE TO STUDENTS OR MEMBERS OF THE PUBLIC UNTIL THE INFORMATION IS MADE AVAILABLE TO THE BOOKSTORE IN ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION.";

strike beginning with "**AS**" in line 7 down through "**COURSE.**" in line 19; in line 20, strike "**(3)**" and substitute "**(2)**"; in line 21, strike "**(2)**" and substitute "**(3)**"; in line 22, after "**TO**" insert "**BOOKSTORES,**"; in the same line, after "**STUDENTS**" insert a comma; in line 24, strike "**PARAGRAPH (4)**" and substitute "**PARAGRAPHS (4) AND (5)**"; in line 25, strike "**1 WEEK**" and substitute "**3 WEEKS**"; strike beginning with

"**PROVISION**" in line 25 down through "**SUBSECTION**" in line 26 and substitute "**SELECTION BY A FACULTY MEMBER OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL**"; and strike beginning with "**WHEN**" in line 27 down through "**MATERIAL**" in line 28 and substitute "**WHEN THE SELECTION BY A FACULTY MEMBER OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL IS FINALIZED**".

On page 9, after line 4, insert:

"**(3) THE INFORMATION MADE AVAILABLE UNDER PARAGRAPHS (1) AND (2) OF THIS SUBSECTION SHALL INCLUDE THE:**

(I) TITLE;

(II) AUTHOR;

(III) PUBLISHER;

(IV) EDITION;

(V) COPYRIGHT DATE AND PUBLICATION DATE, WHEN AVAILABLE;

(VI) ISBN; AND

(VII) ANTICIPATED ENROLLMENT FOR THE COURSE.";

strike beginning with "**THAT**" in line 6 down through "**AND**" in line 7 and substitute a comma; in line 7, after "**STUDENTS**" insert a comma; in line 8, strike "**(3)**" and substitute "**(2)**"; in line 8, after "**IF**" insert "**THE SELECTION OF**"; in line 12, after "**INSTITUTION**" insert "**, CAMPUS BOOKSTORE, OR OTHER BOOKSTORE THAT OFFERS A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL FOR SALE PRIOR TO THE SELECTION BEING FINALIZED**"; in line 12, strike "**A**" and substitute "**:**

1. A";

in line 15, strike the period and substitute "**; AND**

2. THE RETURN POLICY OF THE CAMPUS BOOKSTORE OR OTHER BOOKSTORE, AS APPROPRIATE.

(5) (I) NOTWITHSTANDING PARAGRAPHS (1) AND (2) OF THIS SUBSECTION, UPON REQUEST TO AN INSTITUTION, AN EXTENSION OF TIME MAY BE GRANTED TO A FACULTY MEMBER FROM THE REQUIREMENT TO POST THE SELECTION OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL PRIOR TO THE SELECTION BEING FINALIZED.

(II) THE EXTENSION GRANTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE APPROVED BY THE FACULTY DEPARTMENT CHAIR AND THE DEAN OR DIVISION HEAD OF THE INSTITUTION.

(III) THE EXTENSION SHALL INCLUDE A WRITTEN STATEMENT OF EXPLANATION FOR THE EXTENSION.

(IV) AN INSTITUTION SHALL POST THE WRITTEN STATEMENT ON ITS WEBSITE INSTEAD OF THE SELECTION, AS APPROPRIATE.";

strike in their entirety lines 20 through 29, inclusive; and in line 30, strike "**(J)**" and substitute "**(I)**".

On page 10, in line 13, strike ", on" and substitute ":

(a) On";

in line 14, strike "2010" and substitute "2011"; strike beginning with "Governor" in line 15 down through "Assembly," in line 16 and substitute "Maryland Higher Education Commission"; in the same line, strike "students," and substitute "students and"; strike beginning with ", and" in line 18 down through "prices" in line 20; strike beginning with "SECTION" in line 21 down through "(a)" in line 22 and substitute "(b)"; and in line 22, strike "Maryland Higher Education".

On page 11, in line 4, strike "(b)" and substitute "(c)"; in line 4, strike "Maryland Higher Education"; in line 5, after "shall" insert ":

(1) compile the reports required under paragraph (a) of this section; and

(2)";

in the same line, after "submit" insert "to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly, the compilation,"; in line 6, strike "(a)" and substitute "(b)"; in the same line, after "section" insert a comma; in the same line, strike "make"; in line 7, strike "and" and substitute a comma; strike beginning with "including" in line 7 down through "Assembly," in line 9 and substitute ", and statewide policy initiatives that will further ameliorate the high cost of undergraduate and graduate education as impacted by textbook prices"; and in line 9, strike "subsection (a) of"; in line 10, strike "4." and substitute "3.".

On page 12, in line 16, strike "5." and substitute "4.".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 44 Negative – 3 (See Roll Call No. 1058)

CONCURRENCE CALENDAR #10

AMENDED IN THE HOUSE

Senate Bill 850 – Senator Muse

AN ACT concerning

Public Safety – Electronic Control Devices – Requirements

Senator Frosh moved that the Senate not concur in the House amendments.

SB0850/722810/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 850
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike ", possessed, or used" and substitute "and activated"; in line 6, strike "the electronic control device meets"; in the same line, after "requirements" insert "are met"; in line 13, strike "and to establish certain standards"; and in line 15, strike "a certain term" and substitute "certain terms".

AMENDMENT NO. 2

On page 2, strike line 12 in its entirety and substitute:

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

(2) "CRIME OF VIOLENCE" HAS THE MEANING STATED IN § 14–101 OF THIS ARTICLE.

(3) "ELECTRONIC CONTROL DEVICE" MEANS A";

in line 20, after the semicolon, insert "**AND**"; in line 22, strike "**AS DEFINED IN § 14–101 OF THIS ARTICLE;**" and substitute "**OR A VIOLATION OF § 5–602, § 5–603, § 5–604, § 5–605, § 5–606, § 5–613, OR § 5–614 OF THIS ARTICLE.**"; strike in their entirety lines 23 through 29, inclusive; and strike beginning with the first comma in line 30 down through "**USED**" in line 31 and substitute "**AND ACTIVATED**".

On page 3, strike beginning with "**THE**" in line 1 down through "**AND**" in line 3 and substitute "**AN INSTRUCTIONAL MANUAL OR AUDIO OR AUDIOVISUAL INSTRUCTIONS ARE PROVIDED TO THE PURCHASER;**"; strike beginning with "**THE**" in line 4 down through "**FIND**" in line 5 and substitute "**THE MANUFACTURER MAINTAINS A RECORD OF**"; in line 6, after "**DEVICE**" insert "**; AND**

(3) THE MANUFACTURER OR SELLER HAS OBTAINED A STATE AND FEDERAL CRIMINAL HISTORY RECORDS CHECK OF THE ORIGINAL OWNER TO ENSURE COMPLIANCE WITH SUBSECTION (B)(2) OF THIS SECTION";

and in line 16, strike "**FELONY**" and substitute "**CRIME OF VIOLENCE**".

AMENDMENT NO. 3

On page 5, in line 18, after the semicolon insert "**AND**"; strike in their entirety lines 19 through 21, inclusive; and in line 22, strike "**(17)**" and substitute "**(16)**".

AMENDMENT NO. 4

On page 6, in line 5, after the comma insert "**AS DEFINED IN § 4–109 OF THE CRIMINAL LAW ARTICLE,**"; in the same line, strike "**POLICE**" and substitute "**CORRECTIONAL**"; and strike beginning with "**LAW**" in line 6 down through "**ARTICLE**" in line 8 and substitute "**CORRECTIONAL UNIT**".

The preceding 4 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0850**
SPONSOR: Sen Muse
SUBJECT: Public Safety – Electronic Control Devices – Requirements

The Senate refuses to concur in the House amendments and respectfully requests the House recede from its position.

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints:

Senator Muse, Chairman
Senator Forehand
Senator Simonaire.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

AMENDED IN THE HOUSE

Senate Bill 870 – Senator Gladden

AN ACT concerning

Marriage Ceremonies – Performance by Tax Court Judges

Senator Frosh moved that the Senate not concur in the House amendments.

SB0870/132814/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 870
(Third Reading File Bill)

AMENDMENT NO. 1
On page 1, strike beginning with "who" in line 3 down through "State" in line 4.

AMENDMENT NO. 2
On page 2, in line 5, strike "**, IF THE JUDGE IS A RESIDENT OF THIS STATE,**".

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0870**
SPONSOR: Sen Gladden
SUBJECT: Marriage Ceremonies – Performance by Tax Court Judges

The Senate refuses to concur in the House amendments and respectfully requests the House recede from its position.

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints:

Senator Gladden, Chairman
Senator Jacobs
Senator Forehand.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE TO THE SENATE

BILL: **HB 0311**
SPONSOR: The Spkr (Admin), et al
SUBJECT: Freedom of Association and Assembly Protection Act of 2009

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Dumais, Chairman
Delegate Valderrama, and
Delegate Frank.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **HB 0311**
SPONSOR: The Spkr (Admin), et al
SUBJECT: Freedom of Association and Assembly Protection Act of 2009

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Dumais, Chair
Delegate Valderrama
Delegate Frank

The Senate appoints:
Senator Raskin, Chairman
Senator Forehand
Senator Mooney.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 39	Sen. Harrington	Municipal Corporations – Tax Increment Financing – Application of Bond Proceeds
SB 159	Sen. McFadden	Commercial Real Property – Action to Abate Drug Nuisance – Prior Notice Requirement
SB 277	The President	Vehicle Laws – Speed Monitoring Systems – Statewide Authorization and Use in Hwy Work Zones
SB 350	Sen. Pinsky	Municipal Corporations – Annexations – Small Parcels
SB 473	Sen. Lenett	Environment – Recycling – Public School Plans
SB 553	Sen. Lenett	Chesapeake Bay Phosphorous Reduction Act of 2009
SB 607	Sen. Brinkley	Frederick County – Overdue Water and Sewer Charge – Restoration of Service Penalty

SB 657	Sen. Peters	Real Property – New Home Sales Contracts – Financing Contingency Clauses
SB 915	Sen. Forehand	Washington Metropolitan Area Transit Authority – Finance and Governance

Endorsed as having been read the third time and passed by yeas and nays in the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 176 – Delegates Lafferty, Ali, Beidle, Bobo, Bromwell, Carr, Glenn, Healey, Holmes, Hucker, Malone, Niemann, Olszewski, Schuler, and Stein

AN ACT concerning

Bay Restoration Act of 2009

FOR the purpose of prohibiting the installation of an on–site sewage disposal system in the Chesapeake and Atlantic Coastal Bays Critical Area to service a newly constructed building unless the system utilizes nitrogen removal technology; prohibiting the replacement of an on–site sewage disposal system in the Chesapeake and Atlantic Coastal Bays Critical Area unless the replacement on–site sewage disposal system utilizes nitrogen removal technology; requiring the Department of the Environment to assist ~~homeowners~~ an owner in paying for certain costs under certain circumstances; establishing ~~a~~ certain ~~penalty~~ penalties and enforcement mechanisms for a certain violation; requiring the Department to adopt certain regulations; authorizing the Department to adopt certain regulations; defining certain terms; 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 generally relating to on–site sewage disposal systems with nitrogen removal technology.

BY adding to
Article – Environment
Section 9–1108
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

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)

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

House Bill 503 – Delegates Kipke, Ali, Barkley, Benson, Cardin, Carr, Costa, Donoghue, Eckardt, Elliott, Elmore, Frush, George, Haddaway, Howard, Hubbard, Kach, Krebs, Kullen, Myers, Olszewski, Pena–Melnyk, Reznik, Riley, Robinson, Schuh, Shewell, Sophocleus, Sossi, Stocksdale, Taylor, F. Turner, Waldstreicher, ~~and Weldon~~ Weldon, Hammen, Bromwell, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Tarrant, V. Turner, and Manno

AN ACT concerning

Health – Maryland Commission on Autism

FOR the purpose of establishing the Maryland Commission on Autism; providing for the membership of the Commission; requiring the membership of the Commission to consist of broad representation of the State's citizens; designating the chair of the Commission; establishing a quorum requirement; requiring the Commission to meet a certain number of times per year; requiring the Commission to meet a certain number of times before a certain date; authorizing the Commission to hold meetings in a certain manner; prohibiting a member of the Commission from receiving compensation; authorizing a member of the Commission to receive certain reimbursement; ~~requiring a certain person to designate~~ requiring the Department of Health and Mental Hygiene and the State Department of Education to provide certain staff for the Commission; requiring the Commission to make certain recommendations; requiring the Commission to make a certain evaluation; requiring the Commission to carry out certain tasks in preparing a certain plan; authorizing the Commission to undertake certain responsibilities; requiring the Commission to report to the General Assembly on or before certain dates; defining a certain term; providing for the termination of this Act; and generally relating to autism awareness.

BY adding to
Article – Health – General
Section 13–2801 through 13–2806 to be under the new subtitle "Subtitle 28. Maryland Commission on Autism"
Annotated Code of Maryland

(2005 Replacement Volume and 2008 Supplement)

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

House Bill 686 – Calvert County Delegation

AN ACT concerning

Calvert County – Sheriff – ~~Pension~~ Compensation

FOR the purpose of providing that the Board of County Commissioners for Calvert County may make certain payments on or ~~before~~ after a certain date equal to a certain amount to certain individuals serving as the Sheriff of Calvert County for certain periods of employment as the Sheriff of Calvert County; ~~on or before a certain date who elected to participate in the Calvert County Employees' Savings Plan on or after a certain date; providing for the termination of this Act;~~ providing that this Act does not apply to the salary or compensation of the incumbent Sheriff of Calvert County; and generally relating to pensions for sheriffs of Calvert County.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 2–309(f)(1)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

House Bill 691 – Delegates Murphy, Branch, Jameson, Kullen, Levy, and Proctor

AN ACT concerning

Maryland Native American Status – Standards for Recognition

FOR the purpose of altering the criteria that are required to be included in certain standards for recognition established by the Commission on Indian Affairs by regulation; providing for the construction of this Act; and generally relating to recognition of Maryland Indian status.

BY repealing and reenacting, with amendments,
Article – State Government
Section 9.5–311
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

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

House Bill 866 – Delegates Holmes, Barkley, Beidle, McConkey, Niemann, and Sophocleus

AN ACT concerning

Alcoholic Beverages – Issuance, Renewal, and Transfer of Licenses and Permits – Payment of State and Local Taxes

FOR the purpose of requiring, before an alcoholic beverages license or permit may be issued, the applicant to provide certain verification to the authority issuing the license or permit that the applicant has paid all undisputed taxes or has provided for payment in a certain manner; requiring that an application be disapproved under certain circumstances; requiring that before an alcoholic beverages license or permit may be renewed ~~or transferred~~, the authority renewing ~~or approving the transfer of~~ the license or permit verify in a certain manner that the holder of the license or permit has paid all undisputed taxes or has provided for payment in a certain manner; prohibiting a license–issuing authority from renewing ~~or approving the transfer of~~ a license or permit under certain circumstances; authorizing a certain board of license commissioners to approve the transfer of a license but condition the actual issuance of the license to the transferee on verification of certain payments; repealing a certain condition required to be met by the holder of a license with respect to the transfer of the holder's place of business to another location and assignment of the holder's license and transfer of the holder's stock in trade to another person; providing for the application of this Act in certain political subdivisions; and generally relating to applicants and holders of alcoholic beverages licenses and permits.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 10–202(a)(2)(ii), 10–301(a)(1)(ii)4., and 10–503(a)(2)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 10–202.1 and 10–301.1
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

House Bill 1002 – Delegates Conaway, Anderson, and Boteler

EMERGENCY BILL

AN ACT concerning

Public Service Companies – Gas and Electric Service – Alternative Payment Agreements

FOR the purpose of ~~requiring~~ authorizing the Public Service Commission to adopt regulations ~~by a certain date~~ to limit the authority of a public service company to terminate gas or electric service to a residential customer in arrears under certain circumstances; ~~requiring~~ authorizing certain regulations to require a public service company to offer customers the option of entering into a certain alternative payment agreement~~, and prohibit the public service company from terminating service to the customer or filing a negative credit report on the customer~~ under certain circumstances; ~~requiring a certain offer to be in writing and contain certain information under certain circumstances; requiring the rate and schedule of repayment in a certain agreement to be designed to address certain criteria~~ authorizing the Commission to specify the circumstances under which certain restrictions and agreements may be required; requiring the Commission to include certain information in a certain annual report; authorizing the Commission to adopt certain provisions for a limited period of time by order, notwithstanding a certain provision of law; requiring the Commission to adopt certain regulations to be effective by a certain date under certain circumstances; providing for the continuity of certain agreements under certain circumstances; making this Act an emergency measure; ~~providing for the termination of this Act;~~ and generally relating to the termination of gas and electric service by a public service company to residential customers.

BY ~~adding to~~ repealing and reenacting, with amendments,
Article – Public Utility Companies
Section ~~7–307.1~~ 7–307
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

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

House Bill 1175 – Delegates Myers, Beitzel, Boteler, Eckardt, Kelly, Krebs, Miller, Serafini, Stull, Walkup, and Weldon

AN ACT concerning

Electricians, Gas Fitters, HVAC Contractors, and Plumbers – Display of Licenses and License Numbers

FOR the purpose of prohibiting a county or municipal corporation, subject to a certain exception, from requiring a certain licensed ~~electrician,~~ gas fitter, plumber, or

heating, ventilation, air–conditioning, and refrigeration (HVAC) contractor to display a certain ~~license~~ certificate number on certain vehicles used for providing certain services; prohibiting a county or municipal corporation, subject to certain exceptions, from requiring a certain licensed master electrician to display a certain license number on certain vehicles used for providing certain services; requiring a master electrician who holds a certain license or certain licenses to display a ~~certain~~ State license number on certain vehicles used for providing certain services; and generally relating to the display of licenses and license numbers on vehicles.

BY repealing and reenacting, with amendments,
Article – Business Occupations and Professions
Section 6–301 and 12–311
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 9A–401
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

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

House Bill 1275 – ~~Delegate Nathan–Pulliam~~ Delegates Nathan–Pulliam, Benson, Montgomery, Oaks, Pena–Melnyk, Tarrant, and V. Turner

AN ACT concerning

Health Occupations Boards – Revisions

FOR the purpose of requiring certain health occupations boards to provide certain notification to certain licensees or certificate holders of board vacancies; requiring certain health occupations boards to collect certain racial and ethnic information; requiring that, to the extent practicable, certain members of certain health occupations boards reasonably reflect certain geographic, racial, ethnic, cultural, and gender diversity; requiring certain health occupations boards to collaboratively develop certain training and materials for certain board members; requiring the Secretary of Health and Mental Hygiene to confirm the appointment of certain ~~executive~~ directors; ~~requiring that, to the extent practicable, certain health occupations boards limit the scope of subpoenas;~~ requiring that after certain consultation and to the extent permitted by certain resources, certain health occupations boards ~~to~~ establish certain subcommittees to be responsible for certain investigations, determine whether certain charges should be brought, and participate in certain preadjudication case resolution conferences; prohibiting certain health occupations boards from bringing certain charges based solely on certain complaints the board receives

after a certain period of time; requiring certain health occupations boards that are authorized to use peer review to provide certain licensees and certificate holders an opportunity to review and respond to certain ~~preliminary~~ reports; requiring certain health occupations boards to ~~determine a certain means of communication between a peer reviewer and a licensee or certificate holder; prohibiting certain members and counsel from being included in certain meetings;~~ consider certain reports and responses before taking certain action; authorizing certain health occupations boards to establish certain programs to provide certain training, mentoring, or other remediation for certain licensees or certificate holders who commit a certain number of standard of care violations; requiring certain health occupations boards to adopt certain sanctioning guidelines; requiring certain health occupations boards to post certain ~~final~~ orders for disciplinary action on certain websites; ~~requiring certain health occupations boards to remove certain postings on certain websites under certain circumstances; establishing that certain records may not be used in certain legal proceedings under certain circumstances;~~ requiring the Secretary to establish certain goals for the timeliness of complaint resolution; requiring the Secretary to monitor ~~certain~~ the timeliness of complaint resolution for certain health occupations boards; ~~compliance with certain guidelines and make certain recommendations on or before a certain date; requiring the Office of the Attorney General to establish certain guidelines concerning certain functions of certain advisors and advocates; requiring the Office of the Attorney General and certain health occupations boards to post certain guidelines or a link to certain guidelines on certain websites; authorizing the Office of the Attorney General to establish a certain pool of advocates and assign the advocates to certain boards in a certain manner; authorizing certain health occupations boards to create certain positions under certain circumstances; providing that the creation of certain positions may not be construed to require certain State General Fund support; requiring certain health occupations boards to collaborate with the Department of Health and Mental Hygiene and the Department of Budget and Management to develop and adopt certain regulations; requiring the Department of Health and Mental Hygiene to submit a certain report to the Department of Budget and Management and the Department of Legislative Services;~~ requiring the Secretary to establish certain guidelines on or before a certain date; requiring certain health occupations boards to collaborate with the Office of the Attorney General to make certain information available to the public concerning certain roles for assistant attorneys general; establishing that certain departure from sanctioning guidelines, failure to meet certain timeliness goals, and noncompliance with certain guidelines concerning certain roles for assistant attorneys general may not be grounds for certain hearings or appeals; requiring the Secretary and health occupations boards to make certain reports to certain committees of the General Assembly on or before certain dates; providing for the construction and the application of this Act; defining certain terms; and generally relating to revisions for the health occupations boards.

BY adding to
Article – Health Occupations

Section 1–214 through 1–218; 1–601 through ~~1–610~~ 1–609 to be under the new subtitle "Subtitle 6. General Clarification of the Disciplinary Process"~~;~~ ~~1–701 through 1–703 to be under the new subtitle "Subtitle 7. Role of Assistant Attorneys General"; and 1–801 and 1–802 to be under the new subtitle "Subtitle 8. Authority to Create Staff Positions"~~
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

House Bill 1460 – Delegate Hubbard

EMERGENCY BILL

AN ACT concerning

State Board of Chiropractic and Massage Therapy Examiners – ~~Massage Therapy Advisory Committee~~ Terms of Members

FOR the purpose of ~~reestablishing the Massage Therapy Advisory Committee under the State Board of Chiropractic and Massage Therapy Examiners; specifying the membership and duties of the Advisory Committee;~~ altering the terms of certain members of the Massage Therapy Advisory Committee; making this Act an emergency measure; ~~providing for the termination of this Act;~~ and generally relating to ~~the reestablishment~~ altering the terms of members of the Massage Therapy Advisory Committee.

~~BY repealing~~
~~Article – Health Occupations~~
~~Section 3–5A–04~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2008 Supplement)~~

~~BY adding to~~
~~Article – Health Occupations~~
~~Section 3–5A–04~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2008 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – Health Occupations~~
~~Section 3–5A–05~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2008 Supplement)~~

BY repealing and reenacting, with amendments,
Chapter 242 of the Acts of the General Assembly of 2008

Section 2

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

SPECIAL ORDERS

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

Senate Bill 905 – Senator Muse

AN ACT concerning

Orphans' Court – Minors – Guardianship of Person

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

FLOOR AMENDMENT

SB0905/343322/1

BY: Senator Exum

AMENDMENTS TO SENATE BILL 905
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, after "costs;" insert "requiring an orphans' court to make a certain report to certain committees of the General Assembly on or before a certain date each year;".

AMENDMENT NO. 2

On page 2, after line 14, insert:

"**(3) ON OR BEFORE OCTOBER 1 OF EACH YEAR, EACH ORPHANS' COURT 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 NUMBER OF INSTANCES DURING THE PREVIOUS YEAR:**

(I) IN WHICH THE COURT HAS EXERCISED JURISDICTION OVER GUARDIANSHIP OF THE PERSON OF A MINOR UNDER THIS SUBSECTION; AND

(II) IN WHICH THE MATTER WAS TRANSFERRED TO THE CIRCUIT COURT.".

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

Affirmative – 20 Negative – 25 (See Roll Call No. 1059)

FLOOR AMENDMENT

SB0905/713522/1

BY: Senator Colburn

AMENDMENT TO SENATE BILL 905
(First Reading File Bill)

On page 2, strike beginning with "**IF**" in line 4 down through "**BAR**" in line 5.

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

Affirmative – 5 Negative – 39 (See Roll Call No. 1060)

Read the second time and ordered prepared for Third Reading.

CONCURRENCE CALENDAR #11

AMENDED IN THE HOUSE

Senate Bill 859 – Senator Pugh

AN ACT concerning

Vehicle Laws – Advertising Practices – Prohibited Acts

Senator Frosh moved that the Senate concur in the House amendment.

SB0859/620114/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 859
(Third Reading File Bill)

On page 2, in line 30, after "**AND**" insert "**ANY FREIGHT OR**".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1061)

SPECIAL ORDERS

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

Senate Bill 1072 – The President (By Request – Administration) and Senators Brinkley, Colburn, Conway, Currie, DeGrange, Garagiola, Gladden, Harrington, Jones, Kasemeyer, Klausmeier, Madaleno, McFadden, Middleton, Miller, Munson, Peters, Pipkin, Pugh, Robey, and Rosapepe

EMERGENCY BILL

AN ACT concerning

Pimlico and Laurel Park Racetracks, Bowie Race Course Training Center, and Preakness Stakes – State Purchase or Condemnation

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

FLOOR AMENDMENT

SB1072/963422/1

BY: Senator Kasemeyer

AMENDMENTS TO SENATE BILL 1072, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 16, after "intent;" insert "requiring the Corporation to consult with certain persons regarding the disposition of certain property under certain circumstances;".

AMENDMENT NO. 2

On page 5 of the bill, before line 28, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That if the Maryland Economic Development Corporation acquires property under this Act, the Corporation shall, before disposing of the property, consult with the Governor, the President of the Senate, the Speaker of the House of Delegates, the State Comptroller, the State Treasurer, and the Minority Leaders of the Senate and the House of Delegates concerning the disposition of the property.".

AMENDMENT NO. 3

In Senator Jacobs' Amendments (SB1072/993427/1), in the last line of Amendment No. 2, strike "3." and substitute "4.".

The preceding 3 amendments were 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. 1062)

ADJOURNMENT

At 2:28 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until Noon on Legislative Day, April 7, 2009, Calendar Day, Saturday, April 11, 2009 in memory of Ryan Myers.

Annapolis, Maryland
Legislative Day: April 7, 2009
Calendar Day: Saturday, April 11, 2009
12:00 P.M. Session

The Senate met at 12:09 P.M.

Prayer by Senator Stoltzfus.

The Journal of April 6, 2009 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 1064)

CONCURRENCE CALENDAR #13

AMENDED IN THE HOUSE

Senate Bill 23 – ~~Senator Colburn~~ Senators Colburn and Pipkin

AN ACT concerning

Caroline County – Department of Corrections Employment Applicants – Polygraph Examinations

Senator Middleton moved that the Senate concur in the House amendments.

SB0023/482819/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 23
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "Polygraph Examinations" and substitute "Lie Detector Tests"; in line 7, strike "Detention Center" and substitute "Department of Corrections either"; strike beginning with "for" in line 7 down through "position" in line 8 and substitute "in any other capacity"; in line 8, strike "personal"; in the same line, strike "Center" and substitute "Department"; in line 9, strike "Detention Center" and substitute "Department of Corrections"; in line 10, strike "with" and substitute "without"; in line 12, strike "3–702(b)(3)" and substitute "3–702(a), (b)(3) and (4), and (c)"; and after line 14, insert:

"BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 3–702(b)(5)
Annotated Code of Maryland
(2008 Replacement Volume)".

AMENDMENT NO. 2

On page 1, after line 18, insert:

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

(1) a person engaged in a business, industry, profession, trade, or other enterprise in the State;

(2) the State;

(3) a county; and

(4) a municipal corporation in the State.".

AMENDMENT NO. 3

On page 2, strike in their entirety lines 10 through 12, inclusive; in lines 13 and 16, in each instance, strike the brackets; in line 13, strike "**(VI)**"; in line 16, strike "**(VII)**"; and after line 23, insert:

"(4) This section does not apply to an applicant for employment as a correctional officer with the Department of Corrections for Prince George's County.

(5) This section does not apply to an applicant for employment with **EITHER** the Anne Arundel County Department of Detention Facilities **OR THE CAROLINE COUNTY DEPARTMENT OF CORRECTIONS**:

(i) as a correctional officer; or

(ii) in any other capacity that involves direct contact with an inmate in **EITHER** the Anne Arundel County Department of Detention Facilities **OR THE CAROLINE COUNTY DEPARTMENT OF CORRECTIONS**.

(c) An employer may not require or demand, as a condition of employment, prospective employment, or continued employment, that an individual submit to or take a lie detector or similar test.".

The preceding 3 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1065)

AMENDED IN THE HOUSE

Senate Bill 791 – Senator Klausmeier

AN ACT concerning

Group Model Health Maintenance Organizations – Drug Therapy Management

Senator Middleton moved that the Senate concur in the House amendments.

SB0791/976987/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 791
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after "exceptions;" insert "prohibiting the Boards from approving a physician–pharmacist agreement under certain circumstances; providing for the duration and renewal of a physician–pharmacist agreement;"; and strike beginning with "requiring" in line 15 down through "Act;" in line 18.

AMENDMENT NO. 2

On page 5, after line 19, insert:

"**(E) THE BOARD OF PHYSICIANS AND THE BOARD OF PHARMACY MAY NOT APPROVE A PHYSICIAN–PHARMACIST AGREEMENT IF THE BOARDS FIND THAT THERE IS:**

(1) INADEQUATE TRAINING, EXPERIENCE, OR EDUCATION OF THE PHYSICIANS OR PHARMACISTS TO IMPLEMENT THE PROTOCOL OR PROTOCOLS SPECIFIED IN THE PHYSICIAN–PHARMACIST AGREEMENT; OR

(2) A FAILURE TO SATISFY THE REQUIREMENTS OF:

(I) THIS SECTION OR TITLE 14 OF THE HEALTH OCCUPATIONS ARTICLE; OR

(II) ANY REGULATIONS ADOPTED BY THE BOARD OF PHYSICIANS AND THE BOARD OF PHARMACY UNDER THIS SECTION.

(F) A PHYSICIAN–PHARMACIST AGREEMENT UNDER THIS SECTION SHALL BE VALID FOR 2 YEARS FROM THE DATE OF ITS FINAL APPROVAL BY THE BOARD OF PHYSICIANS AND THE BOARD OF PHARMACY AND MAY BE RENEWED FOR ADDITIONAL 2–YEAR TERMS WITH APPROVAL FROM THE BOARD OF PHYSICIANS AND THE BOARD OF PHARMACY.";

and in lines 20 and 23, strike "**(E)**" and "**(F)**", respectively, and substitute "**(G)**" and "**(H)**", respectively.

On page 6, in lines 1 and 4, strike "**(G)**" and "**(F)**", respectively, and substitute "**(I)**" and "**(H)**", respectively.

AMENDMENT NO. 3

On page 8, strike in their entirety lines 13 through 20, inclusive; in line 21, strike "3." and substitute "2."; and strike beginning with "It" in line 22 down through "effect." in line 24.

The preceding 3 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1066)

AMENDED IN THE HOUSE

Senate Bill 808 – Senator Colburn

AN ACT concerning

Milk Products – Pilot Farmstead Cheese Program – Permits

Senator Middleton moved that the Senate concur in the House amendments.

SB0808/676088/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 808
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Permits" and substitute "Repeal of Sunset"; strike beginning with "repealing" in line 3 down through "program;" in line 5 and substitute "repealing the termination of certain provisions of law relating to farmstead cheese production and to the pilot farmstead cheese program; requiring the Department of Health and Mental Hygiene to submit a certain report to the Governor and General Assembly on or before a certain date; making a technical change;"; and after line 16, insert:

"BY repealing and reenacting, with amendments,
Chapter 437 of the Acts of the General Assembly of 2007, as amended by Chapter 332 of the Acts of the General Assembly of 2008
Section 2

BY repealing and reenacting, with amendments,
Chapter 332 of the Acts of the General Assembly of 2008
Section 2".

AMENDMENT NO. 2

On page 2, in line 25, strike "5–year".

On page 3, in line 5, strike the brackets; after line 20, insert:

"Chapter 437 of the Acts of 2007, as amended by
Chapter 332 of the Acts of 2008

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2007. **[**It shall remain effective for a period of 7 years and, at the end of September 30, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.**]**

Chapter 332 of the Acts of 2008

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2008. **[**It shall remain effective for a period of 6 years and, at the end of September 30, 2014, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.**]**

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before October 1, 2013, the Department of Health and Mental Hygiene shall submit a report on the status of the farmstead cheese program to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.";

and in line 21, strike "2." and substitute "3.".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1067)

AMENDED IN THE HOUSE

Senate Bill 874 – Senators Exum and Pugh

AN ACT concerning

Mental Hygiene Administration – Rights of Individuals with Mental Disorders in Facilities

Senator Middleton moved that the Senate concur in the House amendment.

SB0874/866189/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 874
(Third Reading File Bill)

On page 4, in line 25, after "**(1)**" insert "**(I)**"; and in line 27, strike "**ARTICLE AND**" and substitute "**ARTICLE; AND**

(II) THE PARENT OF THE MINOR OR".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1068)

AMENDED IN THE HOUSE

Senate Bill 959 – Senator Middleton

AN ACT concerning

Injured Workers' Insurance Fund – Regulation and Status

Senator Middleton moved that the Senate concur in the House amendment.

SB0959/613497/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 959
(Third Reading File Bill)

On page 8, in line 29, after "**SHALL,**" insert "**AT LEAST**".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1069)

CONCURRENCE CALENDAR #12

AMENDED IN THE HOUSE

Senate Bill 265 – The President (By Request – Administration) and Senators Frosh, Robey, Forehand, ~~and Dyson~~ Dyson, Gladden, Jacobs, and Muse

AN ACT concerning

Vehicle Laws – ~~Young Drivers – Driving Privileges~~ Teen Driver Safety

Senator Frosh moved that the Senate not concur in the House amendments.

SB0265/540215/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 265
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "license" insert a semicolon.

On page 2, in line 2, after "circumstances;" insert "defining a certain term; altering a certain definition;"; and in line 5, strike "driving" and substitute "driver".

AMENDMENT NO. 2

On page 11, in line 5, after "(a)" insert "**(1)**"; strike beginning with "section" in line 5 down through "individual" in line 6 and substitute "**SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) "EDUCATION AND EMPLOYMENT ONLY RESTRICTION" MEANS A RESTRICTION THAT ALLOWS A LICENSED DRIVER TO DRIVE ONLY:

(I) TO OR FROM A SCHOOL CLASS OR AN OFFICIAL SCHOOL ACTIVITY; OR

(II) TO OR FROM, OR IN THE COURSE OF, THE LICENSEE'S EMPLOYMENT.

(3) "OFFENSE" MEANS A MOVING VIOLATION COMMITTED BY AN INDIVIDUAL";

in lines 7, 9, and 11, strike "(1)", "(2)", and "(3)", respectively, and substitute "**(I)**", "**(II)**", and "**(III)**", respectively; in line 23, after "**MAY**" insert a colon; and strike in their entirety lines 24 through 27, inclusive, and substitute:

"**1. SUSPEND THE OFFENDER'S LICENSE FOR 30 DAYS; AND**

2. IMPOSE, ON COMPLETION OF THE SUSPENSION, AN EDUCATION AND EMPLOYMENT ONLY RESTRICTION ON THE OFFENDER'S LICENSE EFFECTIVE FOR 90 DAYS;".

AMENDMENT NO. 3

On page 12, strike beginning with "**RESTRICT**" in line 8 down through "**TITLE**" in line 10 and substitute "**IMPOSE, ON COMPLETION OF THE SUSPENSION, AN EDUCATION AND EMPLOYMENT ONLY RESTRICTION ON THE OFFENDER'S LICENSE EFFECTIVE FOR 180 DAYS**".

AMENDMENT NO. 4

On page 13, in line 3, strike "a passenger" and substitute a colon; in line 5, strike "under the age of 18 years"; in line 7, strike the period; after line 7 insert:

"**(I) FOR THE FIRST 9 MONTHS AFTER THE PROVISIONAL LICENSE IS ISSUED, A PASSENGER WHO IS** under the age of 18 years**; AND**

(II) AFTER THE EXPIRATION OF THE 9–MONTH PERIOD, MORE THAN ONE PASSENGER WHO IS UNDER THE AGE OF 18 YEARS.";

in line 16, before "stepbrother" insert "or"; and in the same line strike "**, OR COUSIN**".

The preceding 4 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0265**
SPONSOR: The Pres (Admin), et al
SUBJECT: Vehicle Laws – Teen Driver Safety

The Senate refuses to concur in the House amendments and respectfully requests the House recede from its position.

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints:

Senator Frosh, Chairman
Senator Haines
Senator Muse.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE TO THE SENATE

BILL: **SB 0870**

SPONSOR: Sen Gladden
SUBJECT: Marriage Ceremonies – Performance by Tax Court Judges

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Gladden, Chair
Senator Jacobs
Senator Forehand

The House appoints:
Delegate Barnes, Chairman
Delegate Kramer, and
Delegate McComas.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0850**
SPONSOR: Sen Muse
SUBJECT: Public Safety – Electronic Control Devices – Requirements

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Muse, Chair
Senator Forehand
Senator Simonaire

The House appoints:
Delegate Rosenberg, Chairman
Delegate McConkey, and
Delegate Barnes.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 1070)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #73

Senate Bill 361 – ~~Senator Gladden~~ Senators Gladden and Harrington

AN ACT concerning

Environment – Reducing Lead Risk in Housing – Lead Paint Dust Testing

Read the third time and failed for want of a constitutional majority:

Affirmative – 21 Negative – 25 (See Roll Call No. 1071)

THIRD READING CALENDAR (SENATE BILLS) #74

Senate Bill 905 – Senator Muse

AN ACT concerning

Orphans' Court – Minors – Guardianship of Person

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1072)

The Bill was then sent to the House of Delegates.

Senate Bill 933 – Senator Kelley

AN ACT concerning

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1073)

The Bill was then sent to the House of Delegates.

Senate Bill 974 – Senators Raskin and Rosapepe

AN ACT concerning

Local Government Tort Claims Act – Notice of Claim

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1074)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1075)

The Bill was then sent to the House of Delegates.

Senate Bill 1072 – The President (By Request – Administration) and Senators Brinkley, Colburn, Conway, Currie, DeGrange, Garagiola, Gladden, Harrington, Jones, Kasemeyer, Klausmeier, Madaleno, McFadden, Middleton, Miller, Munson, Peters, Pipkin, Pugh, Robey, and Rosapepe

EMERGENCY BILL

AN ACT concerning

Pimlico and Laurel Park Racetracks, Bowie Race Course Training Center, and Preakness Stakes – State Purchase or Condemnation

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

Affirmative – 32 Negative – 14 (See Roll Call No. 1076)

The Bill was then sent to the House of Delegates.

Senate Joint Resolution 10 – Senator Stone

A Senate Joint Resolution concerning

State Spending of Federal Economic Recovery Funds

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1077)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #30
CONSENT CALENDAR #18

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 9 (AMENDED)	Del. Waldstreicher	Criminal Law – Possession of Child Pornography – Penalties	JPR
HB 448	Del. Griffith	State Retirement and Pension System – Investments	B&T
HB 473	Del. Griffith	State Retirement and Pension System – Participating Governmental Units	B&T
HB 501	Del. Kelly	Criminal Law – Fraudulent	JPR

(AMENDED)		Conversion of Rental Property	
HB 583	Del. Kramer	Crimes – Financial Exploitation of Elderly – Penalty	JPR
HB 879	Frederick County Del.	Divestiture from Iran and Sudan – Frederick County Retirement and Pension System	B&T
HB 962 (AMENDED)	Prince George's Del.	Prince George's County – Alcoholic Beverages – Wine Festival License PG 322–09	EHE
HB 1019 (AMENDED)	Prince George's Del.	Prince George's County – Alcoholic Beverages – Salaries of Inspectors PG 307–09	EHE
HB 1030 (AMENDED)	Del. Shank	Criminal Procedure – Offender Registry – Retroactivity	JPR
HB 1134	Montgomery/PG Co. Del.	Washington Suburban Sanitary Commission – Audit and Financial Statements MC/PG 122–09	B&T
HB 1184 (AMENDED)	Washington County Del.	Washington County – Property Tax Relief	B&T
HB 1326	Frederick County Del.	Frederick County – State's Attorney – Annual Salary	JPR

All of the above listed bills on the Third Reading Consent Calendar No. 18 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1078)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #31

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

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

Affirmative – 46 Negative – 1 (See Roll Call No. 1079)

The Bill was then sent to the House of Delegates.

House Bill 72 – Delegates F. Turner~~, Ali,~~ and Waldstreicher and Delegates Barkley, Bartlett, Beidle, Bobo, Branch, Cardin, V. Clagett, Conway, DeBoy, Doory, Eckardt, Frick, Frush, Gilchrist, Gutierrez, Haddaway, Harrison, Heller, Hixson, Holmes, Howard, Hubbard, King, Kirk, Kramer, Krebs, Krysiak, Lee, Levy, Mathias, McDonough, McHale, Miller, Minnick, Montgomery, Morhaim, Murphy, Nathan–Pulliam, Olszewski, Pena–Melnyk, Pendergrass, Proctor, Reznik, Rice, Ross, Shewell, Sossi, Stocksdale, Stukes, Tarrant, Taylor, V. Turner, Vallario, Vaughn, Walker, ~~and Weir~~ Weir, Cane, Carr, Glenn, Healey, Hucker, Niemann, Norman, and Stein

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. 1080)

The Bill was then sent to the House of Delegates.

House Bill 85 – Delegates Rice, Holmes, Barnes, Ali, Barkley, Barve, Cardin, Carr, Davis, Dumais, Elmore, Feldman, Frick, George, Gutierrez, Hixson, Howard, Kaiser, Kipke, Krebs, Manno, Murphy, Myers, Niemann, Olszewski, Pena–Melnyk, Ramirez, Ross, Stukes, Tarrant, Taylor, Vaughn, Waldstreicher, and Walker

AN ACT concerning

College Textbook Competition and Affordability Act of 2009

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

Affirmative – 44 Negative – 3 (See Roll Call No. 1081)

The Bill was then sent to the House of Delegates.

House Bill 265 – Delegates G. Clagett, Barkley, Boteler, Cane, V. Clagett, Costa, DeBoy, Guzzone, Harrison, Jones, Levy, Love, Mathias, Sossi, ~~and V. Turner~~ V. Turner, Bohanan, Branch, Holmes, Malone, Weldon, Benson, Donoghue, Kullen, McDonough, Nathan–Pulliam, Pena–Melnyk, and Riley

AN ACT concerning

~~Public Safety~~ Emergency Medical Services – Emergency Medical Services Board ~~– Membership~~ and Joint Oversight Committee on Emergency Medical Services

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

Affirmative – 46 Negative – 1 (See Roll Call No. 1082)

The Bill was then sent to the House of Delegates.

House Bill 453 – Delegates Haynes, Aumann, Barnes, Benson, Braveboy, Bromwell, Carr, Carter, G. Clagett, Conaway, DeBoy, Doory, Frick, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Guzzone, Hammen, Holmes, Hucker, Ivey, James, Kaiser, Kirk, Manno, Mizeur, Montgomery, Nathan–Pulliam, Pena–Melnyk, Ramirez, Reznik, Rice, Robinson, Rosenberg, Ross, Schuler, Stukes, Taylor, F. Turner, V. Turner, Valderrama, and Waldstreicher

AN ACT concerning

Public Service Companies – Termination of Electric and Gas Service – Extreme Temperatures

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1083)

The Bill was then sent to the House of Delegates.

House Bill 461 – Delegates Rosenberg, G. Clagett, DeBoy, Jones, and Proctor

AN ACT concerning

State Personnel – Incentive Awards – Review and Evaluation Process

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

Affirmative – 41 Negative – 6 (See Roll Call No. 1084)

The Bill was then sent to the House of Delegates.

House Bill 756 – Delegates Nathan–Pulliam, Ali, Benson, Braveboy, Gutierrez, Haynes, Ivey, Kaiser, Lee, Levy, Montgomery, Pena–Melnyk, Ramirez, Reznik, Taylor, and Valderrama

AN ACT concerning

Cultural and Linguistic Health Care Provider Competency Program

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

Affirmative – 46 Negative – 1 (See Roll Call No. 1085)

The Bill was then sent to the House of Delegates.

House Bill 955 – Delegate V. Clagett

AN ACT concerning

Maryland Horse Industry Board – Equine Activities

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1086)

The Bill was then sent to the House of Delegates.

House Bill 969 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Bottle Clubs
PG 316–09

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1087)

The Bill was then sent to the House of Delegates.

House Bill 978 – Delegate Niemann

AN ACT concerning

Task Force to Study Motor Vehicle Towing Practices – Extension

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

Affirmative – 43 Negative – 4 (See Roll Call No. 1088)

The Bill was then sent to the House of Delegates.

House Bill 1526 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Workforce Development – Maryland Workforce Corporation

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1089)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #32

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1090)

The Bill was then sent to the House of Delegates.

House Bill 446 – Delegate Griffith (Chair, Joint Committee on Pensions) and Delegates Aumann, Bates, Branch, Conway, Haynes, Heller, James, Levi, and Levy

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 – 45 Negative – 1 (See Roll Call No. 1091)

The Bill was then sent to the House of Delegates.

House Bill 482 – Delegate Rosenberg

AN ACT concerning

Criminal Law – Removing Human Remains from Burial Site – Exceptions

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

Affirmative – 33 Negative – 14 (See Roll Call No. 1092)

The Bill was then sent to the House of Delegates.

House Bill 498 – Delegate Feldman

AN ACT concerning

Professional Service Corporations – Corporate Names – Approval by Professional Organizations

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1093)

The Bill was then sent to the House of Delegates.

House Bill 561 – Delegates Kramer, Kelly, McComas, Shank, ~~and Smigiel~~ Smigiel, Waldstreicher, and Vallario

AN ACT concerning

~~Crimes of Violence – Voided Revised Sentences~~
Criminal Procedure – Sentencing or Disposition Hearing – Appearance of Victim or Victim's Representative

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1094)

The Bill was then sent to the House of Delegates.

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

AN ACT concerning

Criminal Procedure – De Novo Appeal – Stay of Sentence

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

Affirmative – 32 Negative – 15 (See Roll Call No. 1095)

The Bill was then sent to the House of Delegates.

House Bill 626 – Delegate Anderson

AN ACT concerning

Criminal Law – Controlled Dangerous Substance – Manufacture

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

Affirmative – 39 Negative – 8 (See Roll Call No. 1096)

The Bill was then sent to the House of Delegates.

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

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1097)

The Bill was then sent to the House of Delegates.

House Bill 803 – Delegate Beitzel

AN ACT concerning

Garrett County – Code of Ordinances – Natural Gas

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1098)

The Bill was then sent to the House of Delegates.

House Bill 1321 – Delegates Conway, Eckardt, Elmore, and Haddaway

AN ACT concerning

Juvenile Law – Truancy Reduction Pilot Program – Repeal of Sunset

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1099)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #33

House Bill 201 – Delegate Frush

AN ACT concerning

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1100)

The Bill was then sent to the House of Delegates.

House Bill 477 – Frederick County Delegation

AN ACT concerning

Frederick County – County Commissioners – Retirement Benefits

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

Affirmative – 44 Negative – 3 (See Roll Call No. 1101)

The Bill was then sent to the House of Delegates.

House Bill 634 – Delegates Levi and Vallario

AN ACT concerning

Orphans' Court – Minors – Guardianship of Person

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1102)

The Bill was then sent to the House of Delegates.

House Bill 872 – Delegates Schuh, Dwyer, and Kipke

AN ACT concerning

Employees' Pension System – Purchase of Service Credit – Washington Suburban Transit Commission

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1103)

The Bill was then sent to the House of Delegates.

House Bill 893 – Delegates Hixson, Cardin, Olszewski, Rice, ~~and Ross~~ Ross, Frick, Ivey, Howard, Kaiser, Walker, and Stukes

EMERGENCY BILL

AN ACT concerning

Election Law – Voting Systems – Requirements

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1104)

The Bill was then sent to the House of Delegates.

House Bill 1196 – Delegates Ramirez, Barkley, Barnes, Frick, Haynes, Healey, Kramer, McComas, and Valderrama

AN ACT concerning

Domestic Violence – Protective Orders – Notification of Service

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1105)

The Bill was then sent to the House of Delegates.

House Bill 1337 – Delegate Branch

AN ACT concerning

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

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1106)

The Bill was then sent to the House of Delegates.

House Bill 1378 – Delegate Barnes

AN ACT concerning

Local Government Tort Claims Act – Notice of Claim

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1107)

The Bill was then sent to the House of Delegates.

House Bill 1495 – ~~Delegate G. Clagett~~ Delegates G. Clagett and DeBoy

AN ACT concerning

State Police Retirement System – Reemployment of Retirees

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1108)

The Bill was then sent to the House of Delegates.

House Bill 1513 – Chair, Appropriations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Employees' Retirement and Pension Systems – Reemployment of Retirees – Health Care Practitioners

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1109)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #34

House Bill 113 – Delegates Hubbard ~~and Hammen~~, Hammen, and Oaks

AN ACT concerning

~~Interagency Committee on Aging Services – Modifications~~
Department of Health and Mental Hygiene – Long–Term Care Supports and Services – Report

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1110)

The Bill was then sent to the House of Delegates.

House Bill 455 – Caroline County Delegation

AN ACT concerning

Caroline County ~~– Elected School Board~~ Board of Education – Election of Members – Referendum

FLOOR AMENDMENT

HB0455/863828/1

BY: Senator Colburn

AMENDMENTS TO HOUSE BILL 455
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 16, strike "the".

AMENDMENT NO. 2

On page 6, after line 19, insert:

"**(I) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, EACH APPOINTED MEMBER SERVES FOR A TERM OF 4 YEARS BEGINNING ON THE FIRST MONDAY IN DECEMBER 2012.**

(2) THE INITIAL TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS FOLLOWS:

(I) ONE APPOINTED MEMBER SHALL SERVE FOR A TERM OF 6 YEARS; AND

(II) ONE APPOINTED MEMBER SHALL SERVE FOR A TERM OF 4 YEARS.

(3) IN THE EVENT OF A VACANCY OF AN APPOINTED MEMBER DUE TO DEATH, RESIGNATION, DISQUALIFICATION, OR REMOVAL, THE GOVERNOR SHALL APPOINT ANOTHER INDIVIDUAL TO COMPLETE THE TERM OF THE VACATING APPOINTED MEMBER.".

The preceding 2 amendments were read and adopted.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1111)

The Bill was then sent to the House of Delegates.

House Bill 796 – Delegates Walker and Vaughn

AN ACT concerning

Agriculture – Emerald Ash Borer Grant Fund

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

Affirmative – 46 Negative – 1 (See Roll Call No. 1112)

The Bill was then sent to the House of Delegates.

House Bill 921 – Delegates Barnes, Pena–Melnyk, Frush, Ali, Beidle, Benson, Cane, Carr, Dumais, Healey, Holmes, Hubbard, Hucker, Glenn, Lafferty, Levy, O'Donnell, Shewell, Stein, and Weir

EMERGENCY BILL

AN ACT concerning

Construction Permits – Expiration Dates

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1113)

The Bill was then sent to the House of Delegates.

House Bill 1058 – Delegates Walkup, Eckardt, Haddaway, and Sossi

AN ACT concerning

Environment – Sewage Sludge Utilization Permits – Local Notice

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1114)

The Bill was then sent to the House of Delegates.

House Bill 1305 – Delegate King

AN ACT concerning

Environment – Coal Combustion Byproducts – Department Regulations – Transport and Beneficial Use

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1115)

The Bill was then sent to the House of Delegates.

House Bill 1373 – Delegates Conway, Cane, Elmore, and Mathias

EMERGENCY BILL

AN ACT concerning

Natural Resources – Somers Cove Marina Commission

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1116)

The Bill was then sent to the House of Delegates.

House Bill 1416 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Small Business Pollution Compliance Loan Fund – Repeal

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1117)

The Bill was then sent to the House of Delegates.

House Bill 1417 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

EMERGENCY BILL

AN ACT concerning

Water Quality and Drinking Water Quality Revolving Loan Funds – Use of Funds

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1118)

The Bill was then sent to the House of Delegates.

House Bill 1418 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Agricultural Land Preservation – Condemnation of Land Under Easement

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1119)

The Bill was then sent to the House of Delegates.

House Bill 1419 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Department of Natural Resources – Fish and Fisheries Laws Violations – Penalties

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1120)

The Bill was then sent to the House of Delegates.

House Bill 1570 – Delegate Weir

AN ACT concerning

Fisheries Management – Anchored Fishing Nets – Buoy Markers

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1121)

The Bill was then sent to the House of Delegates.

CONCURRENCE CALENDAR #15

AMENDED IN THE HOUSE

Senate Bill 963 – Senators Klausmeier, Currie, Garagiola, ~~and King~~ King, Middleton, Astle, Della, Exum, Glassman, Kittleman, Pugh, and Forehand

AN ACT concerning

Health – Maryland Commission on Autism

Senator Middleton moved that the Senate concur in the House amendments.

SB0963/266583/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 963
(Third Reading File Bill)

AMENDMENT NO. 1

On page 3, in line 15, strike "**TWO**" and substitute "**THREE**"; in line 16, strike "**A PARENT**" and substitute "**TWO PARENTS**"; and in line 17, strike "**A**" and substitute "**ONE**".

On page 4, strike in their entirety lines 7 through 10, inclusive, and substitute:

"**(XIII) A REPRESENTATIVE OF A LABOR ORGANIZATION THAT REPRESENTS EMPLOYEES WHO PROVIDE SERVICES TO INDIVIDUALS WITH AUTISM SPECTRUM DISORDERS; AND**

(XIV) A REPRESENTATIVE OF A HEALTH INSURER, NONPROFIT HEALTH SERVICE PLAN, OR HEALTH MAINTENANCE ORGANIZATION THAT DOES BUSINESS IN THE STATE.".

AMENDMENT NO. 2

On page 5, strike beginning with "**DEVELOP**" in line 20 down through "**ANALYSIS**" in line 23 and substitute "**REVIEW THE FINDINGS OF ANY SUMMIT OR CONFERENCE CONVENED BY THE STATE REGARDING AUTISM SPECTRUM DISORDERS**".

AMENDMENT NO. 3

On page 7, in line 6, strike "**AND**"; and in line 10, after "**DATA**" insert "**; AND**

(6) STUDY AND MAKE RECOMMENDATIONS RELATED TO ANY ISSUE RELATED TO AUTISM SPECTRUM DISORDERS THAT IS CONSIDERED NECESSARY BY THE COMMISSION".

AMENDMENT NO. 4

On page 7, strike in their entirety lines 14 through 17, inclusive; and in lines 18 and 22, strike "**(2)**" and "**(3)**", respectively, and substitute "**(1)**" and "**(2)**", respectively.

The preceding 4 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1122)

CONCURRENCE CALENDAR #14

AMENDED IN THE HOUSE

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

Senator Middleton moved that the Senate not concur in the House amendments.

SB0014/673996/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 14
(Third Reading File Bill)

On page 3, in line 10, after "**RENEWABLE**" insert "**OR OTHER ENERGY**".

On page 6, in line 15, after "**RENEWABLE**" insert "**AND OTHER**".

On page 23, strike beginning with "**EACH**" in line 17 down through "**ACTIVITY.**" in line 20.

The preceding amendment was read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0014**

SPONSOR: Sen Astle, et al
SUBJECT: Maryland Environmental Service – Energy Generation Projects

The Senate refuses to concur in the House amendments and respectfully requests the House recede from its position.

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints:

Senator Klausmeier, Chairman
Senator Glassman
Senator Exum.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

CONCURRENCE CALENDAR #16

AMENDED IN THE HOUSE

Senate Bill 79 – Chair, Finance Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Health Insurance – Reform

Senator Middleton moved that the Senate not concur in the House amendments.

SB0079/106487/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 79
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, strike beginning with "requiring" in line 4 down through "date;" in line 8; in line 9, strike "certain provisions of"; and in line 10, strike "providing for the effective dates of this Act;".

AMENDMENT NO. 2

On pages 10 and 11, strike in their entirety the lines beginning with line 24 on page 10 through line 12 on page 11, inclusive.

On page 11, in line 13, strike "3." and substitute "2."; in the same line, strike "Section 1 of"; in line 14, strike "on"; and strike in their entirety lines 17 and 18.

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0079**
SPONSOR: Chr FIN (Dept)
SUBJECT: Health Insurance – Reform

The Senate refuses to concur in the House amendments and respectfully requests the House recede from its position.

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints:

Senator Garagiola, Chairman
Senator Kelley
Senator Pipkin.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 670 – Delegate Frick

AN ACT concerning

Sales and Use and Property Tax – Exemptions – Solar Energy Equipment and Property

FOR the purpose of altering the definition of "solar energy equipment" for purposes of an exemption under the sales and use tax for certain geothermal equipment and solar energy equipment; altering the definition of "solar energy property" for purposes of a property tax exemption for certain solar energy equipment; and generally relating to certain tax exemptions for certain solar energy equipment.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 11–230
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 7–242
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

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

House Bill 706 – ~~Delegate Pena-Melnyk~~ Delegates Pena–Melnyk, Hammen, Benson, Costa, Elliott, Hubbard, Kipke, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pendergrass, Reznik, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Electronic Health Records – Regulation and Reimbursement

FOR the purpose of requiring the Maryland Medical Assistance Program to reimburse certain health care providers in accordance with certain provisions of this Act; ~~requiring the Maryland Health Care Commission, in consultation with the Department of Health and Mental Hygiene and the Maryland Insurance Administration, to adopt certain regulations on or before a certain date requiring certain payors to include certain costs in a certain reimbursement structure; requiring the Commission to designate a certain health information exchange on or before a certain date; requiring the Commission to determine the appropriate level of additional reimbursement in a certain manner;~~

~~providing that certain regulations shall apply to certain entities under certain circumstances; requiring the Commission, in consultation with the Department and the Administration, to adopt certain regulations that specify certain certification requirements on or before a certain date;~~ requiring the Maryland Health Care Commission and the Health Services Cost Review Commission to designate a health information exchange for the State on or before a certain date; requiring the Maryland Health Care Commission, on or before a certain date, to report on progress in implementing certain provisions of this Act; requiring, on or before a certain date, the Maryland Health Care Commission, following consultation with certain stakeholders, to post on its website for a public comment and submit to the Governor and certain legislative committees, a report on certain aspects of health information technology; requiring the committees to have a certain period of time for review and comment; requiring, on or before a certain date, the Maryland Health Care Commission, in consultation with the Department of Health and Mental Hygiene and others, to adopt regulations that require certain payors to provide incentives to health care providers to promote the adoption and certain use of electronic health records; establishing certain requirements for the incentives; providing that the incentives may include certain items and services; specifying that the regulations need not require incentives for certain types of health care providers; requiring the regulations to apply to certain entities under certain circumstances; requiring the Health Services Cost Review Commission and the Department, in consultation with certain other entities, to take certain actions that relate to the American Recovery and Reinvestment Act of 2009 and certain rules and regulations; requiring the Maryland Health Care Commission, on or before a certain date, to report to the Governor and the General Assembly on certain progress achieved and recommendations for changes that may be necessary for certain adoption and use of electronic health records; requiring the Maryland Health Care Commission to designate ~~a~~ certain management service ~~organization~~ organizations on or before a certain date; authorizing the Maryland Health Care Commission to use certain grants and loans in a certain manner; requiring certain health care providers to use certain electronic health records on ~~or~~ and after a certain date; ~~prohibiting certain payors from reimbursing certain health care providers on or after a certain date under certain circumstances; providing that certain provisions of this Act shall apply to certain entities under certain circumstances;~~ providing that certain provisions of this Act apply to health maintenance organizations; requiring ~~certain carriers~~ State–regulated payors to ~~reimburse~~ provide incentives to certain health care providers in accordance with certain provisions of this Act; requiring the Secretary of Budget and Management to ensure that the State Employee and Retiree Health and Welfare Benefits Program complies with certain provisions of this Act; defining certain terms; and generally relating to the regulation of and reimbursement for the use of electronic health records.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 1–101(a) and (c), 15–101(a) and (h), and 19–101

Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article – Health – General
Section 15–105.2; 19–142 ~~through 19–145~~ and 19–143 to be under the new part "Part IV. Electronic Health Records – Regulation and Reimbursement"; and 19–706(ttt)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article – Insurance
Section 15–132
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – State Personnel and Pensions
Section 2–501(a) and (b)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 2–503(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

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

House Bill 708 – Delegates Vaughn, Glenn, Gutierrez, Holmes, Hucker, Jones, Lafferty, Lee, Love, Manno, Oaks, Ramirez, Robinson, ~~and Valderrama~~ Valderrama, and Braveboy

AN ACT concerning

~~Recipients of State Incentives or Financial Assistance – Diversity Initiatives~~
General Obligation Bonds for Capital Projects – Required Reports

FOR the purpose of requiring ~~certain units of State government to ensure that an entity that receives a certain State incentive or financial assistance has adopted and implemented a certain diversity initiative and embraces minority business enterprise participation in its activities; requiring certain entities to submit an annual report to the Governor's Office of Minority Affairs; providing for the application of this Act; making a stylistic change; and generally relating to the utilization of minority business enterprises by entities receiving certain State~~

~~incentives or financial assistance.~~ an enabling act authorizing the creation of a State debt, that is for at least a certain amount to be used by certain entities to complete certain projects, to contain a provision that requires the grantee to submit certain reports to the Governor's Office of Minority Affairs by certain dates regarding the extent to which the entity has used, or will use, certain funds for contracts with minority–owned businesses; requiring that the Governor's Office of Minority Affairs determine a certain form and annually report to certain committees of the General Assembly on or before a certain date; providing for the termination of this Act; and generally relating to the provisions of an enabling act authorizing the creation of a State debt.

~~BY repealing and reenacting, without amendments,~~
~~Article – State Finance and Procurement~~
~~Section 11–204(a)~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2008 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – State Finance and Procurement~~
~~Section 14–302~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2008 Supplement)~~

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 8–117
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

House Bill 800 – ~~Delegate Hucker~~ Delegates Hucker and Manno

AN ACT concerning

Natural Resources – Roadside Trees – Protection and Enforcement

FOR the purpose of authorizing a county or municipality to adopt a local law or ordinance relating to roadside trees under certain circumstances; 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; authorizing a county or municipality to issue a stop work order under certain circumstances; authorizing the Department of Natural Resources to authorize a county or municipality to enforce certain provisions of law under certain circumstances; prohibiting a county or municipality from issuing a building permit under certain circumstances; establishing certain penalties for certain violations; requiring the State Highway Administration to include a

certain requirement relating to roadside trees in certain contracts; making stylistic changes; and generally relating to the protection of roadside trees.

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 5–401 and 5–402
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–403, 5–404, and 5–406
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 8–614
Annotated Code of Maryland
(2008 Replacement Volume)

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

House Bill 1422 – Delegates McHale, Anderson, Barkley, Braveboy, Bromwell, Feldman, Glenn, Hammen, Harrison, Haynes, Healey, Hecht, Heller, Hixson, Hubbard, Hucker, Kirk, Krysiak, Lafferty, Love, Malone, Manno, Minnick, Mizeur, Montgomery, Murphy, Olszewski, Riley, Robinson, Schuler, Stukes, Tarrant, and Vaughn

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~~,~~ or the Commissioner's agent~~, or a law enforcement officer~~ to take certain enforcement action under certain circumstances; authorizing the Commissioner to bring a certain action in a certain court under certain circumstances; establishing certain appeal procedures; making a person who violates certain provisions guilty of a misdemeanor subject, on conviction, to ~~certain penalties~~ a certain penalty; requiring the Commissioner to adopt certain regulations; providing a

short title for this Act; declaring the intent of the General Assembly; defining certain terms; 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.

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 156	Sen. Frosh	Maryland Estate Tax – Filing of Returns
SB 175 (Emergency Bill)	Sen. Colburn	Department of Natural Resources – Shell Dredging – Permit Application
SB 180	Sen. McFadden	Baltimore City – Authority of Mayor to Remove Police Commissioner
SB 181	Sen. McFadden	Crim Procedure – Restrictions on Pretrial Release – Offenses Involving Firearms – Repeat Offenders
SB 201	Sen. Kelley	Real Prop – Condominiums – Repair or Replacement of Damage or Destruction by Council of Unit Owners
SB 204	Chair, EHE Com.	State Board of Public Accountancy – Required Peer Reviews
SB 212	Sen. Frosh	Environment – Green Building Council
SB 271	The President	Aquaculture – Shellfish – Leasing
SB 273	The President	Smart, Green, and Growing – Local Government Planning – Planning Visions
SB 280	The President	Smart, Green, and Growing –

		Smart and Sustainable Growth Act of 2009
SB 367	Sen. Klausmeier	Commission on the Establishment of a Maryland Women in Military Service Monument
SB 403	Sen. Harrington	Prince George's County – Green Businesses – Tax Credits
SB 489	Sen. Pugh	Minority Business Enterprise Certification – Cap on Personal Net Worth
SB 506	Sen. Gladden	Maryland Transit Administration – Public Hearings
SB 568	Sen. Pugh	Minority Business Enterprise Program – Directory of Minority Business Enterprises
SB 569	Sen. Pugh	Education – Collective Bargaining – Topics of Negotiation
SB 581	Sen. Frosh	Natural Resources – Roadside Trees – Protection and Enforcement
SB 638	Sen. Garagiola	Health Insurance – Bona Fide Wellness Programs – Incentives
SB 644	Sen. Astle	Property Tax Credit – Marine Trade Waterfront Property
SB 661	Sen. Garagiola	Health Insurance – Use of Physician Rating Systems by Carriers
SB 664	Sen. Garagiola	Nursing Facilities – Accountability Measures – Pay–for–Performance Program
SB 667	Sen. Raskin	Attorney General – State Legal Business – Hiring Counsel
SB 700	Sen. Klausmeier	Pharmacists – Administration of Vaccinations – Expanded Authority
SB 759	Sen. Dyson	Public Health – Certificates of Death – Nurse Practitioners
SB 780	Carroll Co. Senators	Counties – Purchase of Development Rights – Carroll County

SB 796	Sen. Della	Office of the Treasurer – Community Services Trust Fund – Workgroup
SB 810	Sen. Colburn	Natural Resources – Oyster Shell Purchase Program – Fair Market Value
SB 811	Sen. Muse	Domestic Violence – Duration of Protective Order – Subsequent Act of Abuse
SB 901	Sen. McFadden	Baltimore City Land Bank Authority – Recodification
SB 931	Sen. Currie	Community Dev Admin – Local Govt Infrastructure Financing Program – Capital Reserve Funds
SB 965	Sen. Colburn	Caroline County – School Buses – Length of Operation
SB 990	Sen. Stone	Education – Reporting Requirement – Class Size
SB 1070	Sen. Middleton	Nonprofit Health Service Plans – Hearing and Order – Impact of Law by Another State

Endorsed as having been read the third time and passed by yeas and nays in the House of Delegates.

THE COMMITTEE ON RULES REPORT #20

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

House Bill 130 – Delegates Pena–Melnyk, Frush, Barnes, Griffith, Holmes, Howard, Ivey, Levi, Malone, Nathan–Pulliam, Niemann, Ramirez, Reznik, Rice, Ross, Tarrant, F. Turner, Valderrama, Waldstreicher, Walker, and Weldon

AN ACT concerning

State Highway Administration – Unauthorized Signs on Highway Rights–of–Way

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:

House Bill 268 – Delegates Rosenberg, Oaks, Haynes, ~~and James~~ James, Barkley, Bronrott, Hecht, Krysiak, Mathias, Manno, McHale, Robinson, and Taylor

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:

House Bill 1392 – Chair, Ways and Means Committee (By Request – Departmental – Elections, State Board of)

AN ACT concerning

Election Law – Miscellaneous ~~Technical and Clarifying Corrections~~ 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 Education, Health, and Environmental Affairs:

House Bill 1398 – Chair, Ways and Means Committee (By Request – Departmental – Elections, State Board of)

AN ACT concerning

Election Law – Campaign Finance – 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 Education, Health, and Environmental Affairs:

House Bill 1469 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

EMERGENCY BILL

AN ACT concerning

State Board of Nursing – Discipline – Hearing Committee

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:

House Bill 1534 – ~~Delegate Pendergrass~~ Delegates Pendergrass, Hammen, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Krebs, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Nonprofit Health Service Plans – Hearing and Order – Impact of Law by Another State

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:

House Bill 1557 – Chair, Health and Government Operations Committee and Chair, Ways and Means Committee

AN ACT concerning

State Lottery – Procurement – Licensing Agreements and Prizes

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:

House Bill 1573 – ~~Delegate Kipke~~ Delegates Kipke, Mathias, Hecht, Impallaria, Jameson, Miller, Minnick, and Vaughn

AN ACT concerning

Business Regulation – Soda Fountain License – Repeal

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

THE COMMITTEE ON RULES REPORT #21

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

House Bill 176 – Delegates Lafferty, Ali, Beidle, Bobo, Bromwell, Carr, Glenn, Healey, Holmes, Hucker, Malone, Niemann, Olszewski, Schuler, and Stein

AN ACT concerning

Bay Restoration Act of 2009

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

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #35

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

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

AN ACT concerning

Home Financial Accountability Act of 2009

HB0137/718174/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 137
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2 in line 10, on page 3 in line 22, and on page 4 in line 27, in each instance, after "**REQUESTS**" insert "**IN WRITING**".

On page 2 in line 17, on page 3 in line 28, and on page 4 in line 33, in each instance, after "**THE**" insert "**WRITTEN**".

AMENDMENT NO. 2

On page 3 in lines 10 and 11, on page 4 in lines 19 and 20, and on page 5 in lines 25 and 26, in each instance, strike "**PREVAILING AVERAGE CHARGE BY COMMERCIAL COPYING SERVICES IN THE COMMUNITY**" and substitute "**LIMITS AUTHORIZED UNDER TITLE 7, SUBTITLE 2 OF THE COURTS ARTICLE**".

AMENDMENT NO. 3

On page 2 in line 16, on page 3 in line 27, and on page 4 in line 32, in each instance, strike "**WITHIN**" and substitute "**:**

1. WITHIN".

On page 2 in line 17, on page 3 in line 28, and on page 4 in line 33, in each instance, after "**REQUEST**" insert "**, IF THE FINANCIAL STATEMENTS OR MINUTES WERE PREPARED WITHIN THE 3 YEARS IMMEDIATELY PRECEDING RECEIPT OF THE REQUEST; OR**

2. WITHIN 45 DAYS AFTER RECEIPT OF THE WRITTEN REQUEST, IF THE FINANCIAL STATEMENTS OR MINUTES WERE PREPARED MORE THAN 3 YEARS BEFORE RECEIPT OF THE REQUEST".

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:

House Bill 267 – Delegate King

AN ACT concerning

Family Law – Child Abduction by Relative

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:

House Bill 560 – Delegates Kramer, Manno, Ramirez, Reznik, Simmons, and Valderrama

AN ACT concerning

Hate Crimes – Prohibitions and Protected Classes – Age, Gender, and Disability

HB0560/138677/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 560
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Age, Gender, and"; in line 4, strike "age, gender, and"; and in lines 10 and 11, strike "age, gender,".

AMENDMENT NO. 2

On page 2, strike beginning with "**AGE,**" in line 5 down through "**GENDER,**" in line 6; and in lines 24 and 27, in each instance, strike "**AGE, GENDER,**".

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:

House Bill 635 – Delegates Levi, Anderson, Barnes, Burns, Carr, Carter, Conaway, Dumais, Gutierrez, Healey, Reznik, Riley, Robinson, Ross, Schuler, F. Turner, and Valderrama

AN ACT concerning

Criminal Procedure – Occupational Licenses or Certificates – ~~Issuance of a Certificate of Employability~~ Criminal Conviction

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:

House Bill 988 – Delegates Shank, Beitzel, Conway, Eckardt, Elmore, Haddaway, Kelly, Myers, Serafini, Shewell, Smigiel, and Walkup

AN ACT concerning

Correctional Services – Strip Searches of Employees – Reporting Requirement

HB0988/198778/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 988
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Correctional Services" and substitute "Police Officers"; in the same line, strike "of Employees" and substitute "and Body Cavity Searches"; in line 3, after "Requirement" insert "and Restrictions"; in line 11, strike "defining a certain term;" and substitute "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 conducting a strip search or 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; providing that a complaint against a law enforcement officer that alleges a certain violation of this Act may not be investigated or initiated except under certain circumstances; defining certain terms; altering a certain definition;"; and strike beginning with "regarding" in line 12 down through "Services" in line 13 and substitute "and restrictions on strip searches and body cavity searches".

On page 2, after line 1, insert:

"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)".

AMENDMENT NO. 2

On page 3, after line 4, insert:

"Article – Criminal Procedure

2–101.

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

(c) "Police officer" means a person who in an official capacity is authorized by law to make arrests and is:

(1) a member of the Department of State Police;

(2) a member of the Police Department of Baltimore City;

(3) a member of the Baltimore City School Police Force;

(4) a member of the police department, bureau, or force of a county;

(5) a member of the police department, bureau, or force of a municipal corporation;

(6) a member of the Maryland Transit Administration Police Force or Maryland Transportation Authority Police Force;

(7) a member of the University of Maryland Police Force or Morgan State University Police Force;

(8) a special police officer who is appointed to enforce the law and maintain order on or protect property of the State or any of its units;

(9) a member of the Department of General Services security force;

(10) the sheriff of a county whose usual duties include the making of arrests;

(11) a regularly employed deputy sheriff of a county who is compensated by the county and whose usual duties include the making of arrests;

(12) a member of the Natural Resources Police Force of the Department of Natural Resources;

(13) an authorized employee of the Field Enforcement Bureau of the Comptroller's Office;

(14) a member of the Maryland–National Capital Park and Planning Commission Park Police;

(15) a member of the Housing Authority of Baltimore City Police Force;

(16) a member of the Crofton Police Department;

(17) a member of the WMATA Metro Transit Police, subject to the jurisdictional limitations under Article XVI, § 76 of the Washington Metropolitan Area Transit Authority Compact, which is codified at § 10–204 of the Transportation Article;

(18) a member of the Internal Investigative Unit of the Department;

(19) a member of the State Forest and Park Service Police Force of the Department of Natural Resources;

(20) a member of the Department of Labor, Licensing, and Regulation Police Force;

(21) a member of the Washington Suburban Sanitary Commission Police Force;

(22) a member of the Ocean Pines Police Department; or

(23) a member of the police force of the Baltimore City Community College.

2–108.

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

(2) "BODY CAVITY" MEANS THE STOMACH OR RECTAL CAVITY OF A MALE OR FEMALE INDIVIDUAL AND THE VAGINA OF A FEMALE INDIVIDUAL.

(3) "BODY CAVITY SEARCH" MEANS A PHYSICAL INTRUSION INTO A BODY CAVITY TO DETERMINE THE PRESENCE OF A WEAPON OR OF A CONTROLLED DANGEROUS SUBSTANCE CONCEALED IN THE BODY CAVITY.

(4) "CONTROLLED DANGEROUS SUBSTANCE" HAS THE MEANING STATED IN § 5–101 OF THE CRIMINAL LAW ARTICLE.

(5) "POLICE OFFICER" INCLUDES:

(I) A LAW ENFORCEMENT OFFICER AS DEFINED IN § 3–101 OF THE PUBLIC SAFETY ARTICLE; AND

(II) A CORRECTIONAL OFFICER AT A LOCAL CORRECTIONAL FACILITY, THE BALTIMORE CITY CORRECTIONAL CENTER, OR A DEPARTMENT OF JUVENILE SERVICES FACILITY.

(6) (I) "STRIP SEARCH" MEANS AN OBSERVATION OF THE UNCLOTHED BODY OF AN INDIVIDUAL TO DETERMINE THE PRESENCE OF A WEAPON OR OF A CONTROLLED DANGEROUS SUBSTANCE.

(II) "STRIP SEARCH" INCLUDES A VISUAL INSPECTION OF A BODY CAVITY.

(B) THIS SECTION DOES NOT APPLY TO A STRIP SEARCH OR A BODY CAVITY SEARCH OF:

(1) AN INDIVIDUAL COMMITTED TO THE DIVISION OF CORRECTIONS IN THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES;

(2) AN INDIVIDUAL COMMITTED TO A LOCAL CORRECTIONAL FACILITY; OR

(3) A MINOR COMMITTED TO THE DEPARTMENT OF JUVENILE SERVICES.

(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AND SUBJECT TO THE PROVISIONS OF SUBSECTION (D) OF THIS SECTION, A POLICE OFFICER MAY NOT CONDUCT OR SUPERVISE A STRIP SEARCH OR BODY CAVITY SEARCH OF:

(I) AN INDIVIDUAL ARRESTED AND HELD IN CUSTODY FOR A MISDEMEANOR OR TRAFFIC OFFENSE THAT DOES NOT INVOLVE WEAPONS, CONTROLLED DANGEROUS SUBSTANCES, OR A CRIME OF VIOLENCE AS DEFINED IN § 14–101 OF THE CRIMINAL LAW ARTICLE; OR

(II) A MINOR DETAINED FOR AN ACT THAT WOULD BE A MISDEMEANOR IF COMMITTED BY AN ADULT OR A TRAFFIC OFFENSE THAT DOES NOT INVOLVE WEAPONS, CONTROLLED DANGEROUS SUBSTANCES, OR A CRIME OF VIOLENCE AS DEFINED IN § 14–101 OF THE CRIMINAL LAW ARTICLE.

(2) SUBJECT TO SUBSECTION (D) OF THIS SECTION, A POLICE OFFICER MAY CONDUCT OR SUPERVISE A STRIP SEARCH OR BODY CAVITY SEARCH OF AN INDIVIDUAL OR MINOR ONLY IF THE POLICE OFFICER:

(I) HAS A REASONABLE SUSPICION, BASED ON ARTICULABLE AND SPECIFIC FACTS TO BELIEVE THAT THE INDIVIDUAL OR MINOR IS CONCEALING A WEAPON OR A CONTROLLED DANGEROUS SUBSTANCE AND THAT A STRIP SEARCH OR BODY CAVITY SEARCH WOULD RESULT IN THE DISCOVERY OF A WEAPON OR OF A CONTROLLED DANGEROUS SUBSTANCE; AND

(II) IS GRANTED AUTHORIZATION FROM THE HIGHEST–RANKING, SUPERVISING OFFICER ON DUTY.

(D) (1) (I) A POLICE OFFICER OR AUTHORIZED INDIVIDUAL PARTICIPATING IN CONDUCTING A STRIP SEARCH MUST BE OF THE SAME SEX AS THE INDIVIDUAL OR MINOR BEING SEARCHED.

(II) THE STRIP SEARCH MUST BE CONDUCTED IN A LOCATION WHERE THE SEARCH MAY NOT BE OBSERVED BY INDIVIDUALS NOT PARTICIPATING IN THE SEARCH.

(III) THE NUMBER OF INDIVIDUALS PARTICIPATING SHALL BE LIMITED ONLY TO THE INDIVIDUALS NECESSARY TO CONDUCT THE STRIP SEARCH.

(2) (I) A BODY CAVITY SEARCH SHALL BE PERFORMED BY A MEDICAL PROFESSIONAL AND CONDUCTED UNDER SANITARY CONDITIONS.

(II) EXCEPT FOR THE MEDICAL PROFESSIONAL, A POLICE OFFICER OR AUTHORIZED INDIVIDUAL PARTICIPATING IN CONDUCTING A BODY CAVITY SEARCH MUST BE OF THE SAME SEX AS THE INDIVIDUAL OR MINOR BEING SEARCHED.

(III) THE BODY CAVITY SEARCH MUST BE CONDUCTED IN A LOCATION WHERE THE SEARCH MAY NOT BE OBSERVED BY INDIVIDUALS NOT PARTICIPATING IN THE BODY CAVITY SEARCH.

(IV) THE NUMBER OF INDIVIDUALS PARTICIPATING SHALL BE LIMITED ONLY TO THE INDIVIDUALS NECESSARY TO CONDUCT THE BODY CAVITY SEARCH.

(E) A COMPLAINT AGAINST A POLICE OFFICER THAT ALLEGES A VIOLATION OF THIS SECTION SHALL BE INVESTIGATED IN ACCORDANCE WITH TITLE 3, SUBTITLE 1 OF THE PUBLIC SAFETY ARTICLE OR TITLE 11, SUBTITLE 10 OF THE CORRECTIONAL SERVICES ARTICLE FOR A CORRECTIONAL OFFICER.

(F) NOTHING IN THIS SECTION MAY BE CONSTRUED TO LIMIT OR REPEAL ANY COMMON LAW OR STATUTORY RIGHT OF AN INDIVIDUAL REGARDING ANY ACTION FOR DAMAGES OR INJUNCTIVE RELIEF.

Article – Public Safety

3–101.

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

(e) (1) "Law enforcement officer" means an individual who:

(i) in an official capacity is authorized by law to make arrests; and

(ii) is a member of one of the following law enforcement agencies:

1. the Department of State Police;

2. the Police Department of Baltimore City;

3. the Baltimore City School Police Force;

4. the Baltimore City Watershed Police Force;

5. the police department, bureau, or force of a county;

6. the police department, bureau, or force of a municipal corporation;

7. the office of the sheriff of a county;

8. the police department, bureau, or force of a bicounty agency;

9. the Maryland Transportation Authority Police;

10. the police forces of the Department of Transportation;

11. the police forces of the Department of Natural Resources;

12. the Field Enforcement Bureau of the Comptroller's Office;

13. the Housing Authority of Baltimore City Police Force;

14. the Crofton Police Department;

15. the police force of the Department of Health and Mental Hygiene;

16. the police force of the Department of General Services;

17. the police force of the Department of Labor, Licensing, and Regulation;

18. the police forces of the University System of Maryland;

19. the police force of Morgan State University;

20. the office of State Fire Marshal;

21. the Ocean Pines Police Department; or

22. the police force of the Baltimore City Community College.

(2) "Law enforcement officer" does not include:

(i) an individual who serves at the pleasure of the Police Commissioner of Baltimore City;

(ii) an individual who serves at the pleasure of the appointing authority of a charter county;

(iii) the police chief of a municipal corporation;

(iv) an officer who is in probationary status on initial entry into the law enforcement agency except if an allegation of brutality in the execution of the officer's duties**, OR AN ALLEGATION OF A VIOLATION OF § 2–108 OF THE CRIMINAL PROCEDURE ARTICLE,** is made;

(v) a Montgomery County fire and explosive investigator as defined in § 2–208.1 of the Criminal Procedure Article;

(vi) an Anne Arundel County or City of Annapolis fire and explosive investigator as defined in § 2–208.2 of the Criminal Procedure Article;

(vii) a Prince George's County fire and explosive investigator as defined in § 2–208.3 of the Criminal Procedure Article;

(viii) a Worcester County fire and explosive investigator as defined in § 2–208.4 of the Criminal Procedure Article; or

(ix) a City of Hagerstown fire and explosive investigator as defined in § 2–208.5 of the Criminal Procedure Article.

3–104.

(a) The investigation or interrogation by a law enforcement agency of a law enforcement officer for a reason that may lead to disciplinary action, demotion, or dismissal shall be conducted in accordance with this section.

(c) (1) A complaint against a law enforcement officer that alleges brutality in the execution of the law enforcement officer's duties**, OR ALLEGES A VIOLATION OF § 2–108 OF THE CRIMINAL PROCEDURE ARTICLE,** may not be investigated unless the complaint is sworn to, before an official authorized to administer oaths, by:

(i) the aggrieved individual;

(ii) a member of the aggrieved individual's immediate family;

(iii) an individual with firsthand knowledge obtained because the individual was present at and observed the alleged incident; or

(iv) the parent or guardian of the minor child, if the alleged incident involves a minor child.

(2) Unless a complaint is filed within 90 days after the alleged brutality **OR AN ALLEGED VIOLATION OF § 2–108 OF THE CRIMINAL PROCEDURE ARTICLE**, an investigation that may lead to disciplinary action under this subtitle for brutality **OR AN ALLEGED VIOLATION OF § 2–108 OF THE CRIMINAL PROCEDURE ARTICLE** may not be initiated and an action may not be taken.".

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:

House Bill 1382 – Chair, Judiciary Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Juvenile Law – Juvenile Records – Disclosure

HB1382/678173/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1382
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "State" and substitute "state"; in line 4, after "child" insert "under certain circumstances"; and strike beginning with "authorizing" in line 4 down through "circumstances" in line 7 and substitute "authorizing access to certain court records by the Department of Human Resources under certain circumstances; providing that the Department of Human Resources shall be liable for the unauthorized release of certain information".

AMENDMENT NO. 2

On page 2, strike beginning with the comma in line 10 down through "**ARTICLE**" in line 13; strike beginning with "**AN**" in line 14 down through "**PROGRAMS**" in line 18 and substitute "**AN AGENCY IN THE DISTRICT OF COLUMBIA OR A STATE AGENCY IN VIRGINIA IF THE AGENCY:**

A. PERFORMS THE SAME FUNCTIONS IN ITS JURISDICTION AS DESCRIBED IN § 9–216(A) OF THE HUMAN SERVICES ARTICLE; AND

B. HAS A RECIPROCAL AGREEMENT WITH THE STATE".

AMENDMENT NO. 3

On page 3, after line 25, insert:

"**(6) (I) THIS SUBSECTION DOES NOT PROHIBIT ACCESS TO AND CONFIDENTIAL USE OF A COURT RECORD BY THE DEPARTMENT OF HUMAN RESOURCES FOR THE PURPOSE OF CLAIMING FEDERAL TITLE IV–E FUNDS.**

(II) THE DEPARTMENT OF HUMAN RESOURCES SHALL BE LIABLE FOR THE UNAUTHORIZED RELEASE OF A COURT RECORD UNDER THIS PARAGRAPH.".

The preceding 3 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:

House Bill 1385 – Chair, Judiciary Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Juvenile Services – Employee Criminal History Record Information – Disclosure of New Information

HB1385/688670/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1385

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, before "Disclosure" insert "Initial Criminal History Records Check and"; and in line 8, after the semicolon insert "altering the time within which the Department is required to apply for an initial criminal history records check for an employee;".

AMENDMENT NO. 2

On page 2, in line 1, strike "Within the first month" and substitute "**ON OR BEFORE THE FIRST DAY**".

The preceding 2 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:

House Bill 1386 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Criminal Procedure – Criminal Injuries Compensation Board – Claims by Victims Outside of the United States

HB1386/908873/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1386

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "States" insert "and Claimant Confidentiality and Eligibility"; in line 7, after "Board;" insert "prohibiting the disclosure of the identity or contact information of a certain victim or claimant by the Criminal Injuries Compensation Board; prohibiting a person who has been convicted of certain offenses

from receiving a certain award from the Board;"; in line 8, strike "eligibility for awards from"; and in line 12, strike "11–801" and substitute "11–801, 11–806, and 11–808(a)".

AMENDMENT NO. 2

On page 3, after line 15, insert:

"11–806.

(a) Except as provided under **[**subsection (b)**]** **SUBSECTIONS (B) AND (C)** of this section, the record of a proceeding before the Board or a Board member is a public record.

(b) If the confidentiality of a record or report that the Board obtains is protected by law or regulation, the record or report shall remain confidential, subject to the law or regulation.

(C) THE BOARD MAY NOT ALLOW THE INSPECTION, USE, OR DISCLOSURE OF A NAME, ADDRESS, TELEPHONE NUMBER, OR SOCIAL SECURITY NUMBER PROVIDED TO THE BOARD FOR A VICTIM OR A CLAIMANT WHO IS A VICTIM OF A SEXUAL OFFENSE UNDER TITLE 3, SUBTITLE 3 OF THE CRIMINAL LAW ARTICLE.

11–808.

(a) (1) Except as provided in paragraph (2) of this subsection, the following persons are eligible for awards in the manner provided under this subtitle:

(i) a victim;

(ii) a dependent of a victim who died as a direct result of:

1. a crime or delinquent act;

2. trying to prevent a crime or delinquent act or an attempted crime or delinquent act from occurring in the victim's presence or trying to apprehend a person who had committed a crime or delinquent act in the victim's presence or had committed a felony or a delinquent act that would be considered a felony if committed by an adult; or

3. helping a law enforcement officer perform the officer's duties or helping a member of a fire department who is obstructed from performing the member's duties;

(iii) any person who paid or assumed responsibility for the funeral expenses of a victim who died as a direct result of:

1. a crime or delinquent act;

2. trying to prevent a crime or delinquent act or an attempted crime or delinquent act from occurring in the victim's presence or trying to apprehend a person who had committed a crime or delinquent act in the victim's presence or had committed a felony; or

3. helping a law enforcement officer perform the officer's duties or helping a member of a fire department who is obstructed from performing the member's duties; and

(iv) 1. a parent, child, or spouse of a victim who resides with the victim; or

2. a parent, child, or spouse of an individual who is incarcerated for abuse as defined in § 4–501 of the Family Law Article and who, prior to incarceration:

A. resided with the parent, child, or spouse; and

B. provided financial support to the parent, child, or spouse.

(2) [A] **THE FOLLOWING PERSONS ARE NOT ELIGIBLE FOR AN AWARD UNDER THIS SUBTITLE:**

(I) A person who commits the crime or delinquent act that is the basis of a claim, or an accomplice of the person, is not eligible to receive an award with respect to [the] **THAT** claim**; AND**

(II) A PERSON WHO HAS EVER BEEN CONVICTED OF:

1. MURDER OR ATTEMPTED MURDER UNDER § 2–201, § 2–204, § 2–205, OR § 2–206 OF THE CRIMINAL LAW ARTICLE;

2. ATTEMPTED POISONING UNDER § 3–213 OF THE CRIMINAL LAW ARTICLE;

3. CONTAMINATING A WATER SUPPLY OR FOOD OR DRINK UNDER § 3–214 OF THE CRIMINAL LAW ARTICLE;

4. A SEXUAL OFFENSE UNDER § 3–303, § 3–304, § 3–305, § 3–306, § 3–307, § 3–309, § 3–310, § 3–311, § 3–312, § 3–315, § 3–321, § 3–323, § 3–324, OR § 3–602 OF THE CRIMINAL LAW ARTICLE;

5. ROBBERY UNDER § 3–402 OR § 3–403 OF THE CRIMINAL LAW ARTICLE;

6. CARJACKING UNDER § 3–405 OF THE CRIMINAL LAW ARTICLE;

7. KIDNAPPING UNDER § 3–502 OF THE CRIMINAL LAW ARTICLE;

8. CHILD KIDNAPPING UNDER § 3–503 OF THE CRIMINAL LAW ARTICLE;

9. CHILD ABUSE UNDER § 3–601 OF THE CRIMINAL LAW ARTICLE;

10. DISARMING A LAW ENFORCEMENT OFFICER UNDER § 4–103 OF THE CRIMINAL LAW ARTICLE;

11. A WEAPONS OFFENSE UNDER § 4–404 OF THE CRIMINAL LAW ARTICLE;

12. A CONTROLLED DANGEROUS SUBSTANCE OFFENSE UNDER § 5–613 OF THE CRIMINAL LAW ARTICLE;

13. ARSON UNDER § 6–102 OR § 6–103 OF THE CRIMINAL LAW ARTICLE;

14. MALICIOUS BURNING OF PROPERTY UNDER § 6–104 OF THE CRIMINAL LAW ARTICLE;

15. A FELONY VIOLATION OF § 9–303 (RETALIATION AGAINST VICTIM OR WITNESS TESTIFYING) OR § 9–305 (VICTIM, WITNESS, JUROR, OR COURT OFFICER INTIMIDATION) OF THE CRIMINAL LAW ARTICLE; OR

16. A VIOLATION OF TITLE 20, SUBTITLE 6 (FEMALE GENITAL MUTILATION) OF THE HEALTH – GENERAL 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:

House Bill 1412 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Motor Vehicle Administration Point System

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 1447 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Correctional Services – Mandatory Supervision – Minimum Term of Confinement Requirement

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 1545 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Correctional Services – Power of the Director of the Division of Parole and Probation – Authorization to Execute Warrants

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

RECONSIDERATION

Senator Gladden moved, duly seconded, to reconsider the vote by which **Senate Bill 361** failed Third Reading.

The motion was adopted by a roll call vote as follows:

Affirmative – 24 Negative – 20 (See Roll Call No. 1123)

Senate Bill 361 – ~~Senator Gladden~~ Senators Gladden and Harrington

AN ACT concerning

Environment – Reducing Lead Risk in Housing – Lead Paint Dust Testing

Read the third time and failed for want of a constitutional majority:

Affirmative – 22 Negative – 25 (See Roll Call No. 1124)

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #50

CONSENT CALENDAR #57

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

BILL NO.	REPORT	SPONSOR	CONTENT
HB 350	FAV	Washington County Delegation	Washington County – Board of Education – President and Members Salary
HB 372	FAV	Charles County Delegation	Charles County – Alcoholic Beverages Violations – Penalties
HB 442	FAV	Charles County Delegation	Charles County – Alcoholic Beverages Licensees – Administrative Proceedings
HB 578	FAV	Carroll County Delegation	Carroll County – Board of Education – Election of Board Officers
HB 964	FAV	Prince George's Co. Delegation	Prince George's County – Alcoholic Beverages Licenses – Application Requirements PG 315–09
HB 1271	FAV	St. Mary's County Delegation	St. Mary's County – Alcoholic Beverages – Maximum Fine for Sales Violations
HB 1364	FAV	Charles County Delegation	Charles County – Alcoholic Beverages – License Suspensions
HB 1369	FAV	Howard County Delegation	Howard County Ethics Law – Application for Zoning Regulation Amendment Ho. Co. 12–09
HB 1463	FAV	Charles County Delegation	Charles County – Alcoholic Beverages Sales – Proximity to Churches

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #38

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 555 – Senators Middleton, Brinkley, Colburn, Currie, DeGrange, Della, Exum, Garagiola, Glassman, Haines, Harrington, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Miller, Munson, Muse, Peters, Pugh, Robey, Stoltzfus, and Zirkin

AN ACT concerning

Biomass and Biofuels – In–State Production Incentives

SB0555/187672/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 555
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Kittleman,"; strike beginning with "prohibiting" in line 6 down through "volume" in line 9 and substitute "requiring, on or after certain dates after a certain time and certification that a certain number of gallons of in–State production level of biodiesel is reached, a certain percentage of the total diesel sold by volume in the State be biodiesel produced from feedstock grown in the United States; requiring the Comptroller to adopt certain regulations"; in line 13, strike "Department of Agriculture and the"; in the same line, after "Transportation" insert "and other applicable agencies"; in line 17, after the second "of" insert "certain"; and in line 25, after "year;" insert "requiring the Department of Agriculture, in consultation with certain agencies, to develop a plan for infrastructure development that will support certain requirements once the State reaches applicable production levels; requiring the Department of Agriculture to report on the plan, findings, and recommendations to the Governor and the General Assembly on or before a certain date;".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 23 through 26, inclusive, and substitute:

"**(3) "CELLULOSIC FEEDSTOCK" MEANS PLANT MATTER OR MATERIAL COMPRISED OF CELLULOSE, HEMICELLULOSE, OR LIGNIN THAT IS AVAILABLE ON A RENEWABLE OR RECURRING BASIS, INCLUDING:**

(I) AGRICULTURE WASTES, SUCH AS CORN STOVER, STRAW, SEED HULLS, SORGHUM BAGASSE, AND NUTSHELLS;

(II) HIGH–YIELDING ENERGY CROPS, SUCH AS POPLARS, WILLOWS, SWITCHGRASS, ALFALFA, AND ALGAE;

(III) WOOD MATERIALS, SUCH AS WOOD OR BARK, SAWDUST, TIMBER SLASH, AND MILL SCRAP; AND

(IV) WASTE MATERIAL, INCLUDING MUNICIPAL WASTE, SUCH AS YARD CLIPPINGS.".

AMENDMENT NO. 3

On page 7, in line 3, strike "**RENEWABLE**"; in the same line, after "**FUEL**" insert "**DERIVED FROM A RENEWABLE SOURCE AND**"; in line 6, after "**SUCCESSORS**" insert "**AND THAT IS MANUFACTURED BY AN ENTITY CERTIFIED BY THE BQ–9000 NATIONAL BIODIESEL ACCREDITATION PROGRAM**"; in line 16, strike "**NON–ESTER**"; strike in their entirety lines 20 and 21 and substitute:

"**(II) IS PRODUCED FROM BIOLOGICAL SOURCES OF OILS;**

(III) HAS AN EMISSIONS PROFILE AT LEAST AS ENVIRONMENTALLY PROTECTIVE AS THE BIODIESEL THAT IT REPLACES;";

in line 22, strike "**(III)**" and substitute "**(IV)**"; in the same line, strike "**IN DIESEL ENGINES; AND**" and substitute "**AS A FUEL;**

(V) WHEN INTENDED FOR USE IN MOTOR VEHICLES, IS REGISTERED UNDER 40 C.F.R. PART 79 AS A MOTOR VEHICLE FUEL OR FUEL ADDITIVE;

(VI) WHEN INTENDED FOR USE IN NONMOTOR VEHICLE APPLICATIONS, IS PROPERLY REGISTERED AS REQUIRED UNDER APPLICABLE FEDERAL OR STATE LAW; AND";

and in line 23, strike "**(IV)**" and substitute "**(VII)**".

On page 8, strike in their entirety lines 6 through 19, inclusive, and substitute:

"**(B) (1) EXCEPT AS PROVIDED IN PARAGRAPHS (2) AND (3) OF THIS SUBSECTION, ON OR AFTER THE DATES SET BY THE COMPTROLLER BY REGULATION THAT ARE MORE THAN 1 YEAR AFTER THE DEPARTMENT OF**

AGRICULTURE CERTIFIES THAT THE IN–STATE PRODUCTION LEVEL OF BIODIESEL EQUALS AT LEAST:

(I) 12,000,000 GALLONS, 2% OF THE TOTAL DIESEL SOLD BY VOLUME IN THE STATE MUST BE BIODIESEL PRODUCED FROM FEEDSTOCK GROWN IN THE UNITED STATES;

(II) 30,000,000 GALLONS, 5% OF THE TOTAL DIESEL SOLD BY VOLUME IN THE STATE MUST BE BIODIESEL PRODUCED FROM FEEDSTOCK GROWN IN THE UNITED STATES;

(III) 55,000,000 GALLONS, 10% OF THE TOTAL DIESEL SOLD BY VOLUME IN THE STATE MUST BE BIODIESEL PRODUCED FROM FEEDSTOCK GROWN IN THE UNITED STATES;

(IV) 110,000,000 GALLONS, 20% OF THE TOTAL DIESEL SOLD BY VOLUME IN THE STATE MUST BE BIODIESEL PRODUCED FROM FEEDSTOCK GROWN IN THE UNITED STATES.";

in line 26, after "**TRANSPORTATION**" insert "**AND OTHER APPLICABLE AGENCIES**"; in lines 26 and 27, strike "**MANUFACTURERS OF DIESEL MOTOR VEHICLES SOLD IN THE STATE WILL NOT VOID ENGINE**" and substitute "**MANUFACTURER**"; in line 27, after "**WARRANTIES**" insert "**WILL NOT BE VOIDED**"; after line 30, insert:

"**(4) THE COMPTROLLER SHALL ADOPT REGULATIONS THAT SPECIFY THE DATES AND THE MANNER IN WHICH THE BIODIESEL CONTENT REQUIREMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION ARE TO BE MET.**";

and in line 31, strike "**(D)**" and substitute "**(C)**".

On page 9, in line 3, strike "**25,000,000**" and substitute "**100,000,000**"; in line 4, strike "**10%**" and substitute "**5%**"; in line 5, after "**FUEL**" insert "**PRODUCED IN THE STATE**"; in line 6, after "**SATISFY**" insert "**UP TO 25% OF**"; in line 11, strike "**SUBSTANTIALLY INCREASE COSTS**" and substitute "**PLACE RETAILERS AT A COMPETITIVE DISADVANTAGE OR CAUSE ECONOMIC HARDSHIP**"; in line 7, strike

"**(E)**" and substitute "**(D)**"; in line 9, strike "**(C) AND (D)**" and substitute "**(B) AND (C)**"; in line 18, strike "**(F)**" and substitute "**(E)**"; after line 26, insert:

"**(2) THE INCIDENCE OF PERFORMANCE–RELATED ISSUES THAT MAY HAVE ARISEN DUE TO COLD WEATHER OR BIOFUEL QUALITY;**";

and in lines 27 and 29, strike "**(2)**" and "**(3)**", respectively, and substitute "**(3)**" and "**(4)**", respectively.

AMENDMENT NO. 4

On page 9, after line 30, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) (1) The Department of Agriculture, in consultation with the Comptroller, the Maryland Energy Administration, the Chesapeake Bay Commission, the Department of Transportation, and the Department of Business and Economic Development, shall develop a plan that includes findings and recommendations for infrastructure development that will support the requirements under § 10–304.2(b) and (c) of the Business Regulation Article, as enacted by Section 1 of this Act once the State reaches applicable production levels.

(2) The plan shall include all aspects of the biofuel supply chain infrastructure, including:

(i) Feedstock production: sustainably produced supplies of biofuel feedstocks;

(ii) Feedstock logistics: equipment, labor force, harvesting, collection, storage, pre–processing, and transportation operations;

(iii) Biofuels production: refining, conversion operations, transportation operations, and storage;

(iv) Biofuels distribution: transportation, storage, blending, and dispensing operations; and

(v) Biofuels end use infrastructure: storage, retail pump retrofits and upgrades, marketing, consumer demand, compatible vehicles with higher blends of biofuels, and manufacturer warranties.

(3) The plan shall include a list of available State and federal funds that may be available for supply chain infrastructure needs through various State or federal programs with the intent to minimize supply chain construction costs and costs of the fuel product. The list should, at a minimum, include:

(i) Grants;

(ii) Loans, loan guarantees, and leases;

(iii) Tax incentives;

(iv) Rebates;

(v) Fuel discounts;

(vi) Technical assistance; and

(vii) Funds made available through the federal American Recovery and Reinvestment Act of 2009.

(4) The plan shall include comprehensive and proactive recommendations to ensure public health, safety, and environmental sustainability and natural resource protection, including:

(i) Types of feedstocks used;

(ii) Location of feedstocks grown;

(iii) Removal guidelines for agricultural and forestry cellulosic feedstocks; and

(iv) Best management practices needed for sustainable feedstock production.

(b) On or before January 1, 2010, the Department of Agriculture shall report to the Governor, and, in accordance with § 2–1246 of the State Government Article, to the General Assembly on its plan, findings, and recommendations.";

and in line 31, strike "2." and substitute "3.".

The preceding 4 amendments were read and adopted.

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

The motion was adopted.

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

House Bill 23 – ~~Delegate Kullen~~ Delegates Kullen, Sophocleus, Barkley, Braveboy, Feldman, Haddaway, Harrison, Hecht, Jameson, King, Krysiak, Love, Manno, Mathias, and McHale

~~EMERGENCY BILL~~

AN ACT concerning

Junk Dealers and Scrap Metal Processors – Required Records

HB0023/827378/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 23
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL".

On pages 1 and 2, strike in their entirety the lines beginning with line 3 on page 1 through line 2 on page 2, inclusive, and substitute:

"FOR the purpose of altering the requirements for records that certain junk dealers and scrap metal processors must keep for each purchase of certain junk or scrap metal in the State; providing that certain provisions of law do not apply to

certain transactions; providing for the applicability of the record–keeping requirements; providing for the form and contents of the records; requiring that certain records be kept electronically; providing for the submission of certain records to certain law enforcement units under certain circumstances; providing that certain provisions may not be construed to require junk dealers and scrap metal processors to incur certain additional expenses for complying with certain record submission requirements; authorizing certain law enforcement units to issue certain waivers under certain circumstances; prohibiting junk dealers and scrap metal processors from purchasing a catalytic converter except under certain circumstances; prohibiting junk dealers and scrap metal processors from purchasing cemetery urns, grave markers, and certain other items except under certain circumstances; authorizing State or local law enforcement personnel to request information from certain records under certain circumstances; authorizing a State or local law enforcement agency to issue a certain hold notice under certain circumstances; exempting certain items acquired from certain entities from certain record and reporting requirements; authorizing certain law enforcement personnel to enforce this Act; establishing certain penalties; altering a certain definition; providing that this Act may not be construed to preempt a certain entity from enacting and enforcing certain measures; making this Act an emergency measure; and generally relating to junk dealers and scrap metal processors.".

On page 2, in line 10, after "17–1001(a)" insert "and (f)"; and after line 12, insert:

"BY adding to
Article – Business Regulation
Section 17–1001(g)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 2

On page 4, strike beginning with "**HARD**" in line 5 down through "**AND**" in line 16; in line 17, strike the brackets; in the same line, strike "**(13)**"; in line 18, strike "**OWNED BY A PUBLIC UTILITY**"; and after line 18, insert:

"**(2) THE FOLLOWING USED ARTICLES, MADE OF EITHER FERROUS OR NONFERROUS METAL:**

(I) CATALYTIC CONVERTERS;

(II) METAL BLEACHERS;

(III) HARD–DRAWN COPPER;

(IV) METAL BEER KEGS;

(V) CEMETERY URNS;

(VI) GRAVE MARKERS; AND

(VII) ANY OTHER USED ARTICLES OWNED BY A PUBLIC UTILITY INCLUDING:

1. GUARDRAILS;

2. MANHOLE COVERS;

3. METAL LIGHT POLES;

4. TREE GRATES;

5. WATER METERS; AND

6. STREET SIGNS.

(3) "JUNK" OR "SCRAP METAL" DOES NOT INCLUDE BEVERAGE CANS OR FOOD CANS.

(f) "Junk dealer" or "scrap metal processor" means a person who does business buying or selling junk or scrap metal.

(G) "PRIMARY LAW ENFORCEMENT UNIT" MEANS THE DEPARTMENT OF STATE POLICE, A POLICE DEPARTMENT, OR SHERIFF, AS DESIGNATED BY RESOLUTION OF THE COUNTY OR MUNICIPAL GOVERNING BODY IN THE COUNTY

IN WHICH THE LICENSE OF THE JUNK DEALER OR SCRAP METAL PROCESSOR IS HELD.".

On page 5, in line 24, after "**STATE**" insert "**, INCLUDING NONRESIDENT JUNK DEALERS, NONRESIDENT SCRAP METAL PROCESSORS, AND JUNK DEALERS AND SCRAP METAL PROCESSORS WHO ARE RESIDENTS OF THE COUNTIES LISTED IN § 17–1002(A) OF THIS SUBTITLE**"; and in line 30, after "**ARTICLE**" insert "**IF THE AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP METAL PROCESSOR:**

(I) CONDUCTS BUSINESS AS A LICENSED JUNK DEALER OR SCRAP METAL PROCESSOR; OR

(II) ACQUIRES VEHICLE PARTS THAT QUALIFY AS JUNK OR SCRAP METAL AS DEFINED UNDER § 17–1001(E) OF THIS SUBTITLE.

(3) THIS SECTION DOES NOT APPLY TO AN AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR THAT ONLY ACQUIRES WHOLE VEHICLES FOR THE PURPOSE OF DISMANTLING, DESTROYING, OR SCRAPPING THEM FOR THE BENEFIT OF THEIR PARTS OR THE MATERIALS IN THEM".

On page 6, in line 3, strike "**THAT INCLUDES:**" and substitute "**.**

(2) THE RECORD SHALL STATE:";

strike beginning with "**ACCORDING**" in line 6 down through "**WEIGHT;**" in line 7 and substitute "**PURCHASED, INCLUDING:**

1. THE TYPE AND GRADE OF THE JUNK OR SCRAP METAL; AND

2. IF PAYMENT IS BASED ON WEIGHT, THE WEIGHT OF EACH TYPE AND GRADE OF JUNK OR SCRAP METAL;";

and in line 28, after "**INDIVIDUAL**" insert "**, INCLUDING THE SEX, RACE, ANY DISTINGUISHING FEATURES, AND APPROXIMATE AGE, HEIGHT, AND WEIGHT OF THE INDIVIDUAL**".

On page 7, strike in their entirety lines 1 through 5, inclusive; in line 8, strike "**A**" and substitute "**SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**"; strike beginning with "**IN**" in line 10 down through "**PARAGRAPH.**" in line 11 and substitute "**BY THE END OF EACH BUSINESS DAY, IN A FORMAT THAT CAN BE SUCCESSFULLY RECEIVED BY THE RECEIVING PRIMARY LAW ENFORCEMENT UNIT.**

(II) THE PROVISIONS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH MAY NOT BE CONSTRUED TO REQUIRE A JUNK DEALER OR SCRAP METAL PROCESSOR TO INCUR ANY ADDITIONAL EXPENSE TO COMPLY WITH THE REQUIREMENTS OF THIS PARAGRAPH.";

and strike beginning with "**(II)**" in line 12 down through "**(IV)**" in line 23 and substitute "**(5)**".

On page 8, in lines 1 and 4, strike "**(V)**" and "**(5)**", respectively, and substitute "**(6)**" and "**(7)**", respectively; in line 1, strike "**A**" and substitute "**THE PRIMARY**"; in line 2, strike "**THIS SECTION**" and substitute "**PARAGRAPH (4) OF THIS SUBSECTION**"; in line 3, after the first "**THE**" insert "**PRIMARY**"; in line 6, strike "**TRANSMISSION**" and substitute "**SUBMISSION**"; in line 7, strike "**(4)(II)**" and substitute "**(4)**"; in line 11, after the first "**TO**" insert "**:**

1. EXTEND THE REPORTING DEADLINE UNDER PARAGRAPH (5) OF THIS SUBSECTION FOR AN EXTRA DAY;

2.";

in line 11, after "**RECORDS**" insert a semicolon; in the same line, strike "**TO TRANSMIT**" and substitute:

"**3. SUBMIT**";

in line 19, strike "**NORMAL**"; in the same line, strike "**,**"; strike beginning with the first "**THE**" in line 20 down through "**LOCATED**" in line 22 and substitute "**AN INVESTIGATION OF A SPECIFIC CRIME INVOLVING THE MATERIALS LISTED UNDER § 17–1001(E) OF THIS SUBTITLE**"; in line 23, after "**(D)**" insert "**(1)** A State junk licensee may not barter, buy, exchange, or accept from a person any junk or scrap metal unless the State junk licensee keeps records and makes entries in them in accordance with Part II of this subtitle.";

strike in their entirety lines 26 through 30, inclusive, and substitute:

"**(2) A STATE JUNK LICENSEE MAY NOT PURCHASE A CATALYTIC CONVERTER FROM AN INDIVIDUAL UNLESS THE INDIVIDUAL, AT THE TIME OF PURCHASE, PROVIDES IDENTIFICATION AS:**

(I) A LICENSED AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP PROCESSOR; OR

(II) AN AGENT OR EMPLOYEE OF A LICENSED COMMERCIAL ENTERPRISE.

(3) A STATE JUNK LICENSEE MAY NOT PURCHASE A CEMETERY URN, GRAVE MARKER, OR ANY OTHER ITEM LISTED UNDER § 17–1001(E)(2) OF THIS SUBTITLE FROM AN INDIVIDUAL UNLESS THE INDIVIDUAL, AT THE TIME OF PURCHASE, PROVIDES APPROPRIATE AUTHORIZATION FROM A RELEVANT BUSINESS OR UNIT OF FEDERAL, STATE, OR LOCAL GOVERNMENT SPECIFICALLY AUTHORIZING THE INDIVIDUAL TO CONDUCT THE TRANSACTION.

(E) STATE OR LOCAL LAW ENFORCEMENT PERSONNEL MAY REQUEST INFORMATION FROM THE RECORDS REQUIRED UNDER SUBSECTION (B) OF THIS SECTION PURSUANT TO AN INVESTIGATION OF A SPECIFIC CRIME INVOLVING THE MATERIALS LISTED UNDER § 17–1001(E) OF THIS SUBTITLE.

(F) (1) THE RECORD AND REPORTING REQUIREMENTS OF SUBSECTION (B) OF THIS SECTION DO NOT APPLY TO AN ITEM THAT IS ACQUIRED FROM:

(I) A LICENSED JUNK DEALER OR SCRAP METAL PROCESSOR;

(II) A UNIT OF FEDERAL, STATE, OR LOCAL GOVERNMENT; OR

(III) A COMMERCIAL ENTERPRISE WITH WHOM THE JUNK DEALER OR SCRAP METAL PROCESSOR HAS ESTABLISHED A DOCUMENTED ACCOUNT OR BUSINESS RELATIONSHIP.";

in line 32, strike "**PROVIDES**" and substitute "**HAS**"; in the same line, strike "**ITEMS OF**" and substitute "**JUNK OR**"; in the same line, after "**METAL**" insert "**THAT IS**"; in the same line, after "**IN**" insert "**THE**"; in line 33, strike "**ARE**" and substitute "**IS**"; and in line 34, strike "**THEN**".

On page 9, in lines 1, 4, and 9, in each instance, strike "**REGULATED**" and substitute "**JUNK OR**"; in line 2, strike the second "**AND**"; in line 5, after "**METAL**" insert "**; AND**

3. SPECIFY THE TIME PERIOD FOR THE HOLD, NOT TO EXCEED 15 DAYS";

strike beginning with "**FOR**" in line 6 down through "**NOTICE**" in line 7 and substitute "**ON RECEIPT OF A WRITTEN HOLD NOTICE FROM A LAW ENFORCEMENT AGENCY**"; in line 9, after "**BUSINESS**" insert "**BEFORE THE END OF THE HOLD PERIOD**"; in line 10, strike "**EARLIER**"; in lines 12 and 16, strike "**(E)**" and "**(F)**", respectively, and substitute "**(G)**" and "**(H)**", respectively; in line 21, strike "this Act"; and in line 25, strike "shall take effect July 1, 2009." and substitute "nothing in this Act shall be construed to preempt a county or municipal government from enacting and enforcing more stringent measures to curb the theft and resale of junk and scrap metal.

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

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:

House Bill 145 – Delegates Kach and Boteler

AN ACT concerning

Health Insurance – Dental Provider Panels – Provider Contracts

HB0145/187473/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 145
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "repealing" in line 3 down through "circumstances;" in line 10 and substitute "prohibiting a provider contract from containing a provision that requires a provider, as a condition of participating in a fee–for–service dental provider panel, to participate in a capitated dental provider panel; requiring the Maryland Insurance Administration to conduct a certain review and report its findings and certain recommendations to certain committees of the General Assembly on or before a certain date; defining a certain term; altering a certain definition;"; in line 10, after "of" insert "certain provisions of"; and in line 11, strike "date" and substitute "dates".

On page 2, after line 1, insert:

"**(2) "CAPITATED DENTAL PROVIDER PANEL" MEANS A PROVIDER PANEL FOR ONE OR MORE DENTAL PLAN ORGANIZATIONS OFFERING CONTRACTS ONLY FOR DENTAL SERVICES REIMBURSED ON A CAPITATED BASIS FOR CERTAIN SERVICES.**";

in lines 2, 7, 10, 12, 14, 16, 18, 20, and 25, strike "(2)", "(3)", "(4)", "(5)", "(6)", "(7)", "(8)", "(9)", and "(10)", respectively, and substitute "**(3)**", "**(4)**", "**(5)**", "**(6)**", "**(7)**", "**(8)**", "**(9)**", "**(10)**", and "**(11)**", respectively; in line 7, strike "Dental" and substitute "**FEE–FOR–SERVICE DENTAL**"; in line 9, after "services" insert "**REIMBURSED ON A FULL OR DISCOUNTED FEE–FOR–SERVICE BASIS**"; in line 29, strike the first comma and substitute "**:**

(I)";

and in line 30, strike "HMO provider panel or dental provider panel" and substitute "**HMO PROVIDER PANEL; OR**

(II) AS A CONDITION OF PARTICIPATING IN A FEE–FOR–SERVICE DENTAL PROVIDER PANEL, TO PARTICIPATE IN A CAPITATED DENTAL PROVIDER PANEL".

AMENDMENT NO. 2

On page 3, in lines 5, 7, 9, 11, 15, 19, and 20, in each instance, strike the bracket; in line 11, strike "**(1)**"; in line 15, strike "**(2)**"; in line 19, strike "**(3)**"; in line 20, strike "**A**"; after line 31, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Maryland Insurance Administration shall conduct a review of dental provider contracts, the terms and conditions of the contracts, and the impact that the contracts have on the dental profession.

(b) (1) On or before December 31, 2009, the Administration shall report its findings, in accordance with § 2–1246 of the State Government Article, to the House Health and Government Operations Committee and the Senate Finance Committee.

(2) In the report required under this subsection, the Administration shall provide recommendations to the committees concerning whether the provisions of § 15–112.2(c) and (d) of the Insurance Article should apply to provider contracts for dental provider panels.";

in line 32, strike "2." and substitute "3."; in the same line, after "That" insert "Section 1 of"; strike beginning with "July" in line 33 down through the first "2010" in line 34 and substitute "October 1, 2009"; in line 34, strike "July 1, 2010" and substitute "October 1, 2009"; and in lines 35 and 36, in each instance, strike "July 1, 2011" and substitute "October 1, 2010".

On page 4, in line 1, strike "3." and substitute "4."; in the same line, after "That" insert "Section 1 of"; in line 2, strike "July 1, 2010" and substitute "October 1, 2009"; in the same line, strike "contingent on the taking effect" and substitute "the effective date"; in line 3, strike "on or before July 1, 2010"; in line 4, strike "to be later than July 1, 2010"; and after line 5, insert:

"SECTION 5. AND BE IT FURTHER ENACTED, That, except as provided in Section 4 of this Act, this Act shall take effect June 1, 2009.".

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:

House Bill 419 – Delegate Hubbard

AN ACT concerning

Maryland Health and Wellness Commission – Wellness Report Card Pilot Program

HB0419/967677/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 419
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Maryland Health and Wellness Commission –"; strike beginning with "establishing" in line 4 down through the second "Commission;" in line 7; in line 9, after "Department" insert "of Health and Mental Hygiene"; in line

11, after "evaluation;" insert "requiring the University of Maryland School of Health, using existing staff, to conduct certain activities related to the Pilot Program;"; in line 13, strike "certain terms" and substitute "a certain term"; strike beginning with "Maryland" in line 13 down through "the" in line 14; in line 17, strike "13–2807" and substitute "13–2804"; and in line 18, strike "Maryland Health and Wellness Commission" and substitute "Wellness Report Card Pilot Program".

AMENDMENT NO. 2

On page 2, in line 1, strike "**MARYLAND HEALTH AND WELLNESS COMMISSION**" and substitute "**WELLNESS REPORT CARD PILOT PROGRAM**"; in line 3, strike "**(A)**"; and in the same line, strike beginning with the first "**THE**" in line 3 down through "**(C)**" in line 7 and substitute a comma.

On pages 2 and 3, strike in their entirety the lines beginning with line 10 on page 2 through line 28 on page 3, inclusive.

AMENDMENT NO. 3

On page 3, strike beginning with "**IN**" in line 29 down through the third "**COUNTY**" in line 31.

On page 4, strike beginning with "**TO**" in line 3 down through "**COMMISSION**" in line 4; after line 10, insert:

"**(D) THE ENTITY DESIGNATED TO ESTABLISH THE WELLNESS REPORT CARD SHALL DETERMINE WHICH COUNTIES IN THE STATE WILL BE INVOLVED IN THE PILOT PROGRAM.**";

in line 11, strike "**(D)**" and substitute "**(E)**"; in line 16, strike "**13–2807.**" and substitute "**13–2803.**"; and after line 18, insert:

"**13–2804.**

THE UNIVERSITY OF MARYLAND SCHOOL OF PUBLIC HEALTH, USING EXISTING STAFF, SHALL:

(1) PROVIDE A FORUM FOR STAKEHOLDERS TO ENGAGE IN ACTIVE COLLABORATION TO ENHANCE THE HEALTH AND WELL–BEING OF THE

RESIDENTS OF THE COUNTIES INVOLVED IN THE PILOT PROGRAM ESTABLISHED UNDER § 13–2802 OF THIS SUBTITLE;

(2) ANALYZE THE RESULTS OF THE WELLNESS REPORT CARD DEVELOPED UNDER § 13–2802 OF THIS SUBTITLE AND DEVELOP A STRATEGIC PLAN TO DEVELOP SOLUTIONS TO THE WELLNESS ISSUES IDENTIFIED IN THE WELLNESS REPORT CARD; AND

(3) ENSURE EFFECTIVE IMPLEMENTATION OF PROGRAMS FOR PRIORITY HEALTH PROMOTION AND DISEASE PREVENTION ISSUES AS DEFINED BY THE WELLNESS REPORT CARD DEVELOPED UNDER § 13–2802 OF THIS SUBTITLE AND EVALUATE THE PROGRAMS THAT ARE IMPLEMENTED.".

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:

House Bill 868 – Delegates Love and Krysiak

AN ACT concerning

Property and Casualty Insurance – Portable Electronics Insurance – Regulation

HB0868/327574/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 868
(Third Reading File Bill)

On page 3, in line 1, strike "**INSURANCE**" and substitute "**VENDORS**".

On page 4, in line 1, after "**LOSS**" insert "**BY DISAPPEARANCE**"; and in line 11, after "**LOSS**" insert "**BY DISAPPEARANCE**".

On page 5, in line 3, after "**LOSS**" insert "**BY DISAPPEARANCE**".

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:

House Bill 952 – Delegates Hubbard, Costa, Krebs, ~~and Weldon~~ Weldon, Hammen, Pendergrass, Benson, Bromwell, Donoghue, Elliott, Kach, Kipke, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

Continuing Care ~~– Department of Aging and Maryland Insurance Administration – Transfer of Oversight~~ Agreements and Related Agreements

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:

House Bill 1304 – ~~Delegates Love, Beidle, V. Clagett, Costa, George, King, Kipke, McConkey, Schuh, and Sophocleus~~ Anne Arundel County Delegation

AN ACT concerning

Anne Arundel County – Alcoholic Beverages Act of 2009

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

FLOOR AMENDMENT

HB1304/693329/1

BY: Chair, Anne Arundel County Senators

AMENDMENTS TO HOUSE BILL 1304, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

On pages 1 through 9 of the Education, Health, and Environmental Affairs Committee Amendments (HB1304/624532/1), strike in their entirety Amendment Nos. 1, 2, and 3.

On page 1 of the bill, in line 10, after "units;" insert "establishing a certain nonrefundable license renewal fee;"; in line 18, after "license" insert "and a special outdoor entertainment license"; and in line 23, after "employ;" insert "altering the annual salary of the attorney for the Board;".

On page 2, in line 3, strike "certain sections" and substitute "a certain provision"; in line 10, strike ", 10–204(c),"; in the same line, after "15–112(c)(3)" insert "and (5)(iii)"; in line 29, strike "and"; and in the same line, after "10–103(b)(13)(xv)" insert ", and 10–301(u)".

AMENDMENT NO. 2

On pages 9 and 10 of the bill, strike in their entirety the lines beginning with line 22 on page 9 through line 30 on page 10, inclusive, and substitute:

"10–301.

(U) IN ANNE ARUNDEL COUNTY, AN APPLICANT FOR A RENEWAL OF A LICENSE SHALL PAY TO THE LOCAL COLLECTING AGENT A NONREFUNDABLE RENEWAL FEE OF $50 IN ADDITION TO THE ANNUAL LICENSE FEE.".

On page 9 of the Education, Health, and Environmental Affairs Committee Amendments, in line 1 of Amendment No. 4, strike "**$200**" and substitute "**$100**".

On page 11 of the bill, in line 34, after "**(5)**" insert "**(I)**".

On page 9 of the Education, Health, and Environmental Affairs Committee Amendments, in the last line of Amendment No. 4, strike the second period.

On page 10 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 4, strike beginning with "**(III)**" in line 1 down through "**BOARD**" in line 5; and strike beginning with "shall" in line 20 down through "2008" in line 22 and substitute "may not be applied to any case for which a final judgment has been rendered and for which all judicial appeals have been exhausted before the effective date of this Act".

The preceding 2 amendments were read and adopted.

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

Affirmative – 42 Negative – 1 (See Roll Call No. 1125)

The Bill was then sent to the House of Delegates.

House Bill 1564 – Delegate Stein

EMERGENCY BILL

AN ACT concerning

Program Open Space – Use of Funds – Indoor or Outdoor Recreational Facilities

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

Senator Conway moved, duly seconded, to recommit the Bill to the Committee on Education, Health, and Environmental Affairs.

The motion was adopted.

House Bill 1138 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

Maryland–Washington Regional District – Prince George's County – General Plan and ~~Local~~ Area Master Plans
MC/PG 106–09

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.

House Bill 784 – Delegates James, Gaines, and Riley

AN ACT concerning

Consolidated Transportation Program – Traffic Congestion ~~Reporting~~

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

HB0784/789033/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 784
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "that" insert "certain".

AMENDMENT NO. 2

On page 3, in line 17, after "**NEW**" insert "**MAJOR**".

The preceding 2 amendments were read only.

Senator Pipkin moved, duly seconded, to make the Bill and Amendments a Special Order for April 13, 2009.

The motion was adopted.

LAID OVER BILLS

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

House Bill 1382 – Chair, Judiciary Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Juvenile Law – Juvenile Records – Disclosure

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS (5) AND THE FAVORABLE REPORT.

HB1382/678173/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1382
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "State" and substitute "state"; in line 4, after "child" insert "under certain circumstances"; and strike beginning with "authorizing" in line 4 down through "circumstances" in line 7 and substitute "authorizing access to certain court records by the Department of Human Resources under certain circumstances; providing that the Department of Human Resources shall be liable for the unauthorized release of certain information".

AMENDMENT NO. 2

On page 2, strike beginning with the comma in line 10 down through "**ARTICLE**" in line 13; strike beginning with "**AN**" in line 14 down through "**PROGRAMS**" in line 18 and substitute "**AN AGENCY IN THE DISTRICT OF COLUMBIA OR A STATE AGENCY IN VIRGINIA IF THE AGENCY:**

A. PERFORMS THE SAME FUNCTIONS IN ITS JURISDICTION AS DESCRIBED IN § 9–216(A) OF THE HUMAN SERVICES ARTICLE; AND

B. HAS A RECIPROCAL AGREEMENT WITH THE STATE".

AMENDMENT NO. 3

On page 3, after line 25, insert:

"**(6) (I) THIS SUBSECTION DOES NOT PROHIBIT ACCESS TO AND CONFIDENTIAL USE OF A COURT RECORD BY THE DEPARTMENT OF HUMAN RESOURCES FOR THE PURPOSE OF CLAIMING FEDERAL TITLE IV–E FUNDS.**

(II) THE DEPARTMENT OF HUMAN RESOURCES SHALL BE LIABLE FOR THE UNAUTHORIZED RELEASE OF A COURT RECORD UNDER THIS PARAGRAPH.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB1382/663427/1

BY: Senator Pugh

AMENDMENTS TO HOUSE BILL 1382, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Judicial Proceedings Committee Amendments (HB1382/678173/1), strike in their entirety Amendments No. 1 and 2.

AMENDMENT NO. 2

On page 1 of the bill, strike beginning with "a" in line 3 down through "circumstances;" in line 7, and substitute "authorizing the Department of Juvenile Services to provide access to and the confidential use of a certain treatment plan of a child by an agency in the District of Columbia or a state agency in Virginia under certain circumstances; providing that a certain shared record may only provide certain information; providing that the Department of Juvenile Services is liable for an unauthorized release of a certain court record; requiring the Department of Juvenile Services to adopt certain regulations; establishing that certain provisions do not prohibit access to certain court records by the Department of Human Resources under certain circumstances; providing that the Department of Human Resources shall be liable for the unauthorized release of certain information;".

AMENDMENT NO. 3

On page 2 of the bill, in line 9, strike the colon; and strike in their entirety lines 10 through 20, inclusive, and substitute:

"the Department of Juvenile Services or in an investigation and prosecution by a law enforcement agency.".

AMENDMENT NO. 4

On page 2 of the bill, after line 27, insert:

"**(4) (I) THE DEPARTMENT OF JUVENILE SERVICES MAY PROVIDE ACCESS TO AND THE CONFIDENTIAL USE OF A TREATMENT PLAN OF A CHILD DESCRIBED UNDER TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE BY AN AGENCY IN THE DISTRICT OF COLUMBIA OR A STATE AGENCY IN VIRGINIA, IF THE AGENCY:**

1. PERFORMS THE SAME FUNCTIONS IN THE JURISDICTION OF THE AGENCY AS DESCRIBED IN § 9–216(A) OF THE HUMAN SERVICES ARTICLE; AND

2. HAS A RECIPROCAL AGREEMENT WITH THE STATE THAT PROVIDES THAT THE SPECIFIC INFORMATION TO BE SHARED BY THE STATE IS THE SAME TYPE OF INFORMATION THAT WILL BE SHARED BY THE AGENCY; AND

3. HAS CUSTODY OF THE CHILD.

(II) A RECORD THAT IS SHARED UNDER THIS PARAGRAPH MAY ONLY PROVIDE INFORMATION THAT IS RELEVANT TO THE SUPERVISION, CARE, AND TREATMENT OF THE CHILD.

(III) THE DEPARTMENT OF JUVENILE SERVICES SHALL BE LIABLE FOR AN UNAUTHORIZED RELEASE OF A COURT RECORD UNDER THIS PARAGRAPH.

(IV) THE DEPARTMENT OF JUVENILE SERVICES SHALL ADOPT REGULATIONS TO IMPLEMENT THIS PARAGRAPH.";

and in line 28, strike "(4)" and substitute "**(5)**".

AMENDMENT NO. 5

On page 3 of the bill, in line 9, strike "(5)" and substitute "**(6)**".

On page 2 of the Judicial Proceedings Committee Amendments, in line 1 of Amendment No. 3, strike "**(6)**" and substitute "**(7)**".

The preceding 5 amendments were read only.

Senator Pugh moved, duly seconded, to make the Bill and Amendments a Special Order for April 13, 2009.

The motion was adopted.

House Bill 1385 – Chair, Judiciary Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Juvenile Services – Employee Criminal History Record Information – Disclosure of New Information

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

HB1385/688670/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1385
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, before "Disclosure" insert "Initial Criminal History Records Check and"; and in line 8, after the semicolon insert "altering the time within which the Department is required to apply for an initial criminal history records check for an employee;".

AMENDMENT NO. 2

On page 2, in line 1, strike "Within the first month" and substitute "**ON OR BEFORE THE FIRST DAY**".

The preceding 2 amendments were read only.

Senator Zirkin moved, duly seconded, to make the Bill and Amendments a Special Order for April 13, 2009.

The motion was adopted.

SPECIAL ORDERS

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

Senate Bill 555 – Senators Middleton, Brinkley, Colburn, Currie, DeGrange, Della, Exum, Garagiola, Glassman, Haines, Harrington, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Miller, Munson, Muse, Peters, Pugh, Robey, Stoltzfus, and Zirkin

AN ACT concerning

Biomass and Biofuels – In–State Production Incentives

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

Senator Harris moved, duly seconded, to make the Bill a Special Order for April 13, 2009.

The motion was adopted.

MESSAGE TO THE SENATE

BILL: **HB 1081**
SPONSOR: Del Jones, et al
SUBJECT: Prior Authorizations of State Debt to Fund Capital Projects – Alterations

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Conway, Chairman
Delegate Jones, and
Delegate Bohanan.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **HB 1081**
SPONSOR: Del Jones, et al
SUBJECT: Prior Authorizations of State Debt to Fund Capital Projects – Alterations

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Conway, Chair
Delegate Jones
Delegate Bohanan

The Senate appoints:
Senator Currie, Chairman
Senator DeGrange
Senator Munson.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

QUORUM CALL

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

(See Roll Call No. 1126)

ADJOURNMENT

At 2:24 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 10:00 A.M. on Legislative Day April 8, 2009, Calendar Day, Monday, April 13, 2009.

Annapolis, Maryland
Legislative Day: April 8, 2009
Calendar Day: Monday, April 13, 2009
10:00 A.M. Session

The Senate met at 10:15 A.M.

Prayer by Bishop Larry Lee Thomas, Empowering Believers Church, guest of Senator DeGrange.

(See Exhibit A of Appendix III)

The Journal of April 7, 2009 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 1128)

CONCURRENCE CALENDAR #18

AMENDED IN THE HOUSE

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

Senator Frosh moved that the Senate not concur in the House amendments.

SB0151/892813/2

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 151
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Classes –" insert "Expansion to"; in line 3, after "Groups" insert "and Age, Gender, and Disability"; in line 4, after "persons" insert "and a person's age, gender, or disability"; in line 9, after "group;" insert "prohibiting the attempt to commit a crime against a certain person because of the race, color, religious beliefs, sexual orientation, age, gender, disability, or national origin of that person, or because the person is homeless; establishing that a certain penalty applies to certain offenses;"; in line 10, strike "against homeless persons"; and after line 15, insert:

"BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 10–306
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)".

AMENDMENT NO. 2

On page 2, in line 16, after "orientation," insert "**AGE, GENDER, DISABILITY,**"; and in line 18, after "crime" insert "**OR ATTEMPT TO COMMIT A CRIME**".

AMENDMENT NO. 3

On page 3, in lines 6 and 9, in each instance, after "orientation," insert "**AGE, GENDER, DISABILITY,**"; and after line 10, insert:

"10–306.

(a) Except as provided in subsection (b) of this section, a person who violates this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

(b) (1) A person who violates § 10–304(2)(i) of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

(2) A person who violates § 10–304(2)(ii) of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding $20,000 or both.".

The preceding 3 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0151**
SPONSOR: Sen Mooney, et al
SUBJECT: Hate Crimes – Prohibitions and Protected Classes – Homeless Persons and Groups

The Senate refuses to concur in the House amendments and respectfully requests the House recede from its position.

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints:

Senator Mooney, Chairman
Senator Raskin
Senator Forehand.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

AMENDED IN THE HOUSE

Senate Bill 643 – Senators Brochin, Klausmeier, and Simonaire

AN ACT concerning

Estates – Disqualification of Persons Convicted of Unlawfully Obtaining Property from Vulnerable Adults

Senator Frosh moved that the Senate not concur in the House amendments.

SB0643/702710/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 643
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with the first "of" in line 2 down through "Adults" in line 3 and substitute "– Conviction for Unlawfully Obtaining Property of Vulnerable Adult"; in line 4, strike "clarifying that" and substitute "altering the extent to which"; strike beginning with "under" in line 7 down through "circumstances" in line 8; in line 8, after the semicolon insert "providing that a certain defendant has a certain burden of proof; making a clarifying change; providing for the application of this Act;"; in the same line, strike "the estates of vulnerable adults" and substitute "a certain disqualification concerning the estate, insurance proceeds, or property of a vulnerable adult under certain circumstances"; in line 9, strike "without" and substitute "with"; in line 14, strike "repealing and reenacting, with amendments," and substitute "adding to"; and in line 16, strike "3–111" and substitute "9–113".

AMENDMENT NO. 2

On page 3, in line 4, after "(e)" insert "**(1)**"; in the same line, strike "A conviction under this section shall disqualify the defendant" and substitute "**IF A DEFENDANT FAILS TO RESTORE FULLY THE PROPERTY TAKEN OR ITS VALUE AS ORDERED UNDER SUBSECTION (C) OF THIS SECTION, THE DEFENDANT IS DISQUALIFIED, TO THE EXTENT OF THE DEFENDANT'S FAILURE TO RESTORE THE PROPERTY OR ITS VALUE,**"; strike beginning with "and" in line 8 down through "adult" in line 9; after line 9, insert:

"**(2) THE DEFENDANT HAS THE BURDEN OF PROOF WITH RESPECT TO ESTABLISHING UNDER PARAGRAPH (1) OF THIS SUBSECTION THAT THE DEFENDANT HAS FULLY RESTORED THE PROPERTY TAKEN OR ITS VALUE.**";

in line 15, strike "3–111." and substitute "**9–113.**"; strike in their entirety lines 16 through 24, inclusive; in line 25, strike "**(B)**"; in line 29, strike "**AS**" and substitute "**TO THE EXTENT**"; after line 30, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any civil action or proceeding to determine a benefit

from the estate, insurance proceeds, or property of a vulnerable adult that is pending before the effective date of this Act.";

and in line 31, strike "2." and substitute "3.".

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0643**
SPONSOR: Sen Brochin, et al
SUBJECT: Estes – Disqualification of Persons Convicted of Unlawfully Obtaining Prop from Vulnerable Adlts

The Senate refuses to concur in the House amendments and respectfully requests the House recede from its position.

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints:

Senator Brochin, Chairman
Senator Raskin
Senator Simonaire.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

AMENDED IN THE HOUSE

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

Senator Currie moved that the Senate not concur in the House amendments.

SB0093/525861/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 93
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "vehicles;" insert "exempting an applicant for a special fuel user license from the requirement to post security for the motor fuel tax if the applicant will not produce, acquire, receive, or store more than a certain amount of biodiesel fuel to be used in a motor vehicle during a calendar year;"; and in line 20, strike "and 9–301(h), (s), and (t)" and substitute ", 9–301(h), and 13–825(f)".

AMENDMENT NO. 2

On page 3, strike in their entirety lines 4 through 25, inclusive, and substitute:

"13–825.

(f) **(1)** **[**The**]** **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE** Comptroller shall require an applicant for any license under Title 9 of this article**[**, except for a Class "W" license,**]** to post security for the motor fuel tax in the amount that the Comptroller requires, but not less than:

[(1)**]** **(I)** $200,000 for a Class "A" license;

[(2)**]** **(II)** $50,000 for a Class "B" license;

[(3)**]** **(III)** $10,000 for a Class "C" license;

[(4)**]** **(IV)** $200,000 for a Class "D" license;

[(5)**]** **(V)** $1,000 for a Class "F" license;

[(6)**]** **(VI)** $10,000 for a Class "G–Temporary" license;

[(7)**]** **(VII)** $1,000 for a Class "S" license; and

[(8)**]** **(VIII)** $1,000 for a Class "U" license.

(2) AN APPLICANT IS NOT REQUIRED TO POST SECURITY FOR THE MOTOR FUEL TAX:

(I) FOR A CLASS "W" LICENSE; OR

(II) FOR A CLASS "U" LICENSE, IF THE APPLICANT WILL NOT PRODUCE, ACQUIRE, RECEIVE, OR STORE MORE THAN 4,000 GALLONS OF BIODIESEL FUEL TO BE USED IN A MOTOR VEHICLE DURING A CALENDAR YEAR.".

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0093**
SPONSOR: Chr B&T (Dept)
SUBJECT: Motor Fuel Taxes – Special Fuel User – Biodiesel Fuel

The Senate refuses to concur in the House amendments and respectfully requests the House recede from its position.

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints:

Senator Stoltzfus, Chairman
Senator Peters
Senator Jones.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE TO THE SENATE

BILL: **HB 0299**
SPONSOR: The Spkr (Admin) (Drunk Drvg TF), et al
SUBJECT: Criminal Law – Alcoholic Beverages – Underage Individuals – Prohibitions and Penalties

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Dumais, Chairman
Delegate Waldstreicher, and
Delegate Jennings.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **HB 0299**
SPONSOR: The Spkr (Admin) (Drunk Drvg TF), et al
SUBJECT: Criminal Law – Alcoholic Beverages – Underage Individuals – Prohibitions and Penalties

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Dumais, Chair
Delegate Waldstreicher
Delegate Jennings

The Senate appoints:
Senator Stone, Chairman
Senator Haines
Senator Forehand.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

THE COMMITTEE ON RULES REPORT #22

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

House Bill 292 – The Speaker (By Request – Administration) and Delegates Jones, Manno, Montgomery, and Taylor

AN ACT concerning

Financial Institutions – Mortgage Lenders and Mortgage Loan Originators

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:

House Bill 503 – Delegates Kipke, Ali, Barkley, Benson, Cardin, Carr, Costa, Donoghue, Eckardt, Elliott, Elmore, Frush, George, Haddaway, Howard, Hubbard, Kach, Krebs, Kullen, Myers, Olszewski, Pena–Melnyk, Reznik, Riley, Robinson, Schuh, Shewell, Sophocleus, Sossi, Stocksdale, Taylor, F. Turner, Waldstreicher, ~~and Weldon~~ Weldon, Hammen, Bromwell, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Tarrant, V. Turner, and Manno

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:

House Bill 686 – Calvert County Delegation

AN ACT concerning

Calvert County – Sheriff – ~~Pension~~ Compensation

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:

House Bill 963 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages – Public Consumption and Open Containers – Penalties

PG 326–09

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:

House Bill 1002 – Delegates Conaway, Anderson, and Boteler

EMERGENCY BILL

AN ACT concerning

Public Service Companies – Gas and Electric Service – Alternative Payment Agreements

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:

House Bill 1436 – Delegate Krysiak

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 Education, Health, and Environmental Affairs:

House Bill 1460 – Delegate Hubbard

EMERGENCY BILL

AN ACT concerning

State Board of Chiropractic and Massage Therapy Examiners – ~~Massage Therapy Advisory Committee~~ Terms of Members

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:

House Bill 1512 – Frederick County Delegation

AN ACT concerning

Frederick County – Multivenue Wine License

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

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 554	Sen. Lenett	Chesapeake Bay Nitrogen Reduction Act of 2009

Endorsed as having been read the third time and passed by yeas and nays in the House of Delegates.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 1129)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #35
CONSENT CALENDAR #19

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 350	Washington County Del.	Washington County – Board of Education – President and Members Salary	EHE
HB 372	Charles County Del.	Charles County – Alcoholic Beverages Violations – Penalties	EHE
HB 442	Charles County Del.	Charles County – Alcoholic Beverages Licensees – Administrative Proceedings	EHE
HB 578	Carroll County Del.	Carroll County – Board of Education – Election of Board Officers	EHE
HB 1271	St. Mary's County Del.	St. Mary's County – Alcoholic Beverages – Maximum Fine for Sales Violations	EHE

HB 1364	Charles County Del.	Charles County – Alcoholic Beverages – License Suspensions	EHE
HB 1369	Howard County Del.	Howard County Ethics Law – Application for Zoning Regulation Amendment Ho. Co. 12–09	EHE
HB 1463	Charles County Del.	Charles County – Alcoholic Beverages Sales – Proximity to Churches	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 19 were read the third time and passed by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1130)

The Bills were then sent to the House of Delegates.

House Bill 964 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Alcoholic Beverages Licenses – Application Requirements
PG 315–09

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

Affirmative – 45 Negative – 1 (See Roll Call No. 1131)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #36

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

AN ACT concerning

Home Financial Accountability Act of 2009

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1132)

The Bill was then sent to the House of Delegates.

House Bill 267 – Delegate King

AN ACT concerning

Family Law – Child Abduction by Relative

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1133)

The Bill was then sent to the House of Delegates.

House Bill 560 – Delegates Kramer, Manno, Ramirez, Reznik, Simmons, and Valderrama

AN ACT concerning

Hate Crimes – Prohibitions and Protected Classes – Age, Gender, and Disability

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

Affirmative – 45 Negative – 2 (See Roll Call No. 1134)

The Bill was then sent to the House of Delegates.

House Bill 635 – Delegates Levi, Anderson, Barnes, Burns, Carr, Carter, Conaway, Dumais, Gutierrez, Healey, Reznik, Riley, Robinson, Ross, Schuler, F. Turner, and Valderrama

AN ACT concerning

Criminal Procedure – Occupational Licenses or Certificates – ~~Issuance of a Certificate of Employability~~ Criminal Conviction

Senator Harris moved, duly seconded, to make the Bill a Special Order for p.m. session.

The motion was adopted.

House Bill 988 – Delegates Shank, Beitzel, Conway, Eckardt, Elmore, Haddaway, Kelly, Myers, Serafini, Shewell, Smigiel, and Walkup

AN ACT concerning

Correctional Services – Strip Searches of Employees – Reporting Requirement

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1135)

The Bill was then sent to the House of Delegates.

House Bill 1386 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Criminal Procedure – Criminal Injuries Compensation Board – Claims by Victims Outside of the United States

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1136)

The Bill was then sent to the House of Delegates.

House Bill 1412 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Motor Vehicle Administration Point System

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1137)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #37

House Bill 23 – ~~Delegate Kullen~~ Delegates Kullen, Sophocleus, Barkley, Braveboy, Feldman, Haddaway, Harrison, Hecht, Jameson, King, Krysiak, Love, Manno, Mathias, and McHale

~~EMERGENCY BILL~~

AN ACT concerning

Junk Dealers and Scrap Metal Processors – Required Records

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1138)

The Bill was then sent to the House of Delegates.

House Bill 145 – Delegates Kach and Boteler

AN ACT concerning

Health Insurance – Dental Provider Panels – Provider Contracts

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1139)

The Bill was then sent to the House of Delegates.

House Bill 419 – Delegate Hubbard

AN ACT concerning

Maryland Health and Wellness Commission – Wellness Report Card Pilot Program

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1140)

The Bill was then sent to the House of Delegates.

House Bill 868 – Delegates Love and Krysiak

AN ACT concerning

Property and Casualty Insurance – Portable Electronics Insurance – Regulation

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

Affirmative – 45 Negative – 1 (See Roll Call No. 1141)

The Bill was then sent to the House of Delegates.

House Bill 952 – Delegates Hubbard, Costa, Krebs, ~~and Weldon~~ Weldon, Hammen, Pendergrass, Benson, Bromwell, Donoghue, Elliott, Kach, Kipke, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

Continuing Care ~~– Department of Aging and Maryland Insurance Administration – Transfer of Oversight~~ Agreements and Related Agreements

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1142)

The Bill was then sent to the House of Delegates.

House Bill 1138 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

Maryland–Washington Regional District – Prince George's County – General Plan and ~~Local~~ Area Master Plans
MC/PG 106–09

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1143)

The Bill was then sent to the House of Delegates.

House Bill 1447 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Correctional Services – Mandatory Supervision – Minimum Term of Confinement Requirement

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

Affirmative – 44 Negative – 3 (See Roll Call No. 1144)

The Bill was then sent to the House of Delegates.

House Bill 1545 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Correctional Services – Power of the Director of the Division of Parole and Probation – Authorization to Execute Warrants

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1145)

The Bill was then sent to the House of Delegates.

MESSAGE TO THE SENATE

BILL: **HB 0387**
SPONSOR: Del Ivey, et al
SUBJECT: Vehicle Laws – Lawful Status in the United States – Material Compliance with Federal Requirements

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Dumais, Chairman
Delegate Rosenberg, and
Delegate Anderson.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **HB 0387**
SPONSOR: Del Ivey, et al
SUBJECT: Vehicle Laws – Lawful Status in the United States – Material Compliance with Federal Requirements

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Dumais, Chair
Delegate Rosenberg
Delegate Anderson

The Senate appoints:
Senator Frosh, Chairman
Senator Brochin
Senator Haines.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary
Read and adopted.

MESSAGE TO THE SENATE

BILL: **HB 1179**
SPONSOR: Del Cardin, et al
SUBJECT: Election Law – Early Voting

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Ross, Chairman
Delegate Cardin, and

Delegate Elmore.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **HB 1179**
SPONSOR: Del Cardin, et al
SUBJECT: Election Law – Early Voting

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Ross, Chair
Delegate Cardin
Delegate Elmore

The Senate appoints:
Senator Dyson, Chairman
Senator Conway
Senator Colburn.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

CONFERENCE COMMITTEE REPORT

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE BILL 100 – THE BUDGET BILL

(See Exhibit L of Appendix III)

CONFERENCE COMMITTEE

REPORT ON HOUSE BILL 100 – THE BUDGET BILL AND HOUSE BILL 101 – THE BUDGET RECONCILIATION AND FINANCING ACT

(See Exhibit M of Appendix III)

Conference Committee Report read and adopted by roll call vote as follows:

Affirmative – 38 Negative – 9 (See Roll Call No. 1146)

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 38 Negative – 9 (See Roll Call No. 1147)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

REPORT OF THE CONFERENCE COMMITTEE ON HOUSE BILL 102 – THE CAPITAL BUDGET

(See Exhibit N of Appendix III)

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 40 Negative – 7 (See Roll Call No. 1148)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

CONFERENCE COMMITTEE

REPORT ON HOUSE BILL 100 – THE BUDGET BILL AND HOUSE BILL 101 – THE BUDGET RECONCILIATION AND FINANCING ACT

(See Exhibit M of Appendix III)

BILL NO.: **HB 101** SPONSOR: **The Speaker**

SUBJECT: **Budget Reconciliation and Financing Act of 2009**

THIRD READING CALENDAR HOUSE NO. **36** SENATE NO. **2**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the Budget and Taxation Committee Amendments (HB0101/709134/1) be rejected.

(2) That Senator McFadden's Amendment (HB0101/793927/1) be rejected.

(3) That Senator Harris' Amendment (HB0101/963921/1) be rejected.

(4) That Senator Brinkley's Amendment (HB0101/663425/1) be rejected.

(5) That the attached Conference Committee Amendments (HB0101/233323/1) be adopted.

HB0101/233323/1

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 101
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 18, after "manner;" insert "altering the distribution of the income tax revenue from corporations for a certain fiscal year;"; in line 25, before "repealing" insert "altering certain provisions relating to the funding of a certain highway;"; in line 28, after "lottery" insert "for certain fiscal years"; and in line 30, after "circumstances;" insert "providing certain modifications to federal adjusted gross income of an individual or federal taxable income of a corporation for Maryland income tax purposes relating to certain income from the discharge of indebtedness;".

On page 3, in line 13, after "years;" insert "altering the distribution of certain highway user revenues;"; strike beginning with "reducing" in line 14 down through "Fund;" in line 17; in line 19, strike the second "the"; in line 20, strike "providing for a payment of" and substitute "requiring the Governor to appropriate"; in line 21, after "and" insert "providing for"; and in line 23, after "years;" insert "stating the findings of the General Assembly that a certain fund cannot operate as originally contemplated and authorizing the transfer of certain amounts from the fund to be used for a certain purpose; restricting the use of certain funds to certain purposes; requiring the Department of Budget and Management to take certain actions in the development of a new statewide personnel management system; requiring that certain costs be allocated and charged back to State agencies for certain fiscal years in a certain manner; requiring the Governor to include a certain charge back in the State budget for a certain fiscal year; authorizing a county to request a waiver from certain maintenance of education spending requirements for a certain fiscal year under certain circumstances; providing for the calculation of certain maintenance of education spending requirements under certain circumstances; stating certain intent of the General Assembly that certain legislation be enacted under certain circumstances; requiring the Maryland Higher Education Commission to incorporate into a certain plan and implement certain recommendations to a certain extent; specifying the distribution of certain corporate income tax revenues; reducing certain funds to be disbursed to the Prince George's County Board of Education, subject to a certain contingency; authorizing certain departments and a certain federal agency to share certain information and records for certain purposes;".

AMENDMENT NO. 2

On page 4, in line 1, after "Section" insert "5–202(a)(13) and (e)(3), 5–205(c)(3),"; in the same line, after "8–415(d)(3)," insert "15–106.6(b)(9),"; in lines 1 and 2, strike "16–305(c)(1)(i), 16–512(a)(1), 17–104(a)" and substitute "16–305(c)(1), 16–512(a), 17–104(a) and (d)"; and after line 4, insert:

"BY adding to
Article – Education
Section 5–202(d)(7)(v)
Annotated Code of Maryland
(2008 Replacement Volume)".

On page 5, in line 23, after "2–608," insert "2–613.1,"; after line 25, insert:

"BY repealing and reenacting, without amendments,

Article – Tax – General
Section 10–310
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)";

and in line 38, after "4–321(e)" insert "and 8–403".

On page 6, in line 20, after "(g)" insert "and (j)".

AMENDMENT NO. 3

On page 8, in line 8, strike "**(1)**"; in the same line, strike "**FISCAL YEARS 2010 AND 2011**" and substitute "**FISCAL YEAR 2011 AND EACH FISCAL YEAR THEREAFTER**"; in line 10, strike the brackets; in the same line, strike "**$4,900,000**"; and strike in their entirety lines 11 and 17, inclusive.

AMENDMENT NO. 4

On page 14, in lines 24 and 34, strike "**23.4%**" and "**26%**", respectively, and substitute "**23.6%**" and "**25%**", respectively; and in lines 27, 32, and 37, in each instance, strike "previous" and substitute "**SAME**".

On page 15, in line 2, strike "**28%**" and substitute "**27%**"; in line 6, strike "previous" and substitute "**SAME**"; in line 14, strike "**30%**" and substitute "**29%**"; in line 19, strike "**PREVIOUS**" and substitute "**SAME**"; and after line 19, insert:

"(ii) For purposes of this subsection, the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State for **[**the previous**]** **A** fiscal year shall**[**:

1. Include**]** **INCLUDE** noncapital appropriations from the Higher Education Investment Fund**[**; and

2. Reflect any amendments or reductions to the appropriation for the previous fiscal year**]**.".

AMENDMENT NO. 5

On page 16, in lines 2, 7, 12, 17, and 29, strike "**64.6%**", "**65%**", "**67%**", "**69%**", and "**71%**", respectively, and substitute "**65.1%**", "**65.5%**", "**66%**", "**67%**", and "**68.5%**", respectively; in lines 5, 10, 15, and 21, in each instance, strike "previous" and

substitute "**SAME**"; in line 34, strike "**PREVIOUS**" and substitute "**SAME**"; and after line 34, insert:

"(2) For purposes of this subsection, the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State for **[**the previous**]** **A** fiscal year shall**[**:

(i) Include**]** **INCLUDE** noncapital appropriations from the Higher Education Investment Fund**[**; and

(ii) Reflect any amendments or reductions to the appropriation for the previous fiscal year**]**.".

AMENDMENT NO. 6

On pages 16 and 17, strike beginning with the colon in line 38 on page 16 down through "The" in line 1 on page 17 and substitute "**THE**".

On page 17, in line 4, strike the semicolon; in the same line, strike "**TIMES**" and substitute "**BY:**"; in line 5, strike "(2)"; in the same line, strike "(i)" and substitute "**(1)**"; after line 15, insert:

"**(2) IN FISCAL YEAR 2010, AN AMOUNT NOT LESS THAN 12.85% OF THE STATE'S GENERAL FUND PER FULL–TIME EQUIVALENT STUDENT APPROPRIATION TO THE 4–YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE FOR THE SAME FISCAL YEAR;**";

in lines 17, 22, 26, 30, and 34, strike "**(II)**", "**(III)**", "**(IV)**", "**(V)**", and "**(VI)**", respectively, and substitute "**(3)**", "**(4)**", "**(5)**", "**(6)**", and "**(7)**", respectively; in line 17, strike "**EACH OF FISCAL YEARS 2010 AND**" and substitute "**FISCAL YEAR**"; in lines 18, 23, 27, 31, and 35, strike "**11.2%**", "**12.7%**", "**13.7%**", "**14.7%**", and "**16%**", respectively, and substitute "**13%**", "**13.5%**", "**14%**", "**14.5%**", and "**15.5%**", respectively; and in lines 21, 25, 29, and 33, in each instance, strike "**PRECEDING**" and substitute "**SAME**".

On page 18, in line 2, strike "**PRECEDING**" and substitute "**SAME**"; and after line 2, insert:

"(d) For purposes of this section, the State's General Fund appropriation per full–time equivalent student to the 4–year public institutions of higher education in the State for **[**the previous**]** **A** fiscal year shall**[**:

(1) Include**]** **INCLUDE** noncapital appropriations from the Higher Education Investment Fund**[**; and

(2) Reflect any amendments or reductions to the appropriation for the previous fiscal year**]**.".

AMENDMENT NO. 7

On page 19, in lines 26 and 28, in each instance, strike "**$13.50**" and substitute "**$14.00**".

AMENDMENT NO. 8

On page 40, in line 2, strike "**$98,000,000**" and substitute "**$55,000,000**"; and in line 4, strike "**$113,913,000**" and substitute "**$156,913,000**".

AMENDMENT NO. 9

On page 44, in line 3, after "(1)" insert "**(I)**"; in the same line, strike "During a calendar year, a" and substitute "**EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, A**"; in line 4, strike the brackets; in the same line, strike "**5.0%**"; in line 5, strike "made during that year"; and after line 5, insert:

"**(II) FOR FISCAL YEARS 2010 THROUGH 2012 ONLY, A LICENSED AGENT SHALL RECEIVE REGULAR COMMISSIONS OF 5.0% OF THE LICENSED AGENT'S GROSS RECEIPTS FROM TICKET SALES.**".

AMENDMENT NO. 10

On page 48, in line 8, strike "$30,000,000" and substitute "$29,000,000".

AMENDMENT NO. 11

On page 49, in line 9, strike "$1,656,101" and substitute "$1,605,035".

AMENDMENT NO. 12

On page 50, in line 1, strike "$15,000,000" and substitute "$10,000,000".

AMENDMENT NO. 13

On page 51, in line 19, after "counties" insert "and municipalities".

On page 52, after line 3, insert:

"(c) For purposes of determining a municipality's net share of highway user revenues under § 8–405 of the Transportation Article:

(1) 31.63% of the reduction specified under subsection (b) of this section shall be deducted from the gross share of highway user revenues allocated to the county within which the municipality is located;

(2) 68.37% of the reduction specified under subsection (b) of this section shall be deducted from the net share of highway user revenues allocated to the county within which the municipality is located; and

(3) the municipality's net share of highway user revenues shall be determined based on the gross share of highway user revenues allocated to the county within which the municipality is located, calculated after the deduction under item (1) of this subjection but before the deduction under item (2) of this subsection.".

AMENDMENT NO. 14

On page 56, in line 25, after "notwithstanding" insert "§§ 8–403 through 8–405 of the Transportation Article or"; in line 26, after "law" insert ", for fiscal year 2010 only"; and strike in their entirety lines 27 through 29, inclusive, and substitute:

"(a) $60,000,000 of the amounts otherwise required to be distributed to Baltimore City and the counties under § 8–403 of the Transportation Article shall be distributed instead to the General Fund; and

(b) The amount to be distributed to Baltimore City under § 8–403(a) of the Transportation Article and each county's net share of highway user revenues shall be reduced by the following amounts:".

On page 57, after line 9, insert:

"(c) Each municipality's net share of highway user revenues under § 8–405 of the Transportation Article shall be determined based on the gross share of highway user revenues allocated under § 8–404 of the Transportation Article to the county

within which the municipality is located, calculated before making the reductions specified under this section.";

and strike in their entirety lines 10 through 18, inclusive.

AMENDMENT NO. 15

On page 52, in line 14, after "affect" insert ":

(1)";

in line 15, strike the second "or" and substitute ";

(2)";

and in line 17, after "Maryland" insert "; or

(3) financial incentives awarded in accordance with § 21–118.1 of the State Personnel and Pensions Article".

AMENDMENT NO. 16

On page 57, before line 19, insert:

"SECTION 31. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) On or before June 30, 2009, the Governor may transfer to the General Fund $70,000,000 of the unencumbered balance of the funds for State land acquisition under Program Open Space in the special fund established under § 13–209 of the Tax – Property Article.

(b) A transfer of funds from the special fund to the General Fund under this section may not be taken into account for purposes of determining any allocation or appropriation required under § 13–209(f) or (g) of the Tax – Property Article.";

in lines 19 and 34, strike "30." and "31.", respectively, and substitute "32." and "33.", respectively; in line 21, after "2009," insert "in addition to amounts transferred under Section 31 of this Act,"; and in line 37, strike "$46,955,634" and substitute "$30,971,139".

On page 58, in lines 3 and 10, in each instance, strike "$46,955,634" and substitute "$30,971,139"; strike line 4 in its entirety; and strike line 6 in its entirety.

AMENDMENT NO. 17

On page 8, after line 34, insert:

"5–202.

(a) (13) "Target per pupil foundation amount" means:

(i) In fiscal years 2008, 2009, and 2010, $6,694; **[**and**]**

(ii) **[**In**] EXCEPT AS PROVIDED IN ITEM (III) OF THIS PARAGRAPH, IN** subsequent fiscal years:

1. The target per pupil foundation amount for the prior fiscal year increased by the same percentage as the lesser of:

A. The increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year;

B. The Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second **[**previous**] PRIOR** fiscal year; or

C. 5%; or

2. If there is no increase in the implicit price deflator for State and local government expenditures for the second prior fiscal year or in the Consumer Price Index for all urban consumers for the Washington–Baltimore metropolitan area, or any successor index, for the second **[**previous**] PRIOR** fiscal year, the target per pupil foundation amount for the prior fiscal year**; AND**

(III) IN FISCAL YEAR 2012:

1. THE TARGET PER PUPIL FOUNDATION AMOUNT FOR THE PRIOR FISCAL YEAR INCREASED BY THE SAME PERCENTAGE AS THE LESSER OF:

A. THE INCREASE IN THE IMPLICIT PRICE DEFLATOR FOR STATE AND LOCAL GOVERNMENT EXPENDITURES FOR THE SECOND PRIOR FISCAL YEAR;

B. THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FOR THE WASHINGTON–BALTIMORE METROPOLITAN AREA, OR ANY SUCCESSOR INDEX, FOR THE SECOND PRIOR FISCAL YEAR; OR

C. 1%; OR

2. IF THERE IS NO INCREASE IN THE IMPLICIT PRICE DEFLATOR FOR STATE AND LOCAL GOVERNMENT EXPENDITURES FOR THE SECOND PRIOR FISCAL YEAR OR IN THE CONSUMER PRICE INDEX FOR ALL URBAN CONSUMERS FOR THE WASHINGTON–BALTIMORE METROPOLITAN AREA, OR ANY SUCCESSOR INDEX, FOR THE SECOND PRIOR FISCAL YEAR, THE TARGET PER PUPIL FOUNDATION AMOUNT FOR THE PRIOR FISCAL YEAR.

(d) (7) **(V) IF THE STATE BOARD OF EDUCATION GRANTS A COUNTY A TEMPORARY WAIVER OR PARTIAL WAIVER FROM THE PROVISIONS OF THIS SUBSECTION FOR ANY FISCAL YEAR, THE MINIMUM APPROPRIATION OF LOCAL FUNDS REQUIRED UNDER THIS SUBSECTION FOR THE COUNTY TO BE ELIGIBLE TO RECEIVE THE STATE SHARE OF THE FOUNDATION PROGRAM FOR THE NEXT FISCAL YEAR SHALL BE CALCULATED BASED ON THE PER PUPIL LOCAL APPROPRIATION FOR THE PRIOR FISCAL YEAR OR THE SECOND PRIOR FISCAL YEAR, WHICHEVER IS GREATER.**

(e) (3) For fiscal year 2011**,** and each fiscal year thereafter, a county board shall receive a supplemental grant equal to the amount the county board received under paragraph (2) of this subsection in **THE PRIOR** fiscal year **[**2010**]**.

5–205.

(c) (3) **(I) [**The**] EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE** increase in the amount of a base grant for student transportation that is based on the increase in the private transportation category of

the Consumer Price Index may not be less than 3 percent nor more than 8 percent of the amount of the grant for the previous year.

(II) FOR FISCAL YEAR 2012, THE INCREASE IN THE AMOUNT OF A BASE GRANT FOR STUDENT TRANSPORTATION THAT IS BASED ON THE INCREASE IN THE PRIVATE TRANSPORTATION CATEGORY OF THE CONSUMER PRICE INDEX MAY NOT BE MORE THAN 1 PERCENT OF THE AMOUNT OF THE GRANT FOR THE PREVIOUS YEAR.".

On page 54, in line 31, strike "$13,454,740" and substitute "$13,545,740 and the minimum General Fund appropriation that the Governor is required to include in the annual budget bill for fiscal year 2012 for the Maryland State Arts Council shall be as determined under § 7–325 of the State Finance and Procurement Article".

On page 58, after line 12, insert:

"SECTION 34. AND BE IT FURTHER ENACTED, That notwithstanding any provision of law that requires the Governor to include a certain level of funding in the annual budget bill for a specific program or item, and notwithstanding any other provision of law, for fiscal years 2011 and 2012 only:

(a) Except as provided in subsection (b) of this section and except as otherwise provided under this Act, the Governor is not required to include an appropriation in the budget for any program or item in an amount that exceeds the fiscal year 2010 appropriation for that item or program as approved in the State budget for fiscal year 2010 as enacted by the General Assembly.

(b) Subsection (a) of this section does not apply to:

(1) funding required for State aid to public elementary and secondary education as provided under Title 5, Subtitle 2 or § 4–121, § 4–122, § 6–306, § 8–310.3, § 8–317, or § 8–415 of the Education Article;

(2) the State's employer contribution to the State Retirement and Pension System required under § 21–308 of the State Personnel and Pensions Article; or

(3) any appropriation required to the Revenue Stabilization Account of the State Reserve Fund under § 7–311 of the State Finance and Procurement Article.

SECTION 35. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal year 2011 only, the Governor is not required to include in the budget bill any appropriation to the Revenue Stabilization Account of the State Reserve Fund otherwise required under § 7–311 of the State Finance and Procurement Article to the extent that the Governor determines that the appropriation would result in the loss of funds otherwise made available to the State under the American Recovery and Reinvestment Act of 2009 (P.L. 111–5).".

AMENDMENT NO. 18

On page 49, in line 34, after "Article;" insert "and".

On page 50, strike beginning with the semicolon in line 2 down through "Article" in line 4.

AMENDMENT NO. 19

On page 55, in line 1, strike "The State shall make a payment of" and substitute "In addition to the appropriation required under the State Foundation Program, the Governor shall appropriate"; in line 2, strike "2010" and substitute "2009"; in lines 7, 28, and 40, in each instance, strike "an intercept" and substitute "a reduction of the appropriation"; in line 26, after "(c)" insert "(1)"; and after line 37, insert:

"(2) For fiscal year 2011, the supplemental grant to a county board required under § 5–202(e) of the Education Article shall equal the supplemental grant received by the county board in fiscal year 2010, as reduced by the amount specified under paragraph (1) of this subsection.".

AMENDMENT NO. 20

On page 37, in line 5, strike "**$3,000,000**" and substitute "**$4,500,000**"; in line 6, strike "2011" and substitute "**2013**"; and in line 8, strike "2010" and substitute "**2012**".

AMENDMENT NO. 21

On page 48, in line 27, strike "$10,000,000" and substitute "$6,000,000".

On page 49, in line 32, strike "$10,000,000" and substitute "$6,000,000".

AMENDMENT NO. 22

On page 44, in line 26, strike "and"; and after line 26, insert:

"**(4)** **AN AMOUNT IS ADDED TO OR SUBTRACTED FROM FEDERAL ADJUSTED GROSS INCOME TO REFLECT THE RECOGNITION OF INCOME FROM DISCHARGE OF INDEBTEDNESS AND THE ALLOWANCE OF ANY DEDUCTION WITH RESPECT TO ORIGINAL ISSUE DISCOUNT WITHOUT REGARD TO § 108(I) OF THE INTERNAL REVENUE CODE; AND**";

in line 27, strike "(4)" and substitute "**(5)**"; and before line 32, insert:

"10–310.

In addition to the modifications under §§ 10–305 through 10–309 of this subtitle, to determine Maryland modified income the federal taxable income of a corporation shall be adjusted as provided for an individual under § 10–210.1 of this title.".

On page 58, in line 28, after "which" insert "§ 108(i),".

AMENDMENT NO. 23

On page 57, after line 18, insert:

"SECTION 30. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article – Transportation

8–403.

(a) (1) Subject to the limitation under paragraph (2) of this subsection and subject to §§ 3–307 and 3–308 of this article, during each fiscal year, of the total highway user revenues, an amount shall be distributed to Baltimore City equal to the sum of:

(i) The greater of $157,500,000 or 11.5% of the total highway user revenues for the fiscal year; and

(ii) 11.5% of the amount by which:

1. [30%] **28.5%** of the total highway user revenues for the fiscal year minus the greater of $157,500,000 or 11.5% of total highway user revenues for the fiscal year; exceeds

2. [30%] **28.5%** of the total highway user revenues for the fiscal year that began July 1, 1997 minus the greater of $157,500,000 or 11.5% of the total highway user revenues for the fiscal year that began July 1, 1997.

[(2) If the amount distributed to Baltimore City under paragraph (1) of this subsection for any fiscal year is less than 12.25% of the total highway user revenues for the fiscal year, the amount distributed to Baltimore City for any subsequent fiscal year that begins before July 1, 2007 may not exceed 12.25% of the total highway user revenues for the fiscal year for which the distribution is made.]

[(3)] **(2)** The amount distributed under this subsection shall be distributed in monthly installments.

(b) Subject to §§ 3–307 and 3–308 of this article, during each fiscal year, [30%] **28.5%** of the total highway user revenues, less the amount distributed to Baltimore City under subsection (a) of this section, shall be distributed to the counties and municipalities of this State at the times specified in § 8–407 of this subtitle.".

On page 58, after line 25, insert:

"SECTION 46. AND BE IT FURTHER ENACTED, That Section 30 of this Act shall take effect July 1, 2011, and shall be applicable to all fiscal years beginning on or after July 1, 2011.".

AMENDMENT NO. 24

On page 14, after line 3, insert:

"15–106.6.

(b) (9) Money in the Fund may be expended only:

(i) To supplement General Fund appropriations to public senior higher education institutions **AND RESEARCH INSTITUTES OF THE UNIVERSITY SYSTEM OF MARYLAND**;

(ii) For [public senior higher education] capital projects **FOR PUBLIC SENIOR HIGHER EDUCATION INSTITUTIONS AND RESEARCH INSTITUTES OF THE UNIVERSITY SYSTEM OF MARYLAND**;

(iii) For workforce development initiatives administered by the Commission; and

(iv) For initiatives to address higher education needs related to the United States Department of Defense Base Realignment and Closure process.".

On page 35, after line 22, insert:

"2–613.1.

After making the distribution required under § 2–613 of this subtitle:

(1) of the remaining income tax revenue from corporations, the Comptroller shall distribute:

(i) for fiscal year 2008 only:

1. $16,000,000 to the Higher Education Investment Fund established under § 15–106.6 of the Education Article; and

2. the amount by which 15.15% of the remaining income tax revenue from corporations exceeds $16,000,000 to the General Fund; and

(ii) for [fiscal year] **EACH OF FISCAL YEARS** 2009 **AND 2010** only:

1. 6% to the Higher Education Investment Fund established under § 15–106.6 of the Education Article; and

2. 9.15% to the General Fund; and

(2) for fiscal year [2010] **2011** and subsequent fiscal years, the Comptroller shall distribute 15.15% of the remaining income tax revenue from corporations to the General Fund of the State.".

AMENDMENT NO. 25

On page 58, before line 13, insert:

"SECTION 36. AND BE IT FURTHER ENACTED, That:

(a) It is the intent of the General Assembly that if the General Assembly determines it to be affordable and fiscally prudent to do so, legislation shall be enacted to:

(1) make permanent the distribution of corporate income tax revenues required under § 2–613.1 of the Tax – General Article to the Higher Education Investment Fund established in § 15–106.6 of the Education Article; and

(2) adopt the recommendations of the Commission to Develop the Maryland Model for Funding Higher Education published in the December 2008 Final Report, which include establishing a funding model for higher education comprised of high State support of higher education institutions, moderate tuition levels for Maryland residents, high State need–based financial aid, and accountability that assesses the State's and institutions' progress in reaching the funding model's goals at least annually.

(b) Until legislation is enacted to adopt the recommendations of the Commission to Develop the Maryland Model for Funding Higher Education, the Maryland Higher Education Commission shall incorporate the recommendations of the Commission in the updated State Plan for Higher Education required under § 11–105(b) of the Education Article and implement those recommendations that do not require legislation, in collaboration with institutions of higher education, the P–20 Council, and other stakeholders, to the greatest extent possible as provided in the State budget.

SECTION 37. AND BE IT FURTHER ENACTED, That, notwithstanding the provisions of Section 12 of Chapter 3 of the Acts of the General Assembly of the 2007 Special Session, for fiscal year 2010 and subsequent fiscal years, the distribution of the income tax revenue from corporations under §§ 2–613.1 through 2–615 of the Tax – General Article shall be made based on receipts from income tax revenue from corporations and without regard to the taxable years for which revenues are received.

SECTION 38. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law:

(a) The General Assembly finds that the Fair Campaign Financing Fund established under § 15–103 of the Election Law Article cannot operate as originally contemplated.

(b) Subject to subsection (c) of this section, up to $2,000,000 of the balance in the Fund may be transferred to the Maryland Information Technology Development Project Fund (program F50A01.01) for the purpose of funding the purchase of a new Optical Scan Voting System.

(c) A transfer under this section may not reduce the balance in the Fund below $1,000,000.

(d) Any funds transferred from the Fair Campaign Financing Fund to the Major Information Technology Development Project Fund as authorized under this section that are not used to purchase a new Optical Scan Voting System may not be retained by the Major Information Technology Development Project Fund and may only be transferred to the Maryland Election Modernization Fund established under § 2–107 of the Election Law Article.

SECTION 39. AND BE IT FURTHER ENACTED, That:

(a) The General Assembly finds that the existing technology supporting State administration of its human resources management system is outmoded and inadequate for efficient administration of the State workforce.

(b) In the development of a new statewide human resources management system to address this deficiency, the Department of Budget and Management shall, in coordination with the Department of Information Technology, take all steps necessary to scope and define its requirements so as to qualify for funding as a Major Information Technology Development project supported through the Major Information Technology Project Development Fund established under § 3A–309 of the State Finance and Procurement Article.

(c) To support this project, for fiscal years 2011, 2012, and 2013 only, the Department of Budget and Management shall establish a statewide subobject for the purpose of charging back to each fund account of the State agencies the cost of developing, acquiring, and implementing the needed information technology.

(d) Costs shall be allocated to each agency based on that proportion of total positions authorized in each agency on June 30 of the second year preceding the year for which the budget is prepared compared to the total number of positions authorized for Executive agencies. Funds shall be credited to the Major Information Technology Project Development Fund solely for support of the project created under subsection (b) of this section.

(e) For fiscal year 2011, the Governor shall include in the State budget through the mechanism established in this section a charge back of not less than $5,000,000.

SECTION 40. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, for fiscal year 2010 only, on or before May 1, 2009, a county may request from the State Board of Education a temporary or partial waiver from the provisions of § 5–202(d) of the Education Article. For a waiver requested by a county after April 1, 2009, the State Board of Education shall inform a county on or before June 1, 2009, whether the waiver for fiscal year 2010 is approved or denied in whole or in part. This section shall be construed to apply retroactively and shall apply to temporary or partial waivers requested on or before May 1, 2009. If a county requested a waiver from the provisions of § 5–202(d) of the Education Article on or before April 1, 2009, the county may make a request under this section to modify the earlier request or may withdraw the earlier request and make a new request under this section.

SECTION 41. AND BE IT FURTHER PROVIDED, That, notwithstanding any other provision of law:

(a) Subject to subsection (b) of this section, $36,000,000 of State Foundation Program funds (Budget Code R00A02.01) to be disbursed to the Prince George's County Board of Education in fiscal year 2010 shall be reduced, contingent upon the Board proceeding with the purchase or lease of a new administration building under or in connection with a lease entered into in June of 2008.

(b) Subsection (a) of this section is contingent on the failure of House Bill 960 prohibiting the expenditure of any funds by the Prince George's County Board of Education for the purpose of leasing, acquiring, or purchasing property under or in connection with a lease entered into in June of 2008 for consolidation of administrative offices of the Board, and if House Bill 960 becomes effective prohibiting the expenditure of any funds by the Prince George's County Board of Education for the purpose of leasing, acquiring, or purchasing property under or in connection with a

lease entered into in June of 2008 for consolidation of administrative offices of the Board, subsection (a) of this section shall be null and void without the necessity of further action by the General Assembly.

SECTION 42. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, the Department of Juvenile Services, the Department of Human Resources, and the United States Department of Health and Human Services may share information and records as necessary to properly administer the federal Title IV–B and Title IV–E programs.".

AMENDMENT NO. 26

On page 45, in line 29, strike "as follows" and substitute "**TO THE FOLLOWING ACCOUNTS**"; strike beginning with "transferred" in line 30 down through "Resources" in line 31 and substitute "**CREDITED TO AN ENERGY ASSISTANCE ACCOUNT**"; and in line 33, after "23%" insert "**SHALL BE CREDITED TO A RATE RELIEF ACCOUNT**".

On page 46, in line 3, before "for" insert "**SHALL BE CREDITED TO A LOW AND MODERATE INCOME EFFICIENCY AND CONSERVATION PROGRAMS ACCOUNT AND TO A GENERAL EFFICIENCY AND CONSERVATION PROGRAMS ACCOUNT**"; in line 5, after "to" insert "**THE LOW AND MODERATE INCOME EFFICIENCY AND CONSERVATION PROGRAMS ACCOUNT FOR**"; in line 9, before "for" insert "**SHALL BE CREDITED TO A RENEWABLE AND CLEAN ENERGY PROGRAMS ACCOUNT**"; in line 14, before "for" insert "**SHALL BE CREDITED TO AN ADMINISTRATIVE EXPENSE ACCOUNT**"; in line 18, after "**SECTION**" insert "**FROM THE ALLOWANCES SOLD BETWEEN MARCH 1, 2009, AND JUNE 30, 2011,**"; in line 19, strike "**IN FISCAL YEARS 2010 AND 2011**"; strike beginning with "**TRANSFERRED**" in line 20 down through "**RESOURCES**" in line 21 and substitute "**CREDITED TO AN ENERGY ASSISTANCE ACCOUNT**"; in line 23, after "**BE**" insert "**CREDITED TO A RATE RELIEF ACCOUNT TO BE**"; in line 25, after "**BE**" insert "**CREDITED TO A LOW AND MODERATE INCOME EFFICIENCY AND CONSERVATION PROGRAMS ACCOUNT AND TO A GENERAL EFFICIENCY AND CONSERVATION PROGRAMS ACCOUNT TO BE**"; in line 27, after "**BE**" insert "**CREDITED TO A RENEWABLE AND CLEAN ENERGY PROGRAMS ACCOUNT TO BE**"; in line 29, after "**BE**" insert "**CREDITED TO AN ADMINISTRATIVE EXPENSE ACCOUNT TO BE**"; and after line 30, insert:

"(j) (1) The Treasurer shall invest the money of the Fund in the same manner as other State money may be invested.

(2) Any investment earnings of the Fund shall be paid into **AN ADMINISTRATIVE EXPENSE ACCOUNT WITHIN** the Fund.

(3) Any repayment of principal and interest on loans made from the Fund shall be paid into the Fund.

(4) Balances in the Fund shall be held for the benefit of the Program, shall be expended solely for the purposes of the Program, and may not be used for the general obligations of government.".

AMENDMENT NO. 27

On page 58, in lines 13, 19, 23, 26, and 31, strike "32.", "33.", "34.", "35.", and "36.", respectively, and substitute "43.", "44.", "45.", "47.", and "48.", respectively.

On page 59, in lines 1, 4, and 9, strike "37.", "38.", and "39.", respectively, and substitute "49.", "50.", and "51.", respectively; and in line 10, strike "33 and 34" and substitute "44 through 46".

Senate Members:	House Members:
Chair, **Ulysses Currie**	Chair, **Norman H. Conway**
Edward J. Kasemeyer	**John L. Bohanan, Jr.**
James E. DeGrange, Sr.	**Tawanna P. Gaines**
Richard S. Madaleno, Jr.	**Sheila E. Hixson**
Donald F. Munson	**Steven R. Schuh**

Read in the Senate: Read in the House of Delegates:

Amendment Office Delivers Report to: (X) Chief Clerk
( ) Secretary, Senate

Conference Committee Report read and adopted by a roll call vote as follows:

Affirmative – 36 Negative – 11 (See Roll Call No. 1149)

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 36 Negative – 11 (See Roll Call No. 1150)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 539** SPONSOR: **Delegate Branch**

SUBJECT: **Public Safety – Electronic Control Devices – Requirements**

THIRD READING CALENDAR HOUSE NO. **37** SENATE NO. **5**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the Judicial Proceedings Committee Amendments (HB0539/238375/1) be rejected.

(2) That the attached Conference Committee Amendments (HB0539/633423/1) be adopted.

HB0539/633423/1

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 539
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "sold" insert "and activated"; in line 9, after "Act;" insert "requiring the Police Training Commission to require that certain curriculum and minimum courses of study include certain training for certain officers; requiring the Correctional Training Commission to require that certain curriculum include

certain training for certain officers; requiring the Governor's Office of Crime Control and Prevention to submit a certain report to certain committees on or before a certain date;";

after line 21, insert:

"BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–207
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 8–208(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 2

On page 2, after line 14, insert:

"**(2) "CRIME OF VIOLENCE" HAS THE MEANING STATED IN § 14–101 OF THIS ARTICLE.**";

in line 15, strike "**(2)**" and substitute "**(3)**"; strike in their entirety lines 21 and 22; in line 25, after "**YEARS;**" insert "**AND**"; and strike beginning with "**; AND**" in line 28 down through "**MANUFACTURER**" in line 30.

AMENDMENT NO. 3

On page 3, in line 4, after "**SOLD**" insert "**AND ACTIVATED**"; in line 14, after "**THE**" insert "**MANUFACTURER OR**"; in line 15, strike "**REGARDING THE PURCHASER**" and substitute "**OF THE ORIGINAL OWNER TO ENSURE COMPLIANCE WITH SUBSECTION (B)(2) OF THIS SECTION**"; and after line 31, insert:

"Article – Public Safety

3–207.

Subject to the authority of the Secretary, the Commission has the following powers and duties:

(1) to establish standards for the approval and continuation of approval of schools that conduct police entrance–level and in–service training courses required by the Commission, including State, regional, county, and municipal training schools;

(2) to approve and issue certificates of approval to police training schools;

(3) to inspect police training schools;

(4) to revoke, for cause, the approval or certificate of approval issued to a police training school;

(5) to establish the following for police training schools:

(i) curriculum;

(ii) minimum courses of study;

(iii) attendance requirements;

(iv) eligibility requirements;

(v) equipment and facilities;

(vi) standards of operation; and

(vii) minimum qualifications for instructors;

(6) to require, for entrance–level police training and at least every 3 years for in–service level police training conducted by the State and each county and municipal police training school, that the curriculum and minimum courses of study include special training, attention to, and study of the application and enforcement of the criminal laws concerning rape and sexual offenses, including:

(i) the sexual abuse of children;

(ii) related evidentiary procedures; and

(iii) the contact with and treatment of victims of these crimes;

(7) to certify and issue appropriate certificates to qualified instructors for police training schools authorized by the Commission to offer police training programs;

(8) to verify that police officers have satisfactorily completed training programs and issue diplomas to those police officers;

(9) to conduct and operate police training schools authorized by the Commission to offer police training programs;

(10) to make a continuous study of entrance–level and in–service training methods and procedures;

(11) to consult with and accept the cooperation of any recognized federal, State, or municipal law enforcement agency or educational institution;

(12) to consult and cooperate with universities, colleges, and institutions in the State to develop specialized courses of study for police officers in police science and police administration;

(13) to consult and cooperate with other agencies and units of the State concerned with police training;

(14) to develop, with the cooperation of the Office of the Chief Medical Examiner and the Federal Bureau of Investigation, a uniform missing person report form to be available for use by each law enforcement agency of the State on or before October 1, 2008; **[**and**]**

(15) TO REQUIRE, FOR ENTRANCE–LEVEL POLICE TRAINING AND ANNUALLY FOR IN–SERVICE LEVEL POLICE TRAINING CONDUCTED BY THE STATE AND EACH COUNTY AND MUNICIPAL POLICE TRAINING SCHOOL, THAT THE CURRICULUM AND MINIMUM COURSES OF STUDY INCLUDE, FOR POLICE OFFICERS WHO ARE ISSUED AN ELECTRONIC CONTROL DEVICE BY A LAW ENFORCEMENT AGENCY, SPECIAL TRAINING IN THE PROPER USE OF

ELECTRONIC CONTROL DEVICES, AS DEFINED IN § 4–109 OF THE CRIMINAL LAW ARTICLE, CONSISTENT WITH ESTABLISHED LAW ENFORCEMENT STANDARDS AND FEDERAL AND STATE CONSTITUTIONAL PROVISIONS; AND

[(15)**] (16)** to perform any other act that is necessary or appropriate to carry out the powers and duties of the Commission under this subtitle.

Article – Correctional Services

8–208.

(a) Subject to the authority of the Secretary, the Commission has the following powers and duties:

(1) to prescribe standards for the approval and continuation of approval of schools that conduct correctional, parole, or probation entrance level and in–service training courses required by the Commission, including State, regional, county, and municipal training schools;

(2) to approve and issue certificates of approval to correctional training schools;

(3) to inspect correctional training schools;

(4) to revoke, for cause, any approval or certificate of approval issued to a correctional training school;

(5) to prescribe the following for correctional training schools:

(i) curriculum**, INCLUDING ENTRANCE–LEVEL AND ANNUAL TRAINING IN THE PROPER USE OF ELECTRONIC CONTROL DEVICES, AS DEFINED IN § 4–109 OF THE CRIMINAL LAW ARTICLE, FOR CORRECTIONAL OFFICERS WHO ARE ISSUED AN ELECTRONIC CONTROL DEVICE BY A CORRECTIONAL UNIT, CONSISTENT WITH ESTABLISHED LAW ENFORCEMENT STANDARDS AND FEDERAL AND STATE CONSTITUTIONAL PROVISIONS**;

(ii) courses of study;

(iii) attendance requirements;

(iv) eligibility requirements;

(v) equipment and facilities;

(vi) standards of operation; and

(vii) minimum qualifications for instructors;

(6) to certify and issue appropriate certificates to qualified instructors for approved correctional training schools;

(7) to certify and issue appropriate certificates to correctional officers who have satisfactorily completed training programs;

(8) to conduct and operate approved correctional training schools;

(9) to adopt regulations necessary to carry out this subtitle, including regulations that establish and enforce standards for prior substance abuse by individuals applying for certification as a correctional officer;

(10) to make a continuous study of correctional training methods and procedures for all correctional training schools;

(11) to consult with and accept the cooperation of any recognized federal, State, or municipal correctional agency or educational institution;

(12) to consult and cooperate with universities, colleges, and institutions to develop all general and specialized courses of study for correctional officers;

(13) to consult and cooperate with other units of the State concerned with correctional training;

(14) subject to subsection (b) of this section, to develop and implement specific program design and appropriate course curriculum and training for Department of Juvenile Services employees; and

(15) to perform any other act that is necessary or appropriate to carry out this subtitle.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 31, 2011, the Governor's Office of Crime Control and Prevention 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 compliance by electronic control device manufacturers with the relevant requirements and provisions of this Act.".

AMENDMENT NO. 4

On page 7, in lines 17 and 21, strike "2." and "3.", respectively, and substitute "3." and "4.", respectively.

Senate Members:		House Members:	
Chair,	**C. Anthony Muse**	Chair,	**Samuel I. Rosenberg**
	Jennie M. Forehand		**Ben Barnes**
	Bryan W. Simonaire		**Tony McConkey**

Read in the Senate: Read in the House of Delegates:

Amendment Office Delivers Report to: (X) Chief Clerk
( ) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1151)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 303** SPONSOR: **The Speaker**

SUBJECT: **Vehicle Laws – Teen Driver Safety**

THIRD READING CALENDAR HOUSE NO. **26** SENATE NO. **12**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the Judicial Proceedings Committee Amendments (HB0303/318377/1) be rejected.

(2) That the Judicial Proceedings Committee Amendments (HB0303/908271/1) be rejected.

(3) That the attached Conference Committee Amendments (HB0303/963326/1) be adopted.

HB0303/963326/1

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 303
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, strike beginning with "modifying" in line 2 down through "circumstances;" in line 4; and in line 12, strike "16–213, and 21–1123" and substitute "and 16–213".

AMENDMENT NO. 2

On page 12, in line 3, after "**FOR**" insert "**UP TO**".

AMENDMENT NO. 3

On pages 13 and 14, strike in their entirety the lines beginning with line 3 on page 13 through line 7 on page 14, inclusive.

Senate Members:	House Members:
Chair, **Brian E. Frosh**	Chair, **James E. Malone, Jr.**

Larry E. Haines	**Barbara Frush**
C. Anthony Muse	**Paul S. Stull**

Read in the Senate:	Read in the House of Delegates:
Amendment Office Delivers Report to:	(X) Chief Clerk ( ) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 34 Negative – 13 (See Roll Call No. 1152)

The Bill was then sent to the House of Delegates.

CONCURRENCE CALENDAR #20

AMENDED IN THE HOUSE

Senate Bill 266 – The President (By Request – Administration) and Senators Frosh ~~and Lenett~~, Lenett, Brochin, Forehand, Gladden, Muse, Raskin, and Simonaire

AN ACT concerning

~~Public Safety – Department of State Police – Investigations Affecting First Amendment Rights~~
Freedom of Association and Assembly Protection Act of 2009

Senator Frosh moved that the Senate not concur in the House amendments.

SB0266/612216/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 266
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, strike "individual" and substitute "chief or designee".

AMENDMENT NO. 2

On page 3, in line 6, strike "**(I)**"; strike beginning with "**LAW**" in line 6 down through "**SHERIFFS**" in line 9 and substitute "**POLICE DEPARTMENT OF THE STATE, A COUNTY, A MUNICIPAL CORPORATION, OR A PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION**"; in line 15, strike "**INDIVIDUALS**" and substitute "**PERSONS**"; and in line 23, after "**PRACTICABLE**" insert "**AFTERWARDS**".

AMENDMENT NO. 3

On page 4, in line 18, strike "**INDIVIDUALS, GROUPS, OR ORGANIZATIONS THAT**" and substitute "**A PERSON, GROUP, OR ORGANIZATION IF:**

(1) THE INFORMATION";

and in line 19, after "**INVESTIGATION**" insert "**; OR**

(2) THE LAW ENFORCEMENT AGENCY DOES NOT HAVE A REASONABLE ARTICULABLE SUSPICION THAT THE PERSON, GROUP, OR ORGANIZATION ADVOCATES, SUPPORTS, OR ENCOURAGES THE VIOLATION OF ANY FEDERAL, STATE, OR LOCAL CRIMINAL LAW THAT PROHIBITS ACTS OF TERRORISM, RACKETEERING ACTIVITY, AS DEFINED IN 18 U.S.C. § 1961, VIOLENCE, EXTORTION, DESTRUCTION OF PROPERTY, INTIMIDATION, HARASSMENT, OBSTRUCTION OF JUSTICE, OR FRAUD".

AMENDMENT NO. 4

On page 4, in line 28, strike "**AN INDIVIDUAL**" and substitute "**A PERSON**".

On page 5, in lines 23, 29, and 33, in each instance, strike "**INDIVIDUALS**" and substitute "**PERSONS**".

AMENDMENT NO. 5

On page 6, strike in their entirety lines 7 through 14, inclusive, and substitute:

"(2) contact all persons who have been described in the Case Explorer database as being suspected of involvement in terrorism, or who have 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; afford those persons an opportunity to review and obtain copies of the relevant database entries; and subsequently purge those entries.".

The preceding 5 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0266**
SPONSOR: The Pres (Admin), et al
SUBJECT: Freedom of Association and Assembly Protection Act of 2009

The Senate refuses to concur in the House amendments and respectfully requests the House recede from its position.

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints:

Senator Raskin, Chairman
Senator Forehand
Senator Mooney.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

CONCURRENCE CALENDAR #17

AMENDED IN THE HOUSE

Senate Bill 842 – ~~Senator Lenett~~ Senators Lenett and Jones

EMERGENCY BILL

AN ACT concerning

Real Property – Foreclosure of Mortgages and Deeds of Trust on Residential Property – Notice to Occupants

Senator Frosh moved that the Senate concur in the House amendment.

SB0842/560811/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 842
(Third Reading File Bill)

On page 3 in lines 11 and 12, on page 4 in lines 27 and 28, and on page 6 in lines 5 and 6, in each instance, strike "**WITH CERTIFICATE OF MAILING**".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1153)

AMENDED IN THE HOUSE

Senate Bill 87 – Chair, Budget and Taxation Committee (By Request – Departmental – Assessments and Taxation)

AN ACT concerning

Property Tax – Homestead Tax Credit – Eligibility

Senator Currie moved that the Senate concur in the House amendment.

SB0087/425269/1

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 87

(Third Reading File Bill)

On page 3, in line 19, strike "July" and substitute "June".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1154)

MOTION

House Bill 387 – ~~Delegates Malone and George~~ ~~Delegate Malone and~~ Delegates Ivey, Dumais, ~~Aumann, Bartlett, Bates, Beidle, Beitzel, Bohanan, Boteler, Bromwell, G. Clagett,~~ V. Clagett, ~~Conway, Costa, DeBoy, Donoghue,~~ Doory, ~~Dwyer, Eckardt, Elliott, Elmore, Frank, Haddaway, Hecht, Impallaria, James,~~ Jameson, ~~Jennings, Kach, Kelly, King, Kipke, Krebs,~~ Kullen, Levy, Love, ~~Mathias, McComas, McConkey, McDonough, Miller, Minnick, Myers, Norman, O'Donnell, Olszewski, Riley, Rudolph, Schuh,~~ Schuler, ~~Serafini, Shank, Shewell, Smigiel, Sophocleus, Sossi,~~ Stein~~, Stifler, Stocksdale, Stull, Walkup, Weir~~, Weldon, ~~and Wood~~ ~~Wood,~~ Vallario, ~~Ali,~~ Anderson, Barkley, ~~Barve,~~ Benson, Bobo, Branch, Bronrott, Burns, Cane, Carr, Carter, Conaway, Davis, Feldman, Frick, Frush, Gaines, Gilchrist, Glenn, Gutierrez, Guzzone, Hammen, Harrison, Haynes, Healey, Heller, Hixson, Holmes, Howard, Hubbard, ~~Hucker,~~ Jones, Kaiser, Kirk, Kramer, Krysiak, ~~Lafferty,~~ Lee, ~~Manno,~~ McIntosh, Mizeur, Montgomery, Morhaim, Murphy, Nathan–Pulliam, Niemann, Oaks, Pena–Melnyk, Proctor, Ramirez, Reznik, Rice, Robinson, Rosenberg, Ross, Simmons, Stukes, Tarrant, Taylor, F. Turner, V. Turner, Valderrama, Vaughn, Waldstreicher, and Walker

EMERGENCY BILL

AN ACT concerning

~~**Vehicle Laws – Drivers' Licenses, Identification Cards, and Moped Operators' Permits – Proof of Legal Presence**~~

Vehicle Laws – Lawful Status in the United States – Material Compliance with Federal Requirements

Senator Brinkley moved to instruct conferees on **House Bill 387**.

The motion was rejected by roll call vote as follows:

Affirmative – 14 Negative – 32 (See Roll Call No. 1155)

CONCURRENCE CALENDAR #17

AMENDED IN THE HOUSE

Senate Bill 92 – Chair, Budget and Taxation Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Motor Carriers – Identification Markers – Forged Documents – Criminal Penalties

Senator Currie moved that the Senate concur in the House amendments.

SB0092/345260/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 92
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "other" in line 6 down through "Comptroller" in line 7 and substitute "related documents"; in line 11, strike "licenses or decals" and substitute "licenses, decals, or related documents"; and in line 16, strike "other official documents issued by the Comptroller" and substitute "related documents".

AMENDMENT NO. 2

On page 2, in line 11, after "**VEHICLE**" insert "**UNDER THE INTERSTATE AGREEMENTS AUTHORIZED BY § 9–205 OF THIS SUBTITLE**"; and in lines 27 and 28 and lines 30 and 31, in each instance, strike "**OTHER OFFICIAL DOCUMENT ISSUED BY THE COMPTROLLER**" and substitute "**RELATED DOCUMENT**".

On page 3, in line 2, strike "**OTHER OFFICIAL DOCUMENT ISSUED BY THE COMPTROLLER**" and substitute "**RELATED DOCUMENT**".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1156)

AMENDED IN THE HOUSE

Senate Bill 228 – Senators Glassman, Harris, and Jacobs

AN ACT concerning

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

Senator Currie moved that the Senate concur in the House amendments.

SB0228/905668/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 228
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "systems;" insert "extending the property tax credit in Harford County for certain residential real property in proximity to certain refuse disposal systems to certain other residential real property;".

AMENDMENT NO. 2

On page 2, in line 7, after the bracket, insert "**A.**"; and in line 9, strike "and" and substitute "**OR**

B. WAS COMPLETED ON OR BEFORE JANUARY 1, 1989, AND IS LOCATED IN AN AREA THAT CONSISTS OF MAGNOLIA ROAD TO TRIMBLE ROAD TO FORT HOYLE ROAD AND TO MAGNOLIA ROAD; AND".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1157)

AMENDED IN THE HOUSE

Senate Bill 274 – The President (By Request – Administration)

AN ACT concerning

Tax Increment Financing and Special Taxing Districts – Transit–Oriented Development

Senator Currie moved that the Senate concur in the House amendment.

SB0274/545666/1

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 274
(Third Reading File Bill)

On page 6, strike beginning with "Special" in line 16 down through "section." in line 17.

On page 12, in line 18, strike the comma.

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1158)

AMENDED IN THE HOUSE

Senate Bill 651 – Senator Edwards

AN ACT concerning

Garrett County – Code of Ordinances – Natural Gas

Senator Currie moved that the Senate concur in the House amendment.

SB0651/795560/1

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 651
(Third Reading File Bill)

On page 8, in line 3, strike "(1)"; and in line 7, strike "(2)" and substitute "**(B)**".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1159)

AMENDED IN THE HOUSE

Senate Bill 711 – Senators Mooney, Brinkley, Dyson, and Robey

AN ACT concerning

Trooper Tobin Triebel Life Insurance Memorial Act

Senator Currie moved that the Senate concur in the House amendments.

SB0711/524266/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 711
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Life Insurance"; in line 6, after "employees;" insert "authorizing the Secretary of State Police and the Secretary of Budget and Management to award certain death benefits and funeral expenses to certain

recipients on behalf of certain individuals; requiring that certain death benefits and funeral expenses be paid and funded in a certain manner; providing for the application of certain provisions of this Act; providing for the termination of certain provisions of this Act;"; and strike beginning with "benefit" in line 6 down through "Program" in line 7 and substitute "benefits for public safety employees".

AMENDMENT NO. 2

On page 3, after line 13, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) This section applies to any individual who, on or after November 1, 2008:

(1) was an active police employee in good standing of the Department of State Police; and

(2) died while participating in off–duty training exercises directly related to maintaining fitness for duty as a police employee employed by the Department of State Police.

(b) (1) The Secretary of State Police may award to the surviving spouse, child, dependent parent, or estate of an individual described in subsection (a) of this section:

(i) a death benefit equal to $125,000; and

(ii) reasonable funeral expenses, not exceeding $10,000.

(2) The Secretary of Budget and Management may award to the surviving spouse, child, dependent parent, or estate of an individual described in subsection (a) of this section a death benefit equal to $50,000.

(c) If the Secretary of State Police and Secretary of Budget and Management determine 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) 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 under § 152 of the Internal Revenue Code; or

(4) if no individual is eligible under item (1), (2), or (3) of this subsection, to the decedent's estate.

(d) (1) Any benefit awarded by the Secretary of State Police under subsection (b)(1) of this section shall be paid and funded in accordance with the benefits provided under § 1–202 of the Public Safety Article.

(2) Any benefit awarded by the Secretary of Budget and Management under subsection (b)(2) of this section shall be paid and funded in accordance with the benefits provided under § 10–404 of the State Personnel and Pensions Article.".

AMENDMENT NO. 3

On page 3, before line 14, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall apply only to all policies and contracts for life insurance coverage issued on or renewed by the State Employee and Retiree Health and Welfare Benefits Program on or after October 1, 2009.".

AMENDMENT NO. 4

On page 3, in line 14, strike "2." and substitute "4."; in line 15, strike "October" and substitute "July"; and in the same line, after "2009." insert "Section 2 of this Act shall remain effective for a period of 6 months and, at the end of December 31, 2009, with no further action required by the General Assembly, Section 2 of this Act shall be abrogated and of no further force and effect.".

The preceding 4 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1160)

CONCURRENCE CALENDAR #19

AMENDED IN THE HOUSE

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

Senator Frosh moved that the Senate concur in the House amendments.

SB0098/620117/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 98
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 4 and 5, strike ", send, or read" and substitute "or send"; in line 6, strike the first "a"; and in the same line, strike "term" and substitute "terms; providing for the application of this Act".

AMENDMENT NO. 2

On page 2, in line 2, after "**(A)**" insert "**(1)**"; in the same line, strike "**, "TEXT**" and substitute "**THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) "9–1–1 SYSTEM" HAS THE MEANING STATED IN § 1–301 OF THE PUBLIC SAFETY ARTICLE.

(3) "TEXT";

in line 6, strike "**A**" and substitute "**SUBJECT TO SUBSECTION (C) OF THIS SECTION, A**"; in lines 6 and 7, strike "**, SEND, OR READ**" and substitute "**OR SEND**"; and after line 8, insert:

"**(C) THIS SECTION DOES NOT APPLY TO THE USE OF:**

(1) A GLOBAL POSITIONING SYSTEM; OR

(2) A TEXT MESSAGING DEVICE TO CONTACT A 9–1–1 SYSTEM.".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 40 Negative – 7 (See Roll Call No. 1161)

CONCURRENCE CALENDAR #21

AMENDED IN THE HOUSE

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

Senator Currie moved that the Senate concur in the House amendments.

SB0593/274561/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 593
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, strike "use certain leave" and substitute "be on work time"; and in line 12, after "requirement;" insert "requiring the State Retirement Agency to submit certain reports on or before a certain date to the Joint Committee on Pensions;".

AMENDMENT NO. 2

On page 2, strike beginning with "**ON**" in line 24 down through "**MEETING**" in line 25 and substitute "**GIVEN REASONABLE TIME DURING WORK TO ATTEND**

MONTHLY MEETINGS"; in line 26 strike "**A**"; and in the same line, strike "**MEETING**" and substitute "**MEETINGS**".

AMENDMENT NO. 3

On page 3, in line 11, strike "(iii)" and substitute "**(4) (I)**"; in line 13, strike "this paragraph" and substitute "**PARAGRAPH (3) OF THIS SUBSECTION**"; and after line 14, insert:

"**(II) ON OR BEFORE SEPTEMBER 1 OF EACH YEAR, THE BOARD OF TRUSTEES SHALL SUBMIT A REPORT IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE TO THE JOINT COMMITTEE ON PENSIONS THAT PROVIDES:**

1. A TOTAL OF ALL TRAVEL EXPENSES FOR THE FISCAL YEAR ENDING IMMEDIATELY PRIOR TO SEPTEMBER 1 FOR:

A. MEMBERS OF THE BOARD OF TRUSTEES; AND

B. STAFF OF THE STATE RETIREMENT AGENCY;

2. THE DESTINATION, DURATION, AND JUSTIFICATION FOR THE TRAVEL;

3. FOR MEMBERS OF THE BOARD OF TRUSTEES, A STATEMENT WHETHER THE TRAVEL WAS MADE FOR PURPOSES OF FIDUCIARY EDUCATIONAL TRAINING; AND

4. FOR STAFF OF THE INVESTMENT DIVISION, A STATEMENT WHETHER THE TRAVEL WAS MADE FOR PURPOSES OF MEETING WITH EXISTING OR PROSPECTIVE INVESTMENT MANAGERS.".

The preceding 3 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1162)

THE COMMITTEE ON FINANCE REPORT #39

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

House Bill 1567 – ~~Delegate Hecht~~ Delegates Hecht, Barkley, Braveboy, Burns, Feldman, Haddaway, Harrison, Impallaria, Jameson, King, Kirk, Krysiak, Love, Manno, Mathias, McHale, Minnick, Rudolph, Stifler, Taylor, Vaughn, and Walkup

AN ACT concerning

Clean Energy Loan Programs

HB1567/237079/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1567
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "bill;" insert "requiring the surcharge to be limited to a certain amount;"; and strike beginning with "providing" in line 8 down through "property;" in line 9.

AMENDMENT NO. 2

On page 2, in line 29, after "**OWNERS**" insert "**, INCLUDING LOW INCOME RESIDENTIAL PROPERTY OWNERS,**".

On page 3, in line 4, after "**(C)**" insert "**(1)**"; after line 6, insert:

"**(2) A SURCHARGE SHALL BE LIMITED TO AN AMOUNT THAT ALLOWS THE POLITICAL SUBDIVISION TO RECOVER THE COSTS ASSOCIATED WITH ISSUING BONDS TO FINANCE THE LOAN AND COSTS ASSOCIATED WITH ADMINISTERING THE PROGRAM.**";

strike beginning with "**A**" in line 10 down through "**(F)**" in line 12 and substitute "**(1)**"; in lines 14, 16, 18, and 19, strike "**(1)**", "**(I)**", "**(II)**", and "**(2)**", respectively, and substitute "**(I)**", "**1.**", "**2.**", and "**(II)**", respectively; and after line 19, insert:

"**(2) ELIGIBILITY REQUIREMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE A REQUIREMENT THAT THE POLITICAL SUBDIVISION, IN A MANNER SUBSTANTIALLY SIMILAR TO THAT REQUIRED FOR A MORTGAGE LOAN UNDER §§ 12–127, 12–311, 12–409.1, 12–925, AND 12–1029 OF THE COMMERCIAL LAW ARTICLE, GIVE DUE REGARD TO THE PROPERTY OWNER'S ABILITY TO REPAY A LOAN PROVIDED UNDER THE PROGRAM.**".

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 JUDICIAL PROCEEDINGS REPORT #36

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

Senate Bill 835 – Senators Peters and Muse

AN ACT concerning

Prince George's County – Roadside Solicitation of Money or Donations – Permit Program

SB0835/198475/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 835
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "or" in line 4 down through "County" in line 5; and strike beginning with the first "certain" in line 6 down through "changes" in line 13 and substitute "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 within a certain period before the date on which the permit is to be effective; 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 a certain person to display a certain permit in a certain manner while soliciting; providing for the termination of this Act".

AMENDMENT NO. 2

On page 2, in line 10, strike "**(G)**" and substitute "**(H)**".

On pages 3 and 4, strike in their entirety the lines beginning with line 15 on page 3 through line 17 on page 4, inclusive, and substitute:

"(f) (1) This subsection applies only to Cecil County.

(2) In this subsection, "qualified organization" means a fire company or bona fide religious, fraternal, civic, war veterans', or charitable organization.

(3) Except as provided in paragraph (4) of this subsection, in Cecil County a person may not:

(i) Stand in a roadway, median divider, or intersection to solicit money or donations of any kind from the occupant of a vehicle; or

(ii) Cause, encourage, allow, or petition another to stand in a roadway, median divider, or intersection to solicit money or donations of any kind from the occupant of a vehicle.

(4) (i) The County Commissioners of Cecil County or the governing body of a municipal corporation in Cecil County may, by appropriate resolution or ordinance, enact a permit program to allow individuals who are at least 18 years old and representatives of qualified organizations who are at least 18 years old to solicit money or donations from the occupant of a vehicle by standing in a roadway, median divider, or intersection.

(ii) If the County Commissioners or the governing body of a municipal corporation in the county enact a resolution or ordinance establishing a permit program authorized by this paragraph, the resolution or ordinance shall:

1. Require an applicant for a permit to submit proof that the individual or qualified organization has a plan for safely soliciting money or donations from the proposed location;

2. Provide that a permit is effective for a period of 1 calendar day; and

3. Allow an individual or a qualified organization to obtain only one permit per calendar year.

(g) (1) In Montgomery County, a child under the age of 18 years may not stand in a roadway, median divider, or intersection to solicit money or donations of any kind from the occupant of a vehicle.

(2) This subsection shall be enforced by the issuance of a warning that informs the offender of the requirements of this subsection.

(H) (1) THE COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, BY APPROPRIATE RESOLUTION OR ORDINANCE, MAY 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.

(2) AT LEAST 15 DAYS BEFORE THE DATE ON WHICH THE PERMIT APPLIED FOR IS TO BE EFFECTIVE, AN APPLICANT SHALL FILE WITH THE COUNTY AN APPLICATION THAT CONTAINS THE FOLLOWING INFORMATION:

(I) THE NAME, ADDRESS, AND AGE OF EACH PERSON WHO WILL SOLICIT;

(II) THE NAME AND ADDRESS OF THE EMPLOYING OR SPONSORING PERSON, AGENCY, OR ENTITY;

(III) THE EXACT LOCATION WHERE EACH SOLICITOR WILL BE ASSIGNED;

(IV) THE PURPOSE OF THE SOLICITATION;

(V) THE TIME FRAME AND DURATION OF THE SOLICITATION;

(VI) THE NAME, ADDRESS, AND TELEPHONE NUMBER OF A CONTACT PERSON WHO WILL BE ABLE TO PROVIDE ADDITIONAL INFORMATION TO THE COUNTY OR ITS DESIGNEE; AND

(VII) ANY OTHER INFORMATION REQUIRED BY THE COUNTY.

(3) THE TERM OF A PERMIT MAY NOT EXCEED 24 HOURS.

(4) NO MORE THAN 4 PERMITS MAY BE ISSUED TO THE SAME PERSON IN A CALENDAR YEAR.

(5) A PERSON TO WHOM A PERMIT IS ISSUED SHALL CONSPICUOUSLY DISPLAY THE PERMIT WHILE SOLICITING.".

AMENDMENT NO. 3

On page 4, in line 19, after "2009." insert "It shall remain effective for a period of 2 years and, at the end of September 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 Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 96 – Delegate Stifler

AN ACT concerning

Public Safety – Offender Registry – Frequency of Photograph

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 822 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Railroad Grade Crossings – Automated Enforcement Systems
MC 907–09

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:

House Bill 933 – ~~Delegates Levi and Holmes~~ Prince George's County Delegation

AN ACT concerning

Prince George's County – Roadside Solicitation of Money or Donations – Permit Program
PG 419–09

HB0933/558274/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 933
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 21, after "soliciting;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 6, in line 18, after "2009." insert "It shall remain effective for a period of 2 years and, at the end of September 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 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:

House Bill 941 – Cecil County Delegation

AN ACT concerning

Cecil County – Tobacco Products – Distribution to Minors

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 1045 – Cecil County Delegation

AN ACT concerning

Cecil County – Regulation of Domestic Animals

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:

House Bill 1117 – Delegates Lee, Barkley, Beidle, Boteler, Bronrott, Carr, DeBoy, Dumais, Elliott, Frick, Hecht, Ivey, Kaiser, Kipke, Kramer, Krebs, Levi, Levy, McComas, McDonough, Montgomery, Ramirez, Riley, Robinson, Shewell, Sophocleus, Stocksdale, F. Turner, Valderrama, and Walkup

AN ACT concerning

Immunity from Liability – Medical Emergency – Use of Automated External Defibrillator

HB1117/128777/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1117
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike ", notwithstanding certain other provisions of law,"; in line 16, after "individual" insert "or facility"; and strike beginning with "providing" in line 16 down through "defibrillation" in line 17 and substitute "certain acts or omissions".

On pages 1 and 2, strike in their entirety the lines beginning with line 19 on page 1 through line 11 on page 2, inclusive.

On page 2, in line 14, strike "13–517(j)(3)" and substitute "13–517".

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 19 on page 2 through line 29 on page 4, inclusive, and substitute:

"Article – Education

13–517.

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

(2) "Automated external defibrillator (AED)" means a medical heart monitor and defibrillator device that:

(i) Is cleared for market by the federal Food and Drug Administration;

(ii) Recognizes the presence or absence of ventricular fibrillation or rapid ventricular tachycardia;

(iii) Determines, without intervention by an operator, whether defibrillation should be performed;

(iv) On determining that defibrillation should be performed, automatically charges; and

(v) 1. Requires operator intervention to deliver the electrical impulse; or

2. Automatically continues with delivery of electrical impulse.

(3) "Certificate" means a certificate issued by the EMS Board to a registered facility.

(4) "Facility" means an agency, association, corporation, firm, partnership, or other entity.

(5) "Jurisdictional emergency medical services operational program" means the institution, agency, corporation, or other entity that has been approved by the EMS Board to provide oversight of emergency medical services for each of the local government and State and federal emergency medical services programs.

(6) "Program" means the Public Access Automated External Defibrillator Program.

(7) "Regional administrator" means the individual employed by the Institute as regional administrator in each EMS region.

(8) "Regional council" means an EMS advisory body as created by the Code of Maryland Regulations 30.05.

(9) "Regional council AED committee" means a committee appointed by the regional council consisting of:

(i) The regional medical director;

(ii) The regional administrator; and

(iii) Three or more individuals with knowledge of and expertise in AEDs.

(10) "Registered facility" means an organization, business association, agency, or other entity that meets the requirements of the EMS Board for registering with the Program.

(b) (1) There is a Public Access Automated External Defibrillator Program.

(2) The purpose of the Program is to coordinate an effective statewide public access defibrillation program.

(3) The Program shall be administered by the EMS Board.

(c) The EMS Board may:

(1) Adopt regulations for the administration of the Program;

(2) Issue and renew certificates to facilities that meet the requirements of this section;

(3) Deny, suspend, revoke, or refuse to renew the certificate of a registered facility for failure to meet the requirements of this section;

(4) Approve educational and training programs required under this section that:

(i) Are conducted by any private or public entity;

(ii) Include training in cardiopulmonary resuscitation and automated external defibrillation; and

(iii) May include courses from nationally recognized entities such as the American Heart Association, the American Red Cross, and the National Safety Council;

(5) Approve the protocol for the use of an AED; and

(6) Delegate to the Institute any portion of its authority under this section.

(d) (1) Each facility that desires to make automated external defibrillation available shall possess a valid certificate from the EMS Board.

(2) This subsection does not apply to:

(i) A jurisdictional emergency medical services operational program;

(ii) A licensed commercial ambulance service;

(iii) A health care facility as defined in § 19–114 of the Health – General Article; or

(iv) A place of business for health care practitioners who are licensed as dentists under Title 4 of the Health Occupations Article or as physicians under Title 14 of the Health Occupations Article and are authorized to use an AED in accordance with that license.

(e) To qualify for a certificate a facility shall:

(1) Comply with the written protocol approved by the EMS Board for the use of an AED which includes notification of the emergency medical services system through the use of the 911 universal emergency access number as soon as possible on the use of an AED;

(2) Have established automated external defibrillator maintenance, placement, operation, reporting, and quality improvement procedures as required by the EMS Board;

(3) Maintain each AED and all related equipment and supplies in accordance with the standards established by the device manufacturer and the federal Food and Drug Administration; and

(4) Ensure that each individual who is expected to operate an AED for the registered facility has successfully completed an educational training course and refresher training as required by the EMS Board.

(f) A registered facility shall report the use of an AED to the Institute for review by the regional council AED committee.

(g) A facility that desires to establish or renew a certificate shall:

(1) Submit an application on the form that the EMS Board requires; and

(2) Meet the requirements under this section.

(h) (1) The EMS Board shall issue a new or a renewed certificate to a facility that meets the requirements of this section.

(2) Each certificate shall include:

(i) The type of certificate;

(ii) The full name and address of the facility;

(iii) A unique identification number; and

(iv) The dates of issuance and expiration of the certificate.

(3) A certificate is valid for 3 years.

(i) The EMS Board may issue a cease and desist order or obtain injunctive relief if a facility makes automated external defibrillation available in violation of this section.

(j) (1) **[**In addition to any other immunities available under statutory or common law, a registered facility is not civilly liable for any act or omission in the provision of automated external defibrillation if the registered facility:

(i) Has satisfied the requirements for making automated external defibrillation available under this section; and

(ii) Possesses a valid certificate at the time of the act or omission.**] THE FOLLOWING INDIVIDUALS AND FACILITIES ARE IMMUNE FROM CIVIL LIABILITY FOR DAMAGES RELATING TO THE USE, POSSESSION, OR PURCHASE OF AN AED OR ARISING OUT OF ANY ACT OR OMISSION IN**

PREPARING FOR OR RESPONDING TO A SUSPECTED SUDDEN CARDIAC ARREST EMERGENCY:

(I) AN INDIVIDUAL OR FACILITY THAT ACQUIRES AN AED, IF THE AED IS MAINTAINED AND TESTED IN ACCORDANCE WITH THE STANDARDS ESTABLISHED BY THE MANUFACTURER OF THE AED;

(II) AN INDIVIDUAL OR FACILITY THAT OWNS, MANAGES, OR IS OTHERWISE RESPONSIBLE FOR THE PREMISES ON WHICH AN AED IS LOCATED, IF THE AED IS MAINTAINED AND TESTED IN ACCORDANCE WITH THE STANDARDS ESTABLISHED BY THE MANUFACTURER OF THE AED;

(III) AN INDIVIDUAL WHO RETRIEVES AN AED IN RESPONSE TO A PERCEIVED SUDDEN CARDIAC ARREST EMERGENCY AT A FACILITY; OR

(IV) AN INDIVIDUAL WHO USES, ATTEMPTS TO USE, OR FAILS TO USE AN AED IN RESPONSE TO A PERCEIVED SUDDEN CARDIAC ARREST EMERGENCY AT A FACILITY.

(2) In addition to any other immunities available under statutory or common law, a member of the regional council AED committee is not civilly liable for any act or omission in the provision of automated external defibrillation.

(3) In addition to any other immunities available under statutory or common law, an individual is not civilly liable for any act or omission if:

(i) The individual is acting in good faith while rendering automated external defibrillation to a person who is a victim or reasonably believed by the individual to be a victim of a sudden cardiac arrest; **AND**

(ii) **[**The assistance or aid is provided in a reasonably prudent manner; and

(iii)**]** The automated external defibrillation is provided without fee or other compensation.

(4) The immunities in this subsection are not available if the conduct of the [registered] facility or an individual amounts to gross negligence, willful or wanton misconduct, or intentionally tortious conduct.

(5) This subsection does not affect, and may not be construed as affecting, any immunities from civil or criminal liability or defenses established by any other provision of the Code or by common law to which a [registered] facility, a member of the regional council AED committee, or an individual may be entitled.

(k) (1) A registered facility aggrieved by a decision of the Institute acting under the delegated authority of the EMS Board under this section shall be afforded an opportunity for a hearing before the EMS Board.

(2) A registered facility aggrieved by a decision of the EMS Board under this section shall be afforded an opportunity for a hearing in accordance with Title 10, Subtitle 2 of the State Government Article.".

The preceding 2 amendments were read only.

Senator Lenett moved, duly seconded, to make the Bill and Amendments a Special Order for p.m. session.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 1144 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

~~Maryland-Washington Regional District – Highways – Pedestrian and Bicycle Traffic and Facilities~~ Bicycle and Pedestrian Advisory Committee – Membership
MC/PG 115–09

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

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

Senator Astle moved, duly seconded, to make the Bill and Report a Special Order for p.m. session.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 1273 – Delegates Valderrama, Anderson, Barnes, Carter, Conaway, Dumais, Gutierrez, Kramer, Lee, Ramirez, Rosenberg, Schuler, and Vallario

AN ACT concerning

~~**Criminal Law – Limited Immunity – Seeking Medical Assistance for Alcohol or Drug-Related Overdose**~~

Criminal Procedure – Medical Emergency After Alcohol or Drug Ingestion – Mitigating Factor

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 1347 – Delegate Anderson

AN ACT concerning

Criminal Procedure – Drug or Alcohol Abuse – Court–Ordered Evaluation and Treatment of Defendant

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 1521 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Department of Transportation – Prospective and Current Employees – Criminal History Records Checks

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #51

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

House Bill 1297 – Delegates Taylor, Braveboy, Carter, Glenn, Hucker, Ivey, Levi, Ramirez, Rice, V. Turner, and Vaughn

AN ACT concerning

Procurement – Minority Business Enterprises – Prime Contractors

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:

House Bill 1414 – Chair, Environmental Matters Committee (By Request – Departmental – Housing and Community Development)

AN ACT concerning

Community Legacy Program – Neighborhood Intervention Project Applications and Financial Assistance 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:

House Bill 1468 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Public Health Surveillance – Confidentiality

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:

House Bill 1554 – Delegate Vaughn, Chair, Economic Matters Committee (By Request – Departmental – Housing and Community Development), and Delegates Barkley, Braveboy, Burns, Feldman, Haddaway, Harrison, Hecht, Impallaria, Jameson, King, Kirk, Krysiak, Love, Manno, Mathias, McHale, Miller, Minnick, Rudolph, Stifler, Taylor, and Walkup

AN ACT concerning

Linked Deposit Program – Loans to Minority Business Enterprises

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:

House Bill 1556 – Chair, Economic Matters Committee and Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Environment – Coal Combustion By–Products – Fees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #52

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

House Bill 439 – Delegate Hucker

AN ACT concerning

Advisory Committee on the Naming of State Facilities, Roads, and Bridges – Repeal

HB0439/354339/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 439
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 and 3 and substitute "State Government – State Designations – Recommendations and Advice"; in line 5, after "law" insert "; authorizing the State Archivist to review, evaluate, and make recommendations to the General Assembly regarding State designations under certain circumstances; requiring the State Archivist to make recommendations to the General Assembly regarding State designations under certain circumstances; and generally relating to recommendations and advice regarding State designations"; and after line 10, insert:

"BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1007
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 2

On page 2, after line 25, insert:

"9–1007.

(a) In addition to any powers set forth elsewhere, the State Archivist may:

(1) adopt regulations to:

(i) govern the Archives;

(ii) manage the Hall of Records Building and other real and personal property that the Archives acquires;

(iii) manage the records under the supervision of the Archives; and

(iv) define the categories of records in the report of the Records Management Division under § 10–634 of this article; **[**and**]**

(2) have a seal**; AND**

(3) UPON REQUEST, OR AT THE STATE ARCHIVIST'S DISCRETION, REVIEW, EVALUATE, AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY REGARDING STATE DESIGNATIONS UNDER TITLE 13 OF THIS ARTICLE.

(B) AT THE REQUEST OF THE PRESIDENT OF THE SENATE OR THE SPEAKER OF THE HOUSE, THE STATE ARCHIVIST SHALL REVIEW, EVALUATE, AND MAKE RECOMMENDATIONS TO THE GENERAL ASSEMBLY REGARDING STATE DESIGNATIONS UNDER TITLE 13 OF THIS ARTICLE.

[(b)**] (C)** (1) The State Archivist may establish reasonable fees for the care and preservation of records and other services provided by the Archives.

(2) Fees may be in the form of:

(i) a percentage not to exceed 2% of an existing fee charged at the time of the creation of a record in any form or format; or

(ii) a flat rate subscription charge for a publication of the Archives.

(3) Of the fees collected, 7% shall be deposited in the Archives Endowment Account of the State Archives Fund established under § 9–1013 of this subtitle as an educational and entrepreneurial reserve.

[(c)**] (D)** The State Archivist shall submit to the Governor and, subject to § 2–1246 of this article, to the General Assembly an annual report on the activities of the Archives and the Commission during the preceding fiscal year.".

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:

House Bill 1363 – Delegates Murphy ~~and Kipke~~, Kipke, Bartlett, Barve, Boteler, Cardin, Doory, Elmore, Frick, George, Gilchrist, Hixson, Howard, Ivey, Kaiser, Myers, Olszewski, Rice, Ross, Shank, Stukes, F. Turner, and Walker

AN ACT concerning

County Boards of Education – Procurement of Green Product Cleaning Supplies

HB1363/104837/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1363
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "schools" insert "under certain circumstances".

AMENDMENT NO. 2

On page 4, in line 10, after "**PRACTICABLE,**" insert "**AND ECONOMICALLY FEASIBLE,**".

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:

House Bill 1394 – Chair, Ways and Means Committee (By Request – Departmental – Elections, State Board of)

AN ACT concerning

Election Law – Employment and Compensation of Election Judges

HB1394/674736/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1394
(Third Reading File Bill)

On page 1, in line 2, strike "and Compensation".

The preceding amendment was read only.

Senator Mooney moved, duly seconded, that the Bill and Amendment be laid over under the Rule.

The motion was adopted.

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

House Bill 1395 – Chair, Ways and Means Committee (By Request – Departmental – Elections, State Board of)

AN ACT concerning

Campaign Finance – Reports and Affidavits – Failure to File

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:

House Bill 1435 – Chair, Appropriations Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Higher Education – Enforcement Powers of Maryland Higher Education Commission and Secretary of Higher Education

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:

House Bill 1452 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Waiver of Examination Requirements – BRAC – Stationary Engineers, Plumbers, Gas Fitters, and Heating, Ventilation, Air–Conditioning, and Refrigeration Contractors

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:

House Bill 1454 – ~~Delegate Stukes~~ Delegates Stukes, Kirk, and Haynes

AN ACT concerning

Baltimore City – 44th Legislative District Alcoholic Beverages – Beer, Wine, and Liquor Tasting License

HB1454/874234/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1454
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "44th Legislative District".

AMENDMENT NO. 2

On page 1, in line 5, strike "a"; in the same line, strike "part" and substitute "parts"; and in the same line, after "the" insert "41st Legislative District, the 43rd Legislative District, and the".

On page 2, in line 2, strike "**WARD**" and substitute "**:**

(1) WARD 27, PRECINCT 42 OF THE 41ST LEGISLATIVE DISTRICT OF BALTIMORE CITY;

(2) WARD 27, PRECINCT 41 OF THE 43RD LEGISLATIVE DISTRICT OF BALTIMORE CITY; AND

(3) WARD".

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 #53

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

House Bill 189 – Delegates Morhaim, Cardin, ~~and Hubbard~~ Hubbard, Tarrant, Reznik, Pendergrass, Nathan–Pulliam, Pena–Melnyk, Montgomery, Kipke, and V. Turner

EMERGENCY BILL

AN ACT concerning

Respiratory Illness Prevention Act

HB0189/874532/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 189
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 5, after "Department" insert "of the Environment"; in line 6, strike "State" and substitute "Department"; and in line 14, strike "establishing a certain exception to a certain reporting requirement;".

AMENDMENT NO. 2

On page 6, after line 17, insert:

"**(B) "CARB" MEANS THE CALIFORNIA AIR RESOURCES BOARD.**";

and in lines 18, 21, 26, and 28, strike "**(B)**", "**(C)**", "**(D)**", and "**(E)**", respectively, and substitute "**(C)**", "**(D)**", "**(E)**", and "**(F)**", respectively.

On page 7, in line 1, strike "**IS A MOTOR VEHICLE THAT IS**" and substitute "**THAT:**

(I) IS";

in line 2, after "**FUEL**" insert "**;**

(II) IS OPERATED ON A STREET OR HIGHWAY;";

in the same line, strike "**HAS**" and substitute:

"**(III) HAS**";

in line 3, strike "**14,000**" and substitute "**10,000**"; strike in their entirety lines 6 through 8, inclusive; in line 14, strike "**OR**"; in line 15, after "**GENERATOR**" insert "**;**

(VII) A LOCOMOTIVE; OR

(VIII) A MARINE VESSEL";

strike beginning with the colon in line 16 down through "**(II)**" in line 18; strike beginning with the semicolon in line 18 down through "**VESSEL**" in line 20; in line 21, strike "**VERIFIED DIESEL**" and substitute "**DIESEL**"; in line 24, strike "**PARTICULATE MATTER**" and substitute "**EMISSION**"; in the same line, after "**EPA**" insert "**OR CARB**"; and in line 26, after "**EPA–VERIFIED**" insert "**OR CARB–VERIFIED**".

On page 8, in lines 6 and 20, in each instance, strike "**STATE**" and substitute "**DEPARTMENT**"; and in line 23, strike "**VERIFIED**".

On page 14, in line 26, strike "10" and substitute "5"; and in the same line, strike "10–year" and substitute "5–year".

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:

House Bill 1263 – Delegates Hucker, O'Donnell, ~~and Shewell~~ Shewell, and Manno

AN ACT concerning

Mercury Switch Removal from Vehicles

HB1263/934936/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1263
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 13, strike "their" and substitute "the vehicle recycler's"; and in line 15, strike "recycling" and substitute "processing".

On page 2, in line 2, after "terms;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 3 in line 16, on page 6 in lines 6 and 27, on page 7 in lines 3, 5, 10, 22, and 31, on page 9 in lines 18, 22, and 34, and on page 10 in lines 7, 10, and 15, in each instance, strike "**RECYCLING**" and substitute "**PROCESSING**".

On page 4, in line 9, after "**LIGHT**" insert "**SWITCH ASSEMBLY**".

On page 6, in line 31, after "**SWITCH**" insert "**OR LIGHT SWITCH ASSEMBLY**"; in line 32, strike "**BREAKING**" and substitute "**BRAKING SYSTEM**"; and in the same line, after "**SWITCH**" insert "**ASSEMBLY**".

On page 7, in line 2, after "**SWITCH**" insert "**OR LIGHT SWITCH ASSEMBLY**"; in line 3, strike "**BREAKING**" and substitute "**BRAKING SYSTEM**"; and in the same line, after "**SWITCH**" insert "**ASSEMBLY**".

On page 16, in line 6, strike "**LIGHT**"; and strike beginning with "**, ANTILOCK**" in line 6 down through "**SWITCH,**" in line 7.

AMENDMENT NO. 3

On page 17, strike beginning with ", subject" in line 35 down through "Act," in line 36; in line 36, after "2009." insert "It shall remain effective for a period of 8 years and 6 months and, at the end of December 31, 2017, 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:

House Bill 1355 – Delegates Lafferty and Morhaim

AN ACT concerning

Natural Resources – Tidal Fish Licenses and Authorizations – Enforcement

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:

House Bill 1413 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

State Board of Veterinary Medical Examiners – Veterinary Education – Continuing Education Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #54

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

House Bill 1408 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Real Estate Licensees – Services Provided Through Teams

Senator Pipkin moved, duly seconded, to make the Bill and Report a Special Order for evening session.

The motion was adopted.

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

House Bill 1440 – Delegates Burns and Rudolph

AN ACT concerning

State Board of Public Accountancy – Reinstatement Fee for Expired Firm Permits

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:

House Bill 1450 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Board of Cosmetologists – Executive Director

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:

House Bill 1473 – Chair, Health and Government Operations Committee (By Request – Departmental – Military)

AN ACT concerning

Military Department – Classification, Organization, and Authority

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:

House Bill 1474 – Chair, Health and Government Operations Committee (By Request – Departmental – Military)

AN ACT concerning

Maryland Emergency Management Agency – Director

Senator Pipkin moved, duly seconded, to make the Bill and Report a Special Order for evening session.

The motion was adopted.

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

House Bill 1532 – Chair, Economic Matters Committee (By Request – Departmental – State Police)

AN ACT concerning

State Fire Marshal – Fire Sprinkler Contractor – Licensing

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:

House Bill 1561 – Chair, Health and Government Operations Committee (By Request – Departmental – Veterans Affairs)

AN ACT concerning

Maryland Veterans Trust Fund

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #55

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

House Bill 937 – Delegates F. Turner, Beitzel, Cane, DeBoy, Doory, Guzzone, Holmes, Jennings, Kirk, McDonough, McHale, Miller, Minnick, Pena–Melnyk, Pendergrass, Proctor, Rice, Serafini, ~~and Stukes~~ Stukes, Gilchrist, Howard, and Kaiser

AN ACT concerning

Higher Education – Student Financial Assistance – Retention of Unused Funds

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:

House Bill 948 – Delegates Kaiser, Gilchrist, Olszewski, Rice, Ross, Stukes, and Walker

AN ACT concerning

Higher Education – Part–Time Grant Program – Eligibility

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:

House Bill 1139 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

Washington Suburban Sanitary Commission – System Development Surcharge – Exemptions
MC/PG 104–09

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:

House Bill 1396 – Chair, Ways and Means Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Higher Education – Student Financial Assistance – Dually Enrolled Students

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:

House Bill 1403 – Chair, Appropriations Committee (By Request – Departmental – Higher Education Commission)

EMERGENCY BILL

AN ACT concerning

State Plan for Higher Education Quadrennial Review – Reporting Date

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:

House Bill 1404 – Chair, Appropriations Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Higher Education – Children of Fallen State or Local Public Safety Employees – Exemption from Nonresident Tuition

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

MESSAGE TO THE SENATE

BILL: **SB 0265**
SPONSOR: The Pres (Admin), et al
SUBJECT: Vehicle Laws – Teen Driver Safety

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Frosh, Chair
Senator Haines
Senator Muse

The House appoints:
Delegate Malone, Chairman
Delegate Frush, and
Delegate Stull.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0014**
SPONSOR: Sen Astle, et al
SUBJECT: Maryland Environmental Service – Energy Generation Projects

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Klausmeier, Chair
Senator Glassman
Senator Exum

The House appoints:
Delegate Rudolph, Chairman
Delegate Haddaway, and
Delegate Malone.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **HB 1030**
SPONSOR: Del Shank, et al
SUBJECT: Criminal Procedure – Offender Registry – Retroactivity

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Waldstreicher, Chairman
Delegate Levi, and
Delegate Frank.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **HB 1030**
SPONSOR: Del Shank, et al
SUBJECT: Criminal Procedure – Offender Registry – Retroactivity

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Waldstreicher, Chair
Delegate Levi
Delegate Frank

The Senate appoints:
Senator Stone, Chairman
Senator Jacobs
Senator Muse.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary
Read and adopted.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 108 – ~~Delegate Feldman~~ Delegates Feldman, Bartlett, Boteler, Cardin, Elmore, Doory, Frick, George, Gilchrist, Hixson, Howard, Ivey, Kaiser, Murphy, Myers, Olszewski, Rice, Ross, Stukes, F. Turner, and Walker

AN ACT concerning

Tax Amnesty Program

FOR the purpose of requiring the Comptroller to waive certain penalties and interest imposed for the nonpayment, nonreporting, or underreporting of certain taxes under certain circumstances; establishing a period during which the Comptroller shall grant amnesty; authorizing the Comptroller to enter into certain agreements to provide a certain waiver under certain circumstances with respect to certain taxes that a taxpayer agrees to pay in accordance with certain terms and a certain schedule; requiring the Comptroller to submit a certain report on the amnesty program; ~~providing for the distribution of the~~

~~receipts from the amnesty program;~~ and generally relating to ~~an~~ a tax amnesty program for certain taxes.

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

House Bill 293 – The Speaker (By Request – Administration) (Task Force to Combat Driving Under the Influence of Drugs and Alcohol) and Delegates Dumais, Bronrott, Ali, Lafferty, ~~and Waldstreicher~~ Waldstreicher, Anderson, Aumann, Barkley, Beidle, Bohanan, Boteler, Costa, DeBoy, Dwyer, Eckardt, Elliott, Elmore, Feldman, Frank, Frush, Haddaway, Heller, Holmes, Jameson, Jennings, Kaiser, Kramer, Krebs, Lee, Levy, McComas, Manno, Mathias, Morhaim, Murphy, Myers, Niemann, Norman, O'Donnell, Reznik, Riley, Robinson, Ross, Serafini, Shank, Shewell, Sophocleus, Sossi, Stocksdale, Stull, Walkup, Weldon, and Wood

AN ACT concerning

Vehicle Laws – Repeated Drunk and Drugged Driving Offenses – Suspension of License

FOR the purpose of ~~requiring~~ authorizing the Motor Vehicle Administration to suspend for a certain period the ~~driver's~~ license of a person who has been convicted of certain drunk and drugged driving offenses within a certain time period after the person was previously convicted of certain drunk and drugged driving offenses; authorizing a person whose license is suspended under certain circumstances to participate in the Administration's Ignition Interlock System Program under certain circumstances; requiring the Administration to suspend for a certain period the license of a person who has been convicted of a certain drunk driving offense within a certain time after the person was convicted of a certain drugged driving offense; requiring the Administration to suspend for a certain period the license of a person who has been convicted of a certain drugged driving offense within a certain time after the person was convicted of a certain drunk driving offense; requiring a person whose license is suspended under certain circumstances to participate in the Administration's Ignition Interlock System Program under certain circumstances; altering certain provisions of the Maryland Vehicle Law concerning administrative penalties for certain subsequent drunk driving offenses to conform to certain changes in federal law incorporated in State law; providing for certain procedures; and generally relating to penalties for drunk and drugged driving.

BY repealing and reenacting, with amendments,
Article – Transportation
Section ~~16–205(e)(2), (3), and (4)~~ 16–205(d) and (e)(2) through (12)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to

Article – Transportation
Section 16–205(e)(5) and (6)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–902(a) through (d)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

House Bill 845 – Delegates Carter, Ali, Anderson, Barnes, Bates, Braveboy, Burns, Dumais, Gutierrez, Hixson, Ivey, Jameson, Kullen, Lee, Manno, McComas, Montgomery, Nathan–Pulliam, Pena–Melnyk, Riley, Ross, Stukes, Taylor, V. Turner, Vallario, ~~and Waldstreicher~~ Waldstreicher, Bartlett, Elmore, Frick, Howard, Murphy, Rice, and Walker

AN ACT concerning

~~Domestic Violence~~ Education – 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~~ encourage county boards of education to incorporate certain lessons on dating violence into the county boards' health education curriculum; ~~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.

House Bill 898 – Delegates McConkey, Beidle, Benson, Cane, Costa, Dwyer, Eckardt, Elmore, Frank, George, Holmes, McComas, Norman, Ramirez, Schuh, Sossi, Stocksdale, and Stull

AN ACT concerning

Child Custody and Visitation – Relocation of Child ~~– Consent and Court Approval~~

FOR the purpose of ~~authorizing a court, in a custody or visitation proceeding, to include as a condition of a custody or visitation order a requirement that either party obtain the consent of the other party or the approval of the court before relocating the child outside the State; requiring a court to waive certain consent or court approval requirements under certain circumstances; establishing certain defenses to certain actions brought for violations of certain consent or court approval requirements~~ 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; clarifying language; and generally relating to child custody and visitation and the relocation of a child.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 9–106
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

House Bill 899 – Delegates Kelly, Beitzel, Myers, and Schuler

AN ACT concerning

Workers' Compensation – Death Benefits for Partially Dependent Individuals – Payment

FOR the purpose of ~~requiring an employer or insurer to continue certain payments under certain circumstances to certain individuals who were partially dependent at the time of the covered employee's death or who were wholly dependent at the time of the covered employee's death and became partially self–supporting;~~ altering the total amount of compensation payable to an individual who was partially dependent at the time of the covered employee's death or became self–supporting after the covered employee's death; ~~authorizing the Workers' Compensation Commission to recalculate certain weekly death benefit payments;~~ requiring the Workers' Compensation Commission to conduct a certain study; requiring the Commission to establish a certain workgroup comprised of certain stakeholders; requiring the Commission to report its findings and recommendations by a certain date to certain committees; providing for the application of this Act; and generally relating to death benefits under workers' compensation law for partially dependent individuals.

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 9–101(d) and 9–681(e) and (j)
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section ~~9–681(j) and~~ 9–682
Annotated Code of Maryland
(2008 Replacement Volume)

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

House Bill 1091 – ~~Delegate Glenn~~ Delegates Glenn, Doory, Howard, Stukes, and Walker

AN ACT concerning

Baltimore City and Prince George's County – Organization of Parents and Teachers – Matching Fund

FOR the purpose of renaming a certain Parent–Teacher Association Matching Fund Pilot Program to be the Organization of Parents and Teachers Matching Fund Pilot Program; clarifying the purpose of the Program and the eligibility for the Program; requiring a certain report to be submitted to a certain committee; extending a certain termination date; and generally relating to the Organization of Parents and Teachers Matching Fund Pilot Program in Baltimore City and Prince George's County.

BY repealing and reenacting, with amendments,
Article – Education

Section 7–118
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Chapter 637 of the Acts of the General Assembly of 2007
Section 2

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

House Bill 1215 – Delegates Hixson, Hucker, Kaiser, Mizeur, Montgomery, Niemann, Rice, and Ross

AN ACT concerning

Inheritance Tax – Exemption – Domestic Partners

FOR the purpose of providing an exemption from the inheritance tax for certain property that passes from a decedent to or for the use of a domestic partner of a decedent under certain circumstances; defining certain terms; providing for the application of this Act; and generally relating to an exemption from the inheritance tax for certain property that passes from a decedent to or for the use of a domestic partner of a decedent.

BY adding to
Article – Tax – General
Section 7–203(l)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

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

House Bill 1223 – Delegate Braveboy

AN ACT concerning

Education – Public High Schools and Public High School Students – ~~Revisions and Requirements~~ Data Collection System

FOR the purpose of requiring the State Department of Education to develop a certain data collection system ~~and evaluate certain information relating to certain students who earn a GED~~ on or before a certain date; identifying the purpose of a certain provision of law; ~~requiring the State Board of Education to include certain information in certain reports; identifying the intent of the General Assembly relating to the review of certain course content, scheduling, and examinations and certain preparations and interventions provided to certain students; requiring certain county boards of education to partner with certain~~

~~community colleges to offer certain discounts to certain students who take certain courses under certain circumstances; requiring certain children under a certain age to attend a public school regularly during the entire school year, subject to certain exceptions; raising the age to which certain individuals are responsible for a child's attendance at school or receipt of certain instruction; requiring certain children to attend alternative educational programs or to be given certain information regarding GED programs by certain county boards; requiring certain students to participate in certain virtual learning opportunities; requiring certain virtual learning opportunities to include certain types of opportunities; requiring a certain report; requiring the Department, in consultation and cooperation with the Maryland Higher Education Commission, to implement a certain student–identifying data system to be used for certain purposes on or before a certain date; requiring the Department, in consultation and cooperation with the Commission and other stakeholders, to determine certain standards to be used to define a certain term; making certain stylistic changes;~~ and generally relating to public high schools and public high school students.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–203.2~~, 7–301(a), (c), (d), and (e), and 7–1002~~
Annotated Code of Maryland
(2008 Replacement Volume)

~~BY adding to~~
~~Article – Education~~
~~Section 7–204.1, 7–205.1, and 7–301(a)~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume)~~

~~BY repealing and reenacting, without amendments,~~
~~Article – Education~~
~~Section 7–301(b)~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume)~~

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

House Bill 1291 – Delegates Bobo, Carr, Frush, Healey, and Hucker

AN ACT concerning

Natural Resources – No Net Loss of Forest Policy – Forest Conservation Act

FOR the purpose of ~~reducing the threshold acreage of land in a proposed subdivision plan above which the Forest Conservation Act applies;~~ reducing the threshold acreage of forest cut, cleared, or graded above which certain activities no longer

qualify as exemptions to the Forest Conservation Act; ~~repealing certain exemptions from the requirements of the Forest Conservation Act for cutting or clearing trees in a public utility right–of–way;~~ limiting a certain exemption from the requirements of the Forest Conservation Act for intrafamily transfers; repealing the authority of a local jurisdiction to waive the requirements of the Forest Conservation Act for certain previously developed and paved areas; authorizing the acquisition of an off–site protective easement for temporarily protected forested areas as a mitigation technique to meet afforestation or reforestation requirements; altering the standard that a person is required to meet to determine whether certain vegetation and areas of land may be disturbed; authorizing the owner of certain preserved forestland to place the forestland into the Forest Conservation and Management Program or under an approved forest management plan; altering the fee–in–lieu contribution to State or local forest conservation funds that is required under certain circumstances; altering the authorized uses of State and local forest conservation funds; ~~requiring the Department of Natural Resources to submit a report to the General Assembly annually after a certain date on its progress in developing and implementing a no net loss of forest policy in the State; declaring the intent of the General Assembly~~ 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; making certain stylistic changes; making a technical correction; and generally relating to the Forest Conservation Act and the development and implementation of a no net loss of forest policy.

BY adding to
Article – Natural Resources
Section 5–104
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–1602, 5–1603(c)(3), ~~(f), and (g), 5–1604(a),~~ 5–1607(b)(2), (c), and (f), and 5–1610
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 5–1603(f) and (g), 5–1604(a), 5–1607(e), and 5–1611
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

House Bill 1453 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Unemployment Insurance – Exemption from Covered Employment – Home Workers

FOR the purpose of providing that work performed by certain home workers is not covered employment for the purposes of unemployment insurance; providing that certain contributions and benefit charges collected are not subject to refund; providing for the application of this Act; and generally relating to unemployment insurance law.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 8–206
Annotated Code of Maryland
(2008 Replacement Volume)

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

House Bill 1475 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Maryland Veterans Behavioral Health – Expansion

FOR the purpose of expanding behavioral health coordination to certain additional veterans who served on active duty in the uniformed services of the United States; requiring the provision of certain behavioral health services under certain circumstances in certain additional areas of the State; and generally relating to the provision of behavioral health services for veterans in the State.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 13–2701 and 13–2702
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 311** SPONSOR: **The Speaker**

SUBJECT: **Freedom of Association and Assembly Protection Act of 2009**

THIRD READING CALENDAR HOUSE NO. **40** SENATE NO. **5**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the Judicial Proceedings Committee Amendments (HB0311/108876/1) be rejected.

(2) That the attached Conference Committee Amendment (HB0311/323625/1) be adopted.

HB0311/323625/1

BY: Conference Committee

AMENDMENT TO HOUSE BILL 311
(Third Reading File Bill)

On page 3, in line 9, after "**POLICE**" insert "**OR SHERIFF'S**"; and in line 17, strike "**INDIVIDUALS**" and substitute "**PERSONS**".

On page 4, in line 24, strike "**AN INDIVIDUAL**" and substitute "**A PERSON**"; in the same line, strike "**THAT**" and substitute "**IF**"; in lines 25 and 26, strike "**(I)**" and "**(II)**", respectively, and substitute "**(1)**" and "**(2)**", respectively; in line 25, before "**IS**" insert "**THE INFORMATION**"; in line 26, strike "**IS WITHOUT**" and substitute "**THE LAW ENFORCEMENT AGENCY DOES NOT HAVE A**"; and in line 27, strike "**INDIVIDUAL**" and substitute "**PERSON**".

On page 5, in line 6, strike "**AN INDIVIDUAL**" and substitute "**A PERSON**".

On page 6, in lines 19 and 23, in each instance, strike "individuals" and substitute "persons".

Senate Members: House Members:

Chair, **Jamie Raskin**	Chair, **Kathleen M. Dumais**
Jennie M. Forehand	**Kriselda Valderrama**
Alexander X. Mooney	**William J. Frank**

Read in the Senate:	Read in the House of Delegates:
Amendment Office Delivers Report to:	(X) Chief Clerk ( ) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1163)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #26

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

House Bill 541 – Delegates Bronrott, Morhaim, Conway, Hammen, Proctor, Ali, Aumann, Barve, Beitzel, Bobo, Branch, Bromwell, Cardin, Carr, G. Clagett, V. Clagett, Donoghue, Doory, Dumais, Eckardt, Elmore, Feldman, Frank, Frick, Gaines, Gilchrist, Griffith, Gutierrez, Guzzone, Healey, Hecht, Heller, Hixson, Howard, Hubbard, Hucker, Ivey, Jones, Kaiser, Kipke, Kullen, Lafferty, Lee, Levy, Manno, McHale, McIntosh, Mizeur, Montgomery, Pena–Melnyk, Reznik, Rice, Schuh, Schuler, Shewell, Simmons, Sophocleus, Sossi, Stein, F. Turner, V. Turner, Waldstreicher, Walker, and Weldon

AN ACT concerning

High Performance Buildings Act – Applicable to Community College Capital Projects

HB0541/729737/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 541
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Applicable" and substitute "Modifications and Applicability"; in line 4, after "of" insert "altering the definition of "high performance building" for purposes of certain requirements for certain capital projects;"; strike beginning with "authorizing" in line 5 down through "Services;" in line 8 and substitute "altering a certain waiver process;"; in line 10, strike "making a technical correction;" and substitute "altering the intent of the General Assembly relating to criteria and standards that high performance buildings must meet;"; and in lines 11 and 12, strike "at community colleges".

AMENDMENT NO. 2

On page 2, strike beginning with the colon in line 6 down through "comparable" in line 10 and substitute "**MEETS OR EXCEEDS A CERTAIN**"; in line 12, after "standard" insert "**AS**"; in line 22 strike "the"; and strike beginning with "established" in line 23 down through "by" in line 24 and substitute "**THAT FACILITATE THE GOALS OF**".

AMENDMENT NO. 3

On page 3, in line 15, strike "**OR A COMMUNITY COLLEGE**" and substitute "**OR A LOCAL JURISDICTION RECEIVING STATE FUNDS UNDER SUBSECTION (C)(1)(II) OF THIS SECTION**".

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:

House Bill 598 – Chair, Appropriations Committee (By Request – Departmental – University System of Maryland)

AN ACT concerning

Academic Facilities Bonding Authority

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:

House Bill 783 – Delegates James, Bohanan, and Gaines

AN ACT concerning

Transfer Tax – Program Open Space Bonds – Land and Easement Acquisition

HB0783/239632/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 783
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "providing" in line 9 down through "purposes;" in line 11 and substitute "requiring that certain allocations of certain funds distributed to Program Open Space be adjusted in a certain manner for certain fiscal years under certain circumstances;"; and in line 14, strike "Sixty Million Dollars ($60,000,000)" and substitute "Seventy Million Dollars ($70,000,000)".

AMENDMENT NO. 2

On page 5, in line 22, strike "Secretary of Natural Resources" and substitute "Governor"; and in line 25, strike "$60,000,000" and substitute "$70,000,000".

On page 6, in line 21, strike "$60,000,000" and substitute "$70,000,000"; and in line 26, strike "Department of Natural Resources" and substitute "Governor".

AMENDMENT NO. 3

On page 3, strike in their entirety lines 19 through 27, inclusive, and substitute:

"**(3)** In any fiscal year **[**in**]** **FOR** which funding for Program Open Space is provided through the State Consolidated Capital Bond Funding Program or other

bond enabling act, [the] **EXCEPT AS OTHERWISE EXPRESSLY PROVIDED UNDER THE BOND ENABLING ACT THROUGH WHICH THE FUNDING IS PROVIDED:**

(I) **THE** debt allocations shall be provided to the Department of Natural Resources and the Department shall allocate funds among local governing bodies according to the apportionment formula described in § 5–903 of this subtitle**; AND**

(II) **FOR FISCAL YEARS 2011 THROUGH 2013 ONLY, THE ALLOCATIONS PROVIDED UNDER § 5–903 OF THIS SUBTITLE OF THE FUNDS DISTRIBUTED TO PROGRAM OPEN SPACE UNDER § 13–209 OF THE TAX – PROPERTY ARTICLE SHALL BE ADJUSTED TO REDUCE THE AMOUNT THAT WOULD OTHERWISE BE ALLOCATED FOR ANY PURPOSE BY THE AMOUNT OF FUNDING PROVIDED FOR THAT PURPOSE UNDER THE BOND ENABLING 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 Currie, Chair, for the Committee on Budget and Taxation reported favorably:

House Bill 1061 – Delegates Mizeur, Barkley, Bobo, Bronrott, Carr, Dumais, Glenn, Healey, Hecht, Manno, and Rosenberg

AN ACT concerning

Earned Income Credit Information Act

Senator Kittleman moved, duly seconded, to make the Bill and Report a Special Order for evening session.

The motion was adopted.

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

House Bill 1136 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

Montgomery County – Washington Suburban Sanitary Commission

– Financial Oversight Act
MC/PG 101–09

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:

House Bill 1192 – Delegates Conway, Aumann, Bohanan, Branch, G. Clagett, DeBoy, Gaines, Griffith, Haynes, James, Jones, Levy, Malone, Mathias, McIntosh, O'Donnell, Proctor, Robinson, Rudolph, Shank, and Wood

AN ACT concerning

State Funding Accountability Act

HB1192/479038/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 1192
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "grantees that receive" and substitute "grantors that provide"; in line 5, strike "Information Technology" and substitute "Budget and Management"; strike beginning with "requiring" in line 5 down through "date;" in line 8; in line 9, after "Department" insert "of Information Technology"; and in line 16, after "reporting" insert "of certain grantors".

AMENDMENT NO. 2

On page 2, in line 13, strike "**INFORMATION TECHNOLOGY**" and substitute "**BUDGET AND MANAGEMENT**"; in line 18, after "**(4)**" insert "**"GRANTOR" MEANS A UNIT OF STATE GOVERNMENT OR OTHER STATE ENTITY THAT PROVIDES STATE AID TO A GRANTEE.**

(5)";

in line 24, strike "**GRANTEE**" and substitute "**GRANTOR**"; in line 26, strike "**GRANTEE RECEIVES**" and substitute "**GRANTOR PROVIDED**"; and in line 27, after "**AID**" insert "**TO A GRANTEE**".

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 29 on page 2 through line 27 on page 3, inclusive, and substitute:

"**1. THE NAME, ADDRESS, AND ZIP CODE OF EACH GRANTEE THAT RECEIVED STATE AID FROM THE GRANTOR DURING THE PREVIOUS FISCAL YEAR;**

2. THE AMOUNT OF ANY STATE AID PROVIDED TO THE GRANTEE; AND

3. A DESCRIPTION OF THE STATE AID PROVIDED TO THE GRANTEE.".

On page 3, in line 28, strike "**(3)**" and substitute "**(2)**"; strike beginning with "**BUDGET**" in line 30 down through "**AND MANAGEMENT**" in line 31 and substitute "**INFORMATION TECHNOLOGY**"; and in line 32, after "**DEPARTMENT**" insert "**OF INFORMATION TECHNOLOGY**".

AMENDMENT NO. 4

On page 4, strike beginning with "**CONTAIN**" in line 1 down through "**AID**" in line 4 and substitute "**CONTAIN:**

(I) THE NAME OF THE GRANTOR THAT PROVIDED THE STATE AID;

(II) THE NAME OF THE GRANTEE THAT RECEIVED THE STATE AID;

(III) THE AMOUNT OF THE STATE AID THAT WAS PROVIDED TO THE GRANTEE;

(IV) THE ZIP CODE OF THE GRANTEE THAT RECEIVED THE STATE AID; AND

(V) A DESCRIPTION OF THE STATE AID THAT WAS PROVIDED TO THE GRANTEE.

(3) THE SEARCHABLE WEBSITE SHALL ALLOW A USER TO SEARCH BY THE FOLLOWING DATA FIELDS:

(I) THE GRANTEE THAT RECEIVED THE STATE AID;

(II) THE GRANTOR THAT PROVIDED THE STATE AID; AND

(III) THE ZIP CODE OF ANY GRANTEE THAT RECEIVED STATE AID".

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:

House Bill 1383 – Delegates Gaines, Healey, and Ross

AN ACT concerning

Town of University Park Employees – Participation in the Employees' Pension 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:

House Bill 1517 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

Maryland–National Capital Park and Planning Commission – ~~Transfer~~ Disbursement of Funds to Prince George's County and Montgomery County MC/PG 127–09

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Madaleno moved, duly seconded, to put **House Bill 1517** on Third Reading on the same day in compliance with the Constitution.

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 1517** on Third Reading and Final Passage.

House Bill 1517 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

Maryland–National Capital Park and Planning Commission – ~~Transfer~~ Disbursement of Funds to Prince George's County and Montgomery County MC/PG 127–09

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 39 Negative – 0 (See Roll Call No. 1164)

The Bill was then sent to the House of Delegates.

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

House Bill 1553 – Delegates Conway, Mathias, and Elmore

AN ACT concerning

Worcester County – Video Lottery Operations ~~– Horse Racing~~

HB1553/349434/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 1553

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "repealing" in line 10 down through "in" in line 11 and substitute "providing for the appointment of certain members of a certain development council; altering".

AMENDMENT NO. 2

On page 4, in line 5, strike "Course," and substitute "**COURSE:**

1.";

and in line 7, after "council" insert "**;**

2. THE SENATOR OR THE SENATOR'S DESIGNEE SHALL SERVE AS A MEMBER OF THE LOCAL DEVELOPMENT COUNCIL; AND

3. THE DELEGATES OR THE DELEGATES' DESIGNEES SHALL SERVE AS MEMBERS OF THE LOCAL DEVELOPMENT COUNCIL".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Stoltzfus moved, duly seconded, to put **House Bill 1553** on Third Reading on the same day in compliance with the Constitution.

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 1553** on Third Reading and Final Passage.

House Bill 1553 – Delegates Conway, Mathias, and Elmore

AN ACT concerning

Worcester County – Video Lottery Operations ~~– Horse Racing~~

STATUS OF BILL: BILL ON 3RD READING.

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

Affirmative – 37 Negative – 1 (See Roll Call No. 1165)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #56

CONSENT CALENDAR #58

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

BILL NO.	REPORT	SPONSOR	CONTENT
HB 148	FAV	Calvert County Delegation	Calvert County – Reimbursement of Costs – Authority
HB 216	FAV	Calvert County Delegation	Calvert County – Animal Control – Fines and Licenses
HB 348	FAV	Anne Arundel County Delegation	Anne Arundel County – Board of Education – Student Member Scholarship
HB 520	FAV	Calvert County Delegation	Calvert County – Length of Service Award Program – Burial Benefits and Rescue Dive Team
HB 1559	FAV	St. Mary's County Delegation	Task Force to Study the Governance and Structure of the St. Mary's County Metropolitan Commission

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 61	Ch., Finance Com.	Maryland Port Administration – Jurisdiction, Powers, and Duties
SB 69	Ch., Jud. Proceed.	Vehicle Laws – Air–Conditioning Equipment Specifications and Requirements

SB 276	The President	Smart, Green, & Growing – Annl Rpt – Smart Growth Goals, Msurs, & Indctrs & Impl of Planning Visions
SB 296 (Emergency Bill)	Sen. Stone	Automotive Dismantlers, Recyclers, and Scrap Processors – Notice of Vehicle Acquisition
SB 362	Sen. Haines	Agricultural Land Preservation Easements – Residential Uses
SB 370 (Emergency Bill)	Sen. Stone	Maryland Quiet Vehicles and Pedestrian Safety Task Force – Reconstitution
SB 408	Sen. Simonaire	Environment – Water Pollution Control – Penalties
SB 513	Sen. Forehand	Washington Metropolitan Area Transit Commission – Appointment of District of Columbia Member
SB 516	Sen. Middleton	Maryland Organic Transition Investment Pilot Program (MO–TIPP)
SB 807	Sen. Colburn	Real Property – Residential Mortgages and Deeds of Trust – Recordation and Foreclosure

Endorsed as having been read the third time and passed by yeas and nays in the House of Delegates.

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 1081** SPONSOR: **Delegate Jones**

SUBJECT: **Prior Authorizations of State Debt to Fund Capital Projects – Alterations**

THIRD READING CALENDAR HOUSE NO. **57** SENATE NO. **R/S**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That Amendment Nos. 2, 4 through 7, 10 through 14, and 16 and 17 of the attached Budget and Taxation Committee Amendments (HB1081/389835/1) be adopted.

(2) That Amendment Nos. 1, 3, 8, 9, and 15 of the Budget and Taxation Committee Amendments (HB1081/389835/1) be rejected.

(3) That the attached Conference Committee Amendments (HB1081/393928/1) be adopted.

HB1081/389835/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 1081
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, before "altering" insert "requiring that the construction and equipping of certain underground utilities be located on certain streets;".

AMENDMENT NO. 2

On page 3, after line 27, insert:

"BY repealing and reenacting, with amendments,
Chapter 432 of the Acts of the General Assembly of 2004
Section 1(3) Item QG00(A)";

and after line 30, insert:

"BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005, as amended by Chapter 66 of the Acts of the General Assembly of 2007
Section 1(3) Item ZA01(BN)".

AMENDMENT NO. 3

On page 4, in line 4, strike "ZA01(BT)" and substitute "ZA00(T), ZA01(BT),"; in line 12, strike "ZA01(C)" and substitute "ZA00(P), ZA01(C), (H)"; in the same line, strike "ZA02(D)" and substitute "ZA02(C), (D), (AS)"; in line 19, after "ZA00(M)" insert

", (S), and (U)"; in the same line, after "ZA01(F)," insert "(K),"; in line 20, strike the first "and"; and in the same line, after "(CF)" insert ", and (CN),".

AMENDMENT NO. 4

On page 18, in line 24, strike "**VICTORY**"; in the same line, strike "Youth Center" and substitute "**MACDONALD KNOLLS CENTER**"; in line 25, strike "Victory Youth Center, Inc." and substitute "**CHI CENTERS, INC.**"; in line 26, after "construction," insert "**RECONSTRUCTION,**"; and strike beginning with "**VICTORY**" in line 28 down through "**DARNESTOWN**" in line 29 and substitute "**MACDONALD KNOLLS CENTER, LOCATED IN SILVER SPRING**".

AMENDMENT NO. 5

On page 22, strike beginning with "**VICTORY**" in line 1 down through "**CENTER**" in line 2 and substitute "**MACDONALD KNOLLS CENTER**"; in line 4, strike "Victory Youth Center, Inc." and substitute "**CHI CENTERS, INC.**"; in line 6, after "**RENOVATION,**" insert "**RECONSTRUCTION,**"; and strike beginning with "**VICTORY**" in line 8 down through "**(STATEWIDE)**" in line 10 and substitute "**MACDONALD KNOLLS CENTER, LOCATED IN SILVER SPRING (MONTGOMERY COUNTY)**".

AMENDMENT NO. 6

On page 22, after line 22, insert:

"Chapter 432 of the Acts of 2004

SECTION 1. BE FURTHER ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(3)

QG00 POLICE AND CORRECTIONAL TRAINING COMMISSIONS

(A) Public Safety Training Center. Provide funds to equip two renovated dormitory buildings and design **AND CONSTRUCT** the remaining components of the Center (Carroll County) ..... 940,000".

AMENDMENT NO. 7

On page 23, after line 28, insert:

"Chapter 445 of the Acts of 2005, as amended by Chapter 66 of the Acts of 2007

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(3) ZA01 LOCAL HOUSE OF DELEGATES INITIATIVES

(BN) Frederick Douglass Memorial. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the **[**Frederick Douglass Memorial Action Coalition**]** **TOWN OF EASTON** for the design and construction of a monument to the life and legacy of Frederick Douglass, to be located in Easton. Notwithstanding Section 1(5) of this Act, the matching fund may include real property, in kind contributions, or funds expended prior to the effective date of this Act and the grantee has until June 1, **[**2009,**]** **2011,** to present evidence that a matching fund will be provided (Talbot County) ..... 100,000".

AMENDMENT NO. 8

On page 25, after line 9, insert:

"ZA00 MISCELLANEOUS GRANT PROGRAMS

(T) Annapolis Underground Wiring. Provide a grant equal to the lesser of (i) $600,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Annapolis to assist in the construction and equipping of underground utilities **ON CORNHILL STREET, FLEET STREET, AND PINKNEY STREET** in the City of Annapolis. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Anne Arundel County) .... 600,000".

AMENDMENT NO. 9

On page 27, after line 9, insert:

"ZA00 MISCELLANEOUS GRANT PROGRAMS

(P) Annapolis Underground Wiring. Provide a grant equal to the lesser of (i) $600,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Annapolis to assist in the construction and capital equipping of underground utilities **ON CORNHILL STREET, FLEET STREET, AND PINKNEY STREET** in the City of Annapolis. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Anne Arundel County) .... 600,000".

AMENDMENT NO. 10

On page 27, after line 20, insert:

"(H) Hope House. Provide a grant of $100,000 to the Board of Directors of Addiction Recovery, Inc. for the repair, renovation, and capital equipping of Hope House, an alcohol and drug addiction residential treatment facility, located in Crownsville, subject to a requirement that the grantee provide and expend a matching fund of $50,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions**. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2011, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Statewide) .... 100,000".

AMENDMENT NO. 11

On page 28, strike beginning with "**VICTORY**" in line 7 down through "**CENTER**" in line 8 and substitute "**MACDONALD KNOLLS CENTER**"; in line 10, strike "Victory Youth Center, Inc." and substitute "**CHI CENTERS, INC.**"; in line 12, after "**RENOVATION,**" insert "**RECONSTRUCTION,**"; and strike beginning with "**VICTORY**" in line 14 down through "**(STATEWIDE)**" in line 16 and substitute

"**MACDONALD KNOLLS CENTER, LOCATED IN SILVER SPRING (MONTGOMERY COUNTY)**".

AMENDMENT NO. 12

On page 28, after line 39, insert:

"(C) Hope House. Provide a grant of $100,000 to the Board of Directors of Addiction Recovery, Inc. for the repair, renovation, and capital equipping of Hope House, an alcohol and drug addiction residential treatment facility, located in Crownsville, subject to a requirement that the grantee provide and expend a matching fund of $50,000. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions**. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2011, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Statewide) .... 100,000".

AMENDMENT NO. 13

On page 29, after line 8, insert:

"(AS) Cecil County Breeder's Fair. Provide a grant in the amount of $50,000 to the Board of Directors of the Cecil County Breeder's Fair, Inc. for the **ACQUISITION,** repair, renovation, reconstruction, and capital equipping**, INCLUDING ACQUISITION OF AN AERATOR,** of the race track at Fair Hill, located in Fair Hill (Cecil County) ..... 50,000".

AMENDMENT NO. 14

On page 29, strike beginning with "**VICTORY**" in line 31 down through "**CENTER**" in line 32 and substitute "**MACDONALD KNOLLS CENTER**"; in line 34, strike "Victory Youth Center, Inc." and substitute "**CHI CENTERS, INC.**"; in line 36, after "**RENOVATION,**" insert "**RECONSTRUCTION,**"; and strike beginning with "**VICTORY**" in line 38 down through "**DARNESTOWN**" in line 39 and substitute "**MACDONALD KNOLLS CENTER, LOCATED IN SILVER SPRING**".

AMENDMENT NO. 15

On page 32, strike line 9 in its entirety; in line 10, before "RD00" insert "(3)"; and after line 22, insert:

"ZA00 MISCELLANEOUS GRANT PROGRAMS".

On page 33, after line 7, insert:

"(S) Annapolis Underground Wiring. Provide a grant equal to the lesser of (i) $600,000 or (ii) the amount of the matching fund provided, to the Mayor and City Council of the City of Annapolis to assist in the construction and equipping of underground utilities **ON CORNHILL STREET, FLEET STREET, AND PINKNEY STREET** in the City of Annapolis. Notwithstanding Section 1(5) of this Act, the matching fund may consist of funds expended prior to the effective date of this Act (Anne Arundel County) 600,000

(U) The Emmart–Pierpoint Safe House. Provide a grant **[**equal to the lesser**]** of **[**(i)**]** $100,000 **[**or (ii) the amount of the matching fund provided,**]** to the Board of Directors of The Friends of Cherry Hill AUMP, Inc. for the construction, renovation, and capital equipping of the Emmart–Pierpoint Safe House, located in Baltimore County. **[**Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act**]** (Baltimore County)..... 100,000".

AMENDMENT NO. 16

On page 33, after line 17, insert:

"(K) Annapolis Summer Garden Theatre. Provide a grant equal to the lesser of (i) $50,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Annapolis Summer Garden Theatre, Inc. for

the repair, renovation, restoration, and reconstruction of the Annapolis Summer Garden Theatre including repair to the roof, located in Annapolis**[**, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust**]** (Anne Arundel County)..... 50,000".

AMENDMENT NO. 17

On page 34, after line 20, insert:

"(CN) Oxford Community Center. Provide a grant equal to the lesser of (i) $50,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of the Oxford Community Center, Inc. for the design, repair, renovation, reconstruction, and capital equipping of the Oxford Community Center, located in **[**Oxford, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust.**]** **OXFORD.** Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions or funds expended prior to the effective date of this Act (Talbot County)..... 50,000".

HB1081/393928/1

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 1081
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, after line 19, insert:

"BY repealing and reenacting, with amendments,
Chapter 563 of the Acts of the General Assembly of 2000
Section 1".

AMENDMENT NO. 2

On page 4, in line 4, strike "ZA01(BT)" and substitute "DE02.01(B), ZA01(BT),"; in line 12, after "ZA01(C),' insert "(H),"; in the same line, strike "ZA02(D)" and substitute "ZA02(C), (D), (AS)"; in line 19, after "ZA00(M)" insert "and (U)"; in the same line, after "ZA01(F),' insert "(K),"; in line 20, strike the first "and"; and in the same line, after "(CF)" insert ", and (CN),".

AMENDMENT NO. 3

On page 9, after line 25, insert:

"Chapter 563 of the Acts of 2000

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That:

(1) The Board of Public Works may borrow money and incur indebtedness on behalf of the State of Maryland through a State loan to be known as the Prince George's County – St. Paul Community Centre Loan of 2000 in a total principal amount equal to the lesser of (i) $400,000 or (ii) the amount of the matching fund provided in accordance with Section 1(5) below. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation bonds authorized by a resolution of the Board of Public Works and issued, sold, and delivered in accordance with §§ 8–117 through 8–124 of the State Finance and Procurement Article and Article 31, § 22 of the Code.

(2) The bonds to evidence this loan or installments of this loan may be sold as a single issue or may be consolidated and sold as part of a single issue of bonds under § 8–122 of the State Finance and Procurement Article.

(3) The cash proceeds of the sale of the bonds shall be paid to the Treasurer and first shall be applied to the payment of the expenses of issuing, selling, and delivering the bonds, unless funds for this purpose are otherwise provided, and then shall be credited on the books of the Comptroller and expended, on approval by the Board of Public Works, for the following public purposes, including any applicable architects' and engineers' fees: as a grant to the Board of Directors of the Saint Paul Community Development Corporation (referred to hereafter in this Act as "the grantee") for the construction and capital equipping of a building for the St. Paul Community Centre in **[**Capitol Heights, Prince George's County,**]** **TEMPLE HILLS,** to be used as an expansion of an existing day care center and for office space.

(4) An annual State tax is imposed on all assessable property in the State in rate and amount sufficient to pay the principal of and interest on the bonds, as and when due and until paid in full. The principal shall be discharged within 15 years after the date of issuance of the bonds.

(5) Prior to the payment of any funds under the provisions of this Act for the purposes set forth in Section 1(3) above, the grantee shall provide and expend a matching fund. No part of the grantee's matching fund may be provided, either directly or indirectly, from funds of the State, whether appropriated or unappropriated. No part of the fund may consist of real property or in kind contributions. The fund may consist of funds expended prior to the effective date of this Act. In case of any dispute as to the amount of the matching fund or what money or assets may qualify as matching funds, the Board of Public Works shall determine the matter and the Board's decision is final. The grantee has until June 1, 2002, to present evidence satisfactory to the Board of Public Works that a matching fund will be provided. If satisfactory evidence is presented, the Board shall certify this fact and the amount of the matching fund to the State Treasurer, and the proceeds of the loan equal to the amount of the matching fund shall be expended for the purposes provided in this Act. Any amount of the loan in excess of the amount of the matching fund certified by the Board of Public Works shall be canceled and be of no further effect.

(6) THE PROCEEDS OF THE LOAN MUST BE EXPENDED OR ENCUMBERED BY THE BOARD OF PUBLIC WORKS FOR THE PURPOSES PROVIDED IN THIS ACT NO LATER THAN JUNE 1, 2011. IF ANY FUNDS AUTHORIZED BY THIS ACT REMAIN UNEXPENDED OR UNENCUMBERED AFTER JUNE 1, 2011, THE AMOUNT OF THE UNENCUMBERED OR UNEXPENDED AUTHORIZATION SHALL BE CANCELED AND BE OF NO FURTHER EFFECT. IF BONDS HAVE BEEN ISSUED FOR THE LOAN, THE AMOUNT OF UNEXPENDED OR UNENCUMBERED BOND PROCEEDS SHALL BE DISPOSED OF AS PROVIDED IN § 8–129 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.".

AMENDMENT NO. 4

On page 25, after line 9, insert:

"DE02.01 BOARD OF PUBLIC WORKS

STATE GOVERNMENT CENTER – BALTIMORE
(Baltimore City)

(B) 2100 Guilford Avenue – Addition. Provide funds to supplement previous appropriations to design**, [**and**]** construct**, AND RENOVATE** an addition to State Office Building Number 3 at 2100 Guilford Avenue. Any funds not needed to complete this project may be used to design and construct other capital facilities renewal projects statewide..... 1,800,000".

AMENDMENT NO. 5

On page 32, strike line 9 in its entirety; in line 10, before "RD00" insert "(3)"; and after line 22, insert:

"ZA00 MISCELLANEOUS GRANT PROGRAMS".

On page 33, after line 7, insert:

"(U) The Emmart–Pierpoint Safe House. Provide a grant **[**equal to the lesser**]** of **[**(i)**]** $100,000 **[**or (ii) the amount of the matching fund provided,**]** to the Board of Directors of The Friends of Cherry Hill AUMP, Inc. for the construction, renovation, and capital equipping of the Emmart–Pierpoint Safe House, located in Baltimore County. **[**Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property, in kind contributions, or funds expended prior to the effective date of this Act**]** (Baltimore County)..... 100,000".

Senate Members:	House Members:
Chair, **Ulysses Currie**	Chair, **Norman H. Conway**
James E. DeGrange, Sr.	**Adrienne A. Jones**
Donald F. Munson	**John L. Bohanan, Jr.**

Read in the Senate:	Read in the House of Delegates:
Amendment Office Delivers Report to:	(X) Chief Clerk ( ) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 44 Negative – 2 (See Roll Call No. 1166)

The Bill was then sent to the House of Delegates.

SPECIAL ORDERS

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

House Bill 773 – Delegates Conway and Mathias

AN ACT concerning

Worcester County – Gaming – Bingo

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

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

Affirmative – 44 Negative – 2 (See Roll Call No. 1167)

The Bill was then sent to the House of Delegates.

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

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 evening session.

The motion was adopted.

House Bill 784 – Delegates James, Gaines, and Riley

AN ACT concerning

Consolidated Transportation Program – Traffic Congestion ~~Reporting~~

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

HB0784/789033/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 784
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "that" insert "certain".

AMENDMENT NO. 2

On page 3, in line 17, after "**NEW**" insert "**MAJOR**".

The preceding 2 amendments were read only.

Senator Pipkin moved, duly seconded, to make the Bill and Amendments a Special Order for evening session.

The motion was adopted.

House Bill 1382 – Chair, Judiciary Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Juvenile Law – Juvenile Records – Disclosure

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS (5) OFFERED FROM THE FLOOR BY SENATOR PUGH.

FLOOR AMENDMENT

HB1382/663427/1

BY: Senator Pugh

AMENDMENTS TO HOUSE BILL 1382, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Judicial Proceedings Committee Amendments (HB1382/678173/1), strike in their entirety Amendments No. 1 and 2.

AMENDMENT NO. 2

On page 1 of the bill, strike beginning with "a" in line 3 down through "circumstances;" in line 7, and substitute "authorizing the Department of Juvenile Services to provide access to and the confidential use of a certain treatment plan of a child by an agency in the District of Columbia or a state agency in Virginia under certain circumstances; providing that a certain shared record may only provide certain information; providing that the Department of Juvenile Services is liable for an unauthorized release of a certain court record; requiring the Department of Juvenile Services to adopt certain regulations; establishing that certain provisions do not prohibit access to certain court records by the Department of Human Resources under certain circumstances; providing that the Department of Human Resources shall be liable for the unauthorized release of certain information;".

AMENDMENT NO. 3

On page 2 of the bill, in line 9, strike the colon; and strike in their entirety lines 10 through 20, inclusive, and substitute:

"the Department of Juvenile Services or in an investigation and prosecution by a law enforcement agency.".

AMENDMENT NO. 4

On page 2 of the bill, after line 27, insert:

"**(4) (I) THE DEPARTMENT OF JUVENILE SERVICES MAY PROVIDE ACCESS TO AND THE CONFIDENTIAL USE OF A TREATMENT PLAN OF A CHILD DESCRIBED UNDER TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE BY AN AGENCY IN THE DISTRICT OF COLUMBIA OR A STATE AGENCY IN VIRGINIA, IF THE AGENCY:**

1. PERFORMS THE SAME FUNCTIONS IN THE JURISDICTION OF THE AGENCY AS DESCRIBED IN § 9–216(A) OF THE HUMAN SERVICES ARTICLE; AND

2. HAS A RECIPROCAL AGREEMENT WITH THE STATE THAT PROVIDES THAT THE SPECIFIC INFORMATION TO BE SHARED BY THE STATE IS THE SAME TYPE OF INFORMATION THAT WILL BE SHARED BY THE AGENCY; AND

3. HAS CUSTODY OF THE CHILD.

(II) A RECORD THAT IS SHARED UNDER THIS PARAGRAPH MAY ONLY PROVIDE INFORMATION THAT IS RELEVANT TO THE SUPERVISION, CARE, AND TREATMENT OF THE CHILD.

(III) THE DEPARTMENT OF JUVENILE SERVICES SHALL BE LIABLE FOR AN UNAUTHORIZED RELEASE OF A COURT RECORD UNDER THIS PARAGRAPH.

(IV) THE DEPARTMENT OF JUVENILE SERVICES SHALL ADOPT REGULATIONS TO IMPLEMENT THIS PARAGRAPH.";

and in line 28, strike "(4)" and substitute "**(5)**".

AMENDMENT NO. 5

On page 3 of the bill, in line 9, strike "(5)" and substitute "**(6)**".

On page 2 of the Judicial Proceedings Committee Amendments, in line 1 of Amendment No. 3, strike "**(6)**" and substitute "**(7)**".

The preceding 5 amendments were read only.

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

The motion was adopted.

House Bill 1385 – Chair, Judiciary Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Juvenile Services – Employee Criminal History Record Information – Disclosure of New Information

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

HB1385/688670/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1385
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, before "Disclosure" insert "Initial Criminal History Records Check and"; and in line 8, after the semicolon insert "altering the time within which the Department is required to apply for an initial criminal history records check for an employee;".

AMENDMENT NO. 2

On page 2, in line 1, strike "Within the first month" and substitute "**ON OR BEFORE THE FIRST DAY**".

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 555 – Senators Middleton, Brinkley, Colburn, Currie, DeGrange, Della, Exum, Garagiola, Glassman, Haines, Harrington, Jacobs, Jones, Kasemeyer, Kelley, King, Kittleman, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Miller, Munson, Muse, Peters, Pugh, Robey, Stoltzfus, and Zirkin

AN ACT concerning

Biomass and Biofuels – In–State Production Incentives

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

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0555/687675/1

BY: Finance Committee

AMENDMENT TO SENATE BILL 555, AS AMENDED

On page 3 of the Finance Committee Amendments (SB0555/187672/1), in line 4 from the bottom of Amendment No. 3, after "**STATES;**" insert "**AND**".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

SB0555/683425/1

BY: Senator Harris

AMENDMENTS TO SENATE BILL 555
(First Reading File Bill)

AMENDMENT NO. 1
On page 1, in line 21, strike "may" and substitute "shall".

AMENDMENT NO. 2
On page 9, in line 8, strike "**MAY**" and substitute "**SHALL**".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

SB0555/993827/1

BY: Senator Jacobs
(To be offered in the Finance Committee and the Education, Health, and Environmental

Affairs Committee)

AMENDMENT TO SENATE BILL 555
(First Reading File Bill)

On page 1, in the sponsor line, strike "Jacobs,".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON FINANCE REPORT #40

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

Senate Bill 405 – Senator Conway

AN ACT concerning

Procurement – Apprenticeship Training Programs

SB0405/947573/2

BY: Finance Committee

AMENDMENTS TO SENATE BILL 405
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "circumstances;" insert "requiring organizations that have registered apprenticeship programs and receive certain funds to certify to the Secretary that the funds are used solely for the purpose of improving or expanding apprenticeship training in the State; requiring the Secretary to adopt regulations that establish a process for auditing organizations that have registered apprenticeship programs to ensure that certain funds received are used solely to improve and expand apprenticeship programs in the State;".

AMENDMENT NO. 2

On page 3, in line 21, strike "**OR**"; in line 22, after "**FUND**" insert "**; OR**

(3) THE CONTRACTOR WILL MAKE PAYMENTS IN AMOUNTS DETERMINED UNDER § 17–605 OF THIS SUBTITLE TO A REGISTERED APPRENTICESHIP PROGRAM OR TO AN ORGANIZATION THAT HAS REGISTERED APPRENTICESHIP PROGRAMS FOR THE PURPOSE OF SUPPORTING THESE PROGRAMS";

and after line 26, insert:

"**(C) ORGANIZATIONS THAT HAVE REGISTERED APPRENTICESHIP PROGRAMS AND RECEIVE FUNDS FROM CONTRACTORS UNDER SUBSECTION (A)(3) OF THIS SECTION SHALL CERTIFY TO THE SECRETARY THAT ALL FUNDS RECEIVED ARE USED SOLELY FOR THE PURPOSE OF IMPROVING OR EXPANDING APPRENTICESHIP TRAINING IN THE STATE.**

(D) THE SECRETARY SHALL ADOPT REGULATIONS TO ESTABLISH A PROCESS FOR AUDITING ORGANIZATIONS THAT PROVIDE REGISTERED APPRENTICESHIP PROGRAMS TO ENSURE THAT ALL FUNDS RECEIVED UNDER SUBSECTION (A)(3) OF THIS SECTION ARE USED SOLELY TO IMPROVE AND EXPAND APPRENTICESHIP PROGRAMS IN THE STATE.".

On page 4, in line 3, strike "**OR**"; in line 4, after "**FUND**" insert "**; OR**

(3) THE SUBCONTRACTOR WILL MAKE PAYMENTS IN AMOUNTS DETERMINED UNDER § 17–605 OF THIS SUBTITLE TO A REGISTERED APPRENTICESHIP PROGRAM OR TO AN ORGANIZATION THAT HAS REGISTERED APPRENTICESHIP PROGRAMS FOR THE PURPOSE OF SUPPORTING THESE PROGRAMS";

after line 8, insert:

"**(C) ORGANIZATIONS THAT HAVE REGISTERED APPRENTICESHIP PROGRAMS AND RECEIVE FUNDS FROM CONTRACTORS UNDER SUBSECTION (A)(3) OF THIS SECTION SHALL CERTIFY TO THE SECRETARY THAT ALL FUNDS RECEIVED ARE USED SOLELY FOR THE PURPOSE OF IMPROVING OR EXPANDING APPRENTICESHIP TRAINING IN THE STATE.**

(D) THE SECRETARY SHALL ADOPT REGULATIONS TO ESTABLISH A PROCESS FOR AUDITING ORGANIZATIONS THAT PROVIDE REGISTERED APPRENTICESHIP PROGRAMS TO ENSURE THAT ALL FUNDS RECEIVED UNDER SUBSECTION (A)(3) OF THIS SECTION ARE USED SOLELY TO IMPROVE AND EXPAND APPRENTICESHIP PROGRAMS IN THE STATE.";

and in line 30, after "**FUND**" insert "**, REGISTERED APPRENTICESHIP PROGRAM, OR AN ORGANIZATION THAT HAS REGISTERED APPRENTICESHIP PROGRAMS**".

The preceding 2 amendments were read only.

Senator Stoltzfus moved, duly seconded, to make the Bill and Amendments a Special Order for evening session.

The motion was adopted.

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

Senate Bill 673 – Senators Raskin, Brochin, Dyson, Exum, Frosh, Garagiola, Glassman, Harrington, Jones, King, Madaleno, Muse, Peters, Pinsky, Pugh, Rosapepe, and Stone

AN ACT concerning

Fairness in Negotiations Act

SB0673/117271/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 673
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Glassman, Harrington, Jones, King, Madaleno, Muse, Peters, Pinsky, Pugh, Rosapepe, and Stone" and substitute "Harrington, Jones, King, Madaleno, Muse, Peters, Pinsky, Pugh, Rosapepe, Stone, and Kelley".

On pages 1 and 2, strike beginning with "requiring" in line 3 on page 1 down through "parties;" in line 39 on page 2 and substitute "establishing as an independent unit of State government a Public School Labor Relations Board to assume certain duties previously held by the State Board of Education; requiring the Public School Labor Relations Board to hear certain controversies and disputes; establishing that certain decisions by the Public School Labor Relations Board are final; requiring the Public School Labor Relations Board to adopt certain rules and regulations related to the designation of an exclusive representative; requiring the Public School Labor Relations Board to supervise certain elections concerning employee representation; requiring a public school employer and an employee organization to negotiate in a certain manner under certain circumstances; including procedures regarding employee transfers and assignments among the matters a public school employer must meet and negotiate with a certain employee organization on request; including the discipline and discharge of an employee for just cause among the matters a public school employer must meet and negotiate with a certain employee organization on request; establishing certain processes and requirements for the resolution of disputes over the negotiability of certain topics; authorizing the Public School Labor Relations Board to adopt certain regulations, guidelines, and policies; repealing certain provisions of law regarding the resolution of certain impasses in negotiations; requiring the Public School Labor Relations Board to facilitate the beginning of mediation of certain disputes within a certain period of time and in a certain manner; establishing a certain process for the mediation of certain disputes; requiring a mediator to conclude certain mediations within a certain period of time; requiring a public school employer and employee organization to share certain dispute resolution costs equally; establishing certain processes for arbitration of certain disputes left unresolved by mediation; requiring the Public School Labor Relations Board to facilitate certain arbitration processes within a certain period of time and in a certain manner; requiring the Public School Labor Relations Board to issue a certain award at the end of arbitration; subjecting certain negotiated provisions or decisions to certain provisions of law concerning the fiscal relationship between public school employers and certain governing bodies; requiring public school employers to renegotiate certain agreements with employee organizations under certain circumstances in a certain manner; specifying the manner of appointment, membership, duties, and responsibilities of the Public School Labor Relations Board; providing for the staffing of the Public School Labor Relations Board; providing for the staggering of terms of the members of the Public School Labor Relations Board; requiring the Public School Labor Relations Board to decide certain controversies and disputes involving public school employers and employee organizations; authorizing a member of the Public School Labor Relations Board to petition a circuit court to seek enforcement of an

order of the Public School Labor Relations Board; providing that a certain hearing and determination under this Act is a contested case; establishing the significance of certain prior orders, actions, and opinions of the State Board of Education in deciding certain matters arising after the enactment of this Act; providing for the application and construction of this Act; requiring the Public School Labor Relations Board to report to the General Assembly on or before a certain date; providing for the termination of this Act;".

On page 2, in line 44, strike "6–401, 6–408, 6–501, and 6–510" and substitute "2–205(e), 6–401, 6–405(f), 6–408, 6–501, 6–506(f), 6–510, and 6–511"; and after line 46, insert:

"BY adding to
Article – Education
Section 6–408.1; and 6–801 through 6–807 to be under the new subtitle "Subtitle 8. Public School Labor Relations Board"
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 3–204
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 2

On page 3, after line 3, insert:

"2–205.

(e) (1) Without charge and with the advice of the Attorney General, the State Board shall explain the true intent and meaning of the provisions of:

(i) This article that are within its jurisdiction; and

(ii) The bylaws, rules, and regulations adopted by the Board.

(2) [The] **EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION AND IN TITLE 6, SUBTITLES 4 AND 5 OF THIS ARTICLE, THE** Board shall decide all controversies and disputes under these provisions.

(3) The decision of the Board is final.

(4) (I) THE PUBLIC SCHOOL LABOR RELATIONS BOARD SHALL DECIDE ANY CONTROVERSY OR DISPUTE ARISING UNDER TITLE 6, SUBTITLE 4 OR SUBTITLE 5 OF THIS ARTICLE.

(II) A DECISION OF THE PUBLIC SCHOOL LABOR RELATIONS BOARD IS FINAL.";

strike in their entirety lines 6 through 13, inclusive; in line 14, strike the brackets; in the same line, strike "**(D)**" and substitute "**"BOARD" MEANS THE PUBLIC SCHOOL LABOR RELATIONS BOARD ESTABLISHED UNDER SUBTITLE 8 OF THIS TITLE.**

(C)";

and in line 19, strike "**(E)**" and substitute "**(D)**".

On page 4, in lines 1 and 26, strike "**(F)**" and "**(G)**", respectively, and substitute "**(E)**" and "**(F)**", respectively; and after line 27, insert:

"6–405.

(f) (1) The [State] Board shall adopt rules and regulations for:

(i) Verifying the number of certificated employees of the public school employer or individuals of equivalent status in Baltimore City who are members in good standing of an employee organization on the date of the certification or who have signed a petition under this section; and

(ii) Holding elections under this section and the certification of their results.

(2) The [State] Board shall provide for supervision of these elections.

(3) The elections shall be held:

(i) In each school facility where public employees are assigned on a regularly scheduled school day;

(ii) In a manner assuring the secrecy of the ballot; and

(iii) On a regular working day for public school employees, between June 1 and June 15, inclusive, except in Baltimore City where the elections shall be held between November 1 and November 15 following the date on which certification of required membership enrollment is made.

(4) In any election held under this section, the employee organization that receives the largest number of votes cast in a unit shall be declared to be the exclusive representative of all public school employees in the unit. If the largest number of votes in the election is cast not to have exclusive representation, a representative may not be designated for the unit.

(5) The public school employer shall provide any assistance required in holding the elections.".

On page 5, in lines 1 and 2 and 3, in each instance, strike "**EXCLUSIVE REPRESENTATIVE**" and substitute "**EMPLOYEE ORGANIZATION**"; in line 10, strike the brackets; in the same line, strike "**SHALL**"; in line 16, strike the colon; in lines 17, 18, 19, and 20, strike "**(I)**", "**(II)**", "**(III)**", and "**(IV)**", respectively; in lines 17, 18, and 19, in each instance, strike the brackets; in lines 17, 18, and 19, in each instance, strike the semicolons; and in line 20, after "**INCLUDING**" insert "**PROCEDURES REGARDING**".

On page 6, in lines 1 and 4, in each instance, strike the bracket; after line 4, insert:

"**(5) (I) IF A PUBLIC SCHOOL EMPLOYER AND AN EMPLOYEE ORGANIZATION DISPUTE WHETHER A PROPOSED TOPIC FOR NEGOTIATION IS A MANDATORY, PERMISSIVE, OR ILLEGAL TOPIC OF BARGAINING, EITHER PARTY MAY SUBMIT A REQUEST FOR A DECISION IN WRITING TO THE BOARD FOR FINAL RESOLUTION OF THE DISPUTE.**

(II) A REQUEST FOR A DECISION SHALL:

1. CLEARLY IDENTIFY EACH TOPIC OF BARGAINING FOR WHICH THE PARTY IS REQUESTING A DECISION; AND

2. BE MADE BEFORE THE BOARD DETERMINES THAT AN IMPASSE HAS BEEN REACHED.

(III) IF THE BOARD RECEIVES A REQUEST FOR A DECISION, WITHIN 7 DAYS AFTER RECEIPT OF THE REQUEST THE BOARD SHALL ISSUE A LETTER TO THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION, THAT REQUESTS WRITTEN BRIEFS IN SUPPORT OF THEIR RESPECTIVE POSITIONS.

(IV) WITHIN 7 DAYS AFTER RECEIPT OF A REQUEST FROM THE BOARD FOR WRITTEN BRIEFS, THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION SHALL DELIVER TO THE BOARD A WRITTEN BRIEF ON THE ISSUE OF WHETHER THE TOPIC IS MANDATORY, PERMISSIVE, OR ILLEGAL IN NATURE.

(V) AFTER RECEIPT OF WRITTEN BRIEFS FROM THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION, THE BOARD SHALL:

1. CONSIDER THE MERITS OF EACH PARTY'S ARGUMENTS;

2. RENDER A DECISION DETERMINING WHETHER THE TOPIC OF NEGOTIATION IS MANDATORY, PERMISSIVE, OR ILLEGAL; AND

3. ISSUE THE WRITTEN DECISION TO THE PARTIES WITHIN 14 DAYS AFTER RECEIVING THE WRITTEN BRIEFS.

(VI) 1. THE BOARD MAY ADOPT REGULATIONS, GUIDELINES, AND POLICIES TO CARRY OUT ITS RIGHTS AND RESPONSIBILITIES UNDER THIS SECTION.

2. TO RESOLVE DISPUTES UNDER THIS SECTION, THE BOARD SHALL DEVELOP A BALANCING TEST TO DETERMINE WHETHER THE IMPACT OF THE MATTER ON THE SCHOOL SYSTEM AS A WHOLE CLEARLY OUTWEIGHS THE DIRECT IMPACT ON THE TEACHERS OR EMPLOYEES.";

in line 5, strike "(5)" and substitute "**(6)**"; in line 12, strike "**[**(d)" and substitute "**(E)**"; in the same line, strike "State Superintendent" and substitute "**BOARD**"; strike beginning with the first "the" in line 15 down through "determination" in line 33 and substitute "**THE BOARD SHALL WITHIN 10 CALENDAR DAYS:**

(I) REQUEST LAST AND BEST OFFERS FROM THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION; AND

(II) ORDER THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION TO COMMENCE MEDIATION WITHIN 14 DAYS AFTER THE BOARD'S DETERMINATION THAT AN IMPASSE HAS BEEN REACHED.

(2) THE LAST AND BEST OFFERS SHALL LIST SEPARATELY EVERY TERM OR CONDITION FOR EMPLOYMENT IN DISPUTE AND THE DEMAND OF THE PARTY MAKING THE LAST AND BEST OFFER.

(3) WITHIN 5 CALENDAR DAYS AFTER AN ORDER TO MEDIATE, THE PARTIES SHALL SELECT A MEDIATOR BY:

(I) AGREEMENT; OR

(II) ALTERNATE STRIKING FROM A LIST OF SEVEN NEUTRAL PARTIES FURNISHED BY:

1. THE FEDERAL MEDIATION AND CONCILIATION SERVICE; OR

2. THE AMERICAN ARBITRATION ASSOCIATION.

(4) THE MEDIATOR SHALL CONCLUDE THE MEDIATION WITHIN 25 DAYS AFTER CONVENING THE FIRST MEDIATION SESSION.

(5) IF THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION DO NOT REACH AGREEMENT BEFORE CONCLUDING THE MEDIATION, THE MEDIATOR SHALL ISSUE A WRITTEN OFFER TO BOTH PARTIES AND THE BOARD OF SETTLEMENT OF ALL MATTERS RAISED.

(6) WITHIN 5 DAYS AFTER RECEIVING THE PROPOSED SETTLEMENT, THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION EACH SHALL NOTIFY THE MEDIATOR OF ITS INTENT TO:

(I) ACCEPT THE WRITTEN PROPOSED SETTLEMENT; OR

(II) DECLINE THE PROPOSED SETTLEMENT AND REQUEST ARBITRATION BEFORE THE BOARD.

(7) THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION SHALL SHARE THE COSTS OF THE MEDIATOR EQUALLY.

(8) IF EITHER PARTY DECLINES THE PROPOSED SETTLEMENT AND REQUESTS ARBITRATION, THE BOARD SHALL, WITHIN 5 CALENDAR DAYS, SET A DATE FOR AN ARBITRATION HEARING BEFORE THE BOARD.

(9) THE BOARD SHALL:

(I) OPEN THE ARBITRATION RECORD WITHIN 20 DAYS AFTER RECEIVING EITHER PARTY'S DECISION TO DECLINE THE MEDIATOR'S PROPOSAL;

(II) CONVENE A HEARING;

(III) HEAR TESTIMONY FROM AND RECEIVE SUPPORTING WRITTEN EVIDENCE, AS PROVIDED IN AN ORDER OF THE BOARD, FROM THE PUBLIC SCHOOL EMPLOYER, THE EMPLOYEE ORGANIZATION, AND THE MEDIATOR;

(IV) ADMINISTER OATHS TO WITNESSES DEEMED RELEVANT AND CALLED BY THE BOARD;

(V) ISSUE SUBPOENAS TO COMPEL THE PRODUCTION OF RELEVANT AND NONPRIVILEGED DOCUMENTS AND OTHER TANGIBLE EVIDENCE THAT WOULD ALSO BE SUBJECT TO PRODUCTION BEFORE A HEARING OR AT A HEARING UNDER TITLE 10, SUBTITLE 6, PART III OF THE STATE GOVERNMENT ARTICLE;

(VI) DECIDE WHETHER TO HEAR EVIDENCE OFFERED THROUGH AN ATTORNEY; AND

(VII) RECEIVE AND CONSIDER ALL EVIDENCE CONSIDERED RELEVANT BY THE BOARD, INCLUDING:

1. THE WAGES, HOURS, WORKING CONDITIONS, OR OTHER TERMS AND CONDITIONS OF EMPLOYMENT OF SIMILAR PUBLIC EMPLOYEES IN COMPARABLE SURROUNDING JURISDICTIONS AND COMPARABLE JURISDICTIONS OUTSIDE OF THE STATE; AND

2. THE ABILITY OF THE PUBLIC SCHOOL EMPLOYER AND THE COUNTY SERVED BY THE PUBLIC SCHOOL EMPLOYER TO PAY FROM THE COUNTY'S GENERAL FUND THE COSTS OF THE FINAL OFFERS PROPOSED AND OTHER PERSONNEL COSTS.

(10) THE BOARD SHALL CONCLUDE THE HEARING BY ISSUING A WRITTEN ORDER WITHIN 20 DAYS AFTER THE ARBITRATION RECORD IS OPENED.

(11) THE BOARD SHALL ISSUE THE WRITTEN AWARD THAT SELECTS AND ADOPTS:

(I) THE COMPLETE FINAL OFFER OF THE PUBLIC SCHOOL EMPLOYER;

(II) THE COMPLETE FINAL OFFER OF THE EMPLOYEE ORGANIZATION; OR

(III) THE MEDIATOR'S COMPLETE OFFER OF SETTLEMENT.

(12) THE BOARD'S WRITTEN AWARD IS FINAL AND BINDING ON THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION.

(13) THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION SHALL SHARE THE COSTS OF THE HEARING EQUALLY.

(14) ANY NEGOTIATED PROVISION OR DECISION OF THE BOARD";

and in line 36, strike the bracket.

On pages 7 through 13, strike in their entirety the lines beginning with line 1 on page 7 through line 3 on page 13, inclusive.

On page 13, after line 3, insert:

"**6–408.1.**

IF A FISCAL AUTHORITY DOES NOT APPROVE ENOUGH FUNDS TO IMPLEMENT THE NEGOTIATED AGREEMENT, THE PUBLIC SCHOOL EMPLOYER SHALL RENEGOTIATE THE FUNDS ALLOCATED FOR THESE PURPOSES BY THE FISCAL AUTHORITY WITH THE EMPLOYEE ORGANIZATION BEFORE THE PUBLIC SCHOOL EMPLOYER MAKES A FINAL DETERMINATION IN ACCORDANCE WITH A TIMETABLE AND PROCEDURE ESTABLISHED BY THE BOARD.";

strike in their entirety lines 6 through 13, inclusive; in line 14, strike the brackets; in the same line, strike "**(D)**" and substitute "**"BOARD" MEANS THE PUBLIC SCHOOL LABOR RELATIONS BOARD ESTABLISHED UNDER SUBTITLE 8 OF THIS TITLE.**

(C)";

in lines 18, 22, 26, and 28, strike "**(E)**", "**(F)**", "**(G)**", and "**(H)**", respectively, and substitute "**(D)**", "**(E)**", "**(F)**", and "**(G)**", respectively.

On page 14, in lines 9 and 13, strike "**(I)**" and "**(J)**", respectively, and substitute "**(H)**" and "**(I)**", respectively; after line 15 insert:

"6–506.

(f) (1) The **[**State**]** Board shall adopt rules and regulations for:

(i) Verifying the number of public school employees who are members in good standing of an employee organization on the date of the certification or who have signed a petition under this section; and

(ii) Holding elections under this section and the certification of their results.

(2) The **[**State**]** Board shall provide for supervision of these elections.

(3) The elections shall be held:

(i) In each school facility where public school employees are assigned on a regularly scheduled school day;

(ii) In a manner assuring the secrecy of the ballot; and

(iii) On a regular working day for public school employees, between June 1 and June 15, inclusive.

(4) In all elections held under this section, the employee organization that receives a majority of the votes cast in a unit shall be declared to be the exclusive representative of all public school employees in the unit. If a majority of the votes in the election are cast not to have exclusive representation, a representative may not be designated for the unit.

(5) The two choices on the ballot that receive the most votes shall be placed on a ballot for a runoff election that shall be held in the same manner as the original election if:

(i) More than one employee organization is on the ballot;

(ii) No employee organization obtains a majority of the votes; and

(iii) A majority of the votes is not for "not to have exclusive representation".

(6) The public school employer shall provide any assistance required in conducting the elections.";

and in lines 21 and 22 and 23, in each instance, strike "**EXCLUSIVE REPRESENTATIVE**" and substitute "**EMPLOYEE ORGANIZATION**".

On page 15, in line 1, strike the brackets; in the same line, strike "**SHALL**"; strike beginning with the colon in line 7 down through the first bracket in line 8; strike beginning with the second bracket in line 8 down through "**OTHER**" in line 11; strike beginning with the colon in line 11 down through the "**THE**" in line 12 and substitute "**THE**"; strike beginning with the semicolon in line 13 down through "**ASSIGNMENTS**" in line 14; in lines 24 and 27, in each instance, strike the bracket; after line 27, insert:

"**(5) (I) IF A PUBLIC SCHOOL EMPLOYER AND AN EMPLOYEE ORGANIZATION DISPUTE WHETHER A PROPOSED TOPIC FOR NEGOTIATION IS A MANDATORY, PERMISSIVE, OR ILLEGAL TOPIC OF BARGAINING, EITHER PARTY MAY SUBMIT A REQUEST FOR A DECISION IN WRITING TO THE BOARD FOR FINAL RESOLUTION OF THE DISPUTE.**

(II) A REQUEST FOR A DECISION SHALL:

1. CLEARLY IDENTIFY EACH TOPIC OF BARGAINING FOR WHICH THE PUBLIC SCHOOL EMPLOYER OR EMPLOYEE ORGANIZATION IS REQUESTING A DECISION; AND

2. BE MADE BEFORE THE BOARD DETERMINES THAT AN IMPASSE HAS BEEN REACHED.

(III) IF THE BOARD RECEIVES A REQUEST FOR A DECISION, WITHIN 7 DAYS AFTER RECEIPT OF THE REQUEST THE BOARD SHALL ISSUE A

LETTER TO THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION, THAT REQUESTS WRITTEN BRIEFS IN SUPPORT OF THEIR RESPECTIVE POSITIONS.

(IV) WITHIN 7 DAYS AFTER RECEIPT OF A REQUEST FROM THE BOARD FOR WRITTEN BRIEFS, THE PUBLIC SCHOOL EMPLOYER AND THE EXCLUSIVE REPRESENTATIVE SHALL DELIVER TO THE BOARD A WRITTEN BRIEF ON THE ISSUE OF WHETHER THE TOPIC AT ISSUE IS MANDATORY, PERMISSIVE, OR ILLEGAL IN NATURE.

(V) AFTER RECEIPT OF THE WRITTEN BRIEFS FROM THE PUBLIC SCHOOL EMPLOYER AND EMPLOYEE ORGANIZATION, THE BOARD SHALL:

1. CONSIDER THE MERITS OF EACH PARTY'S ARGUMENTS;

2. RENDER A DECISION DETERMINING WHETHER THE TOPIC OF NEGOTIATION IS MANDATORY, PERMISSIVE, OR ILLEGAL; AND

3. ISSUE THE WRITTEN DECISION TO THE PARTIES WITHIN 14 DAYS AFTER RECEIPT OF THE WRITTEN BRIEFS.

(VI) 1. THE BOARD MAY ADOPT REGULATIONS, GUIDELINES, AND POLICIES TO CARRY OUT ITS RIGHTS AND RESPONSIBILITIES UNDER THIS SECTION.

2. TO RESOLVE DISPUTES UNDER THIS SECTION, THE BOARD SHALL DEVELOP A BALANCING TEST TO DETERMINE WHETHER THE IMPACT OF THE MATTER ON THE SCHOOL SYSTEM AS A WHOLE CLEARLY OUTWEIGHS THE DIRECT IMPACT ON THE EMPLOYEES.";

in line 31, strike "**[**(d)" and substitute "**(E)**"; and in the same line, strike "State Superintendent" and substitute "**BOARD**".

On page 16, strike beginning with the first "the" in line 1 down through "determination" in line 19 and substitute "**THE BOARD SHALL WITHIN 10 CALENDAR DAYS:**

(I) REQUEST LAST AND BEST OFFERS FROM THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION; AND

(II) ORDER THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION TO COMMENCE MEDIATION WITHIN 14 DAYS AFTER THE BOARD'S DETERMINATION THAT AN IMPASSE HAS BEEN REACHED.

(2) THE LAST AND BEST OFFERS SHALL LIST SEPARATELY EVERY TERM OR CONDITION FOR EMPLOYMENT IN DISPUTE AND THE DEMAND OF THE PARTY MAKING THE LAST AND BEST OFFER.

(3) WITHIN 5 CALENDAR DAYS AFTER AN ORDER TO MEDIATE, THE PARTIES SHALL SELECT A MEDIATOR BY:

(I) AGREEMENT; OR

(II) ALTERNATE STRIKING FROM A LIST OF SEVEN NEUTRAL PARTIES FURNISHED BY:

1. THE FEDERAL MEDIATION AND CONCILIATION SERVICE; OR

2. THE AMERICAN ARBITRATION ASSOCIATION.

(4) THE MEDIATOR SHALL CONCLUDE THE MEDIATION WITHIN 25 DAYS AFTER CONVENING THE FIRST MEDIATION SESSION.

(5) IF THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION DO NOT REACH AGREEMENT BEFORE CONCLUDING THE MEDIATION, THE MEDIATOR SHALL ISSUE A WRITTEN OFFER TO BOTH PARTIES AND THE BOARD OF SETTLEMENT OF ALL MATTERS RAISED.

(6) WITHIN 5 DAYS AFTER RECEIVING THE PROPOSED SETTLEMENT, THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION EACH SHALL NOTIFY THE MEDIATOR OF ITS INTENT TO:

(I) ACCEPT THE WRITTEN PROPOSED SETTLEMENT; OR

(II) DECLINE THE PROPOSED SETTLEMENT AND REQUEST ARBITRATION BEFORE THE BOARD.

(7) THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION SHALL SHARE THE COSTS OF THE MEDIATOR EQUALLY.

(8) IF EITHER PARTY DECLINES THE PROPOSED SETTLEMENT AND REQUESTS ARBITRATION, THE BOARD SHALL, WITHIN 5 CALENDAR DAYS, SET A DATE FOR AN ARBITRATION HEARING BEFORE THE BOARD.

(9) THE BOARD SHALL:

(I) OPEN THE ARBITRATION RECORD WITHIN 20 DAYS AFTER RECEIVING EITHER PARTY'S DECISION TO DECLINE THE MEDIATOR'S PROPOSAL;

(II) CONVENE A HEARING;

(III) HEAR TESTIMONY FROM AND RECEIVE SUPPORTING WRITTEN EVIDENCE, AS PROVIDED IN AN ORDER OF THE BOARD, FROM THE PUBLIC SCHOOL EMPLOYER, THE EMPLOYEE ORGANIZATION, AND THE MEDIATOR;

(IV) ADMINISTER OATHS TO WITNESSES DEEMED RELEVANT AND CALLED BY THE BOARD;

(V) ISSUE SUBPOENAS TO COMPEL THE PRODUCTION OF RELEVANT AND NONPRIVILEGED DOCUMENTS AND OTHER TANGIBLE EVIDENCE THAT WOULD ALSO BE SUBJECT TO PRODUCTION BEFORE A HEARING OR AT A

HEARING UNDER TITLE 10, SUBTITLE 6, PART III OF THE STATE GOVERNMENT ARTICLE;

(VI) DECIDE WHETHER TO HEAR EVIDENCE OFFERED THROUGH AN ATTORNEY; AND

(VII) RECEIVE AND CONSIDER ALL EVIDENCE CONSIDERED RELEVANT BY THE BOARD, INCLUDING:

1. THE WAGES, HOURS, WORKING CONDITIONS, OR OTHER TERMS AND CONDITIONS OF EMPLOYMENT OF SIMILAR PUBLIC EMPLOYEES IN COMPARABLE SURROUNDING JURISDICTIONS AND COMPARABLE JURISDICTIONS OUTSIDE OF THE STATE; AND

2. THE ABILITY OF THE PUBLIC SCHOOL EMPLOYER AND THE COUNTY SERVED BY THE PUBLIC SCHOOL EMPLOYER TO PAY FROM THE COUNTY'S GENERAL FUND THE COSTS OF THE FINAL OFFERS PROPOSED AND OTHER PERSONNEL COSTS.

(10) THE BOARD SHALL CONCLUDE THE HEARING BY ISSUING A WRITTEN ORDER WITHIN 20 DAYS AFTER THE ARBITRATION RECORD IS OPENED.

(11) THE BOARD SHALL ISSUE THE WRITTEN AWARD THAT SELECTS AND ADOPTS:

(I) THE COMPLETE FINAL OFFER OF THE PUBLIC SCHOOL EMPLOYER;

(II) THE COMPLETE FINAL OFFER OF THE EMPLOYEE ORGANIZATION; OR

(III) THE MEDIATOR'S COMPLETE OFFER OF SETTLEMENT.

(12) THE BOARD'S WRITTEN AWARD IS FINAL AND BINDING ON THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION.

(13) THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION SHALL SHARE THE COSTS OF THE HEARING EQUALLY.

(14) ANY NEGOTIATED PROVISION OR DECISION OF THE BOARD";

and in line 21, strike the bracket.

On pages 16 through 22, strike in their entirety the lines beginning with line 22 on page 16 through line 24 on page 22, inclusive, and substitute:

"6–511.

If the fiscal authority does not approve enough funds to implement the negotiated agreement, the public school employer shall renegotiate the funds allocated for these purposes by the fiscal authority with the employee organization before the public school employer makes a final determination in accordance with the timetable and procedure established by the **[**State**]** Board.

SUBTITLE 8. PUBLIC SCHOOL LABOR RELATIONS BOARD.

6–801.

IN THIS SUBTITLE, "BOARD" MEANS THE PUBLIC SCHOOL LABOR RELATIONS BOARD ESTABLISHED UNDER § 6–802 OF THIS SUBTITLE.

6–802.

THERE IS A PUBLIC SCHOOL LABOR RELATIONS BOARD ESTABLISHED AS AN INDEPENDENT UNIT OF STATE GOVERNMENT.

6–803.

(A) THE BOARD SHALL CONSIST OF THE FOLLOWING FIVE MEMBERS APPOINTED BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE:

(1) ONE MEMBER WHO:

(I) REPRESENTS THE PUBLIC;

(II) HAS EXPERIENCE IN LABOR RELATIONS;

(III) IS NOT AN OFFICER OR EMPLOYEE OF A BOARD OF EDUCATION OR EMPLOYEE ORGANIZATION REPRESENTING PUBLIC SCHOOL SYSTEM EMPLOYEES;

(IV) IS NOT AN ELECTED OFFICIAL OF THE STATE, A COUNTY, OR AN EMPLOYEE ORGANIZATION REPRESENTING PUBLIC SCHOOL EMPLOYEES; AND

(V) IS KNOWN FOR OBJECTIVE AND INDEPENDENT JUDGMENT;

(2) TWO MEMBERS CHOSEN FROM A LIST OF CANDIDATES SUBMITTED BY EACH DESIGNATED EXCLUSIVE REPRESENTATIVE ORGANIZATION REPRESENTING CERTIFICATED AND NONCERTIFICATED EMPLOYEES, UNDER SUBTITLES 4 AND 5 OF THIS TITLE, WHO:

(I) ARE NOT EMPLOYEES OF THE STATE OR A PUBLIC SCHOOL EMPLOYEE ORGANIZATION; AND

(II) ARE KNOWN FOR OBJECTIVE AND INDEPENDENT JUDGMENT; AND

(3) TWO MEMBERS OF THE EDUCATION OR BUSINESS COMMUNITY, CHOSEN FROM A LIST OF CANDIDATES SUBMITTED BY THE MARYLAND ASSOCIATION OF BOARDS OF EDUCATION AND THE STATE SUPERINTENDENTS ASSOCIATION OF MARYLAND, WHO:

(I) ARE NOT OFFICERS OR EMPLOYEES OF THE STATE OR COUNTY OR STATE BOARDS OF EDUCATION AND ARE NOT OFFICERS OR

EMPLOYEES OF EMPLOYEE ORGANIZATIONS REPRESENTING EMPLOYEES OF PUBLIC SCHOOL SYSTEMS IN MARYLAND; AND

(II) ARE KNOWN FOR OBJECTIVE AND INDEPENDENT JUDGMENT.

(B) BEFORE TAKING OFFICE EACH MEMBER SHALL TAKE THE OATH REQUIRED BY ARTICLE I, SECTION 9 OF THE MARYLAND CONSTITUTION.

(C) THE PUBLIC SCHOOL LABOR RELATIONS BOARD SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS.

(D) (1) THE TERM OF A MEMBER IS 5 YEARS.

(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2009.

(3) AT THE END OF A TERM A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REMAINDER OF THAT TERM.

(E) THE GOVERNOR MAY REMOVE A MEMBER ONLY FOR INCOMPETENCE OR MISCONDUCT.

6–804.

A MEMBER OF THE BOARD SHALL BE ENTITLED TO:

(1) COMPENSATION IN ACCORDANCE WITH THE STATE BUDGET; AND

(2) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

6–805.

THE BOARD SHALL SHARE AN EXECUTIVE DIRECTOR WITH THE HIGHER EDUCATION LABOR RELATIONS BOARD AND THE STATE LABOR RELATIONS BOARD.

6–806.

(A) THE BOARD SHALL ADMINISTER AND ENFORCE THE PROVISIONS OF SUBTITLES 4 AND 5 OF THIS TITLE.

(B) THE BOARD MAY:

(1) ADOPT REGULATIONS, GUIDELINES, AND POLICIES TO CARRY OUT ITS RIGHTS AND RESPONSIBILITIES UNDER THIS TITLE; AND

(2) MAKE RECOMMENDATIONS FOR LEGISLATIVE ACTION REGARDING THE OPERATION OF THIS TITLE.

6–807.

(A) IN DECIDING MATTERS COVERED UNDER THE PROVISIONS OF SUBTITLES 4 AND 5 OF THIS TITLE, THE BOARD:

(1) MAY:

(I) CONDUCT HEARINGS;

(II) SUBPOENA WITNESSES AND DOCUMENTS;

(III) ADMINISTER OATHS;

(IV) TAKE THE TESTIMONY OR DEPOSITION OF A PERSON UNDER OATH; AND

(V) CONDUCT INVESTIGATIONS; AND

(2) SHALL DECIDE CONTROVERSIES AND DISPUTES.

(B) (1) IF A PERSON FAILS TO COMPLY WITH AN ORDER ISSUED BY THE BOARD, A MEMBER OF THE BOARD MAY PETITION THE CIRCUIT COURT TO ORDER THE PERSON TO COMPLY WITH THE BOARD'S ORDER.

(2) THE BOARD MAY NOT BE REQUIRED TO POST BOND IN AN ACTION UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(C) EACH HEARING AND DETERMINATION OF AN APPEAL OR COMPLAINT BY THE BOARD IS A CONTESTED CASE, SUBJECT TO THE PROVISIONS OF TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(D) A PRIOR ORDER, ACTION, OR OPINION ISSUED BY THE STATE BOARD BEFORE THE ENACTMENT OF THIS SECTION MAY BE CONSIDERED AS PRECEDENT IN MATTERS ARISING AFTER THE ENACTMENT OF THIS SECTION, BUT IT IS NOT BINDING ON THE BOARD.

Article – State Personnel and Pensions

3–204.

(a) (1) The State Labor Relations Board**, THE PUBLIC SCHOOL LABOR RELATIONS BOARD,** and the State Higher Education Labor Relations Board jointly shall appoint an executive director of the boards.

(2) The Executive Director:

(i) is responsible to and serves at the pleasure of the boards; and

(ii) is entitled to the salary provided in the State budget.

(b) The Executive Director shall perform the duties that the boards assign, including:

(1) operating the office of the boards; and

(2) keeping the official records of the boards.

(c) The Executive Director may hire any staff necessary to carry out the provisions of this subtitle.

(d) (1) With approval of the boards, the Executive Director may employ professional consultants.

(2) Each professional consultant serves at the pleasure of the Executive Director.

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the members of the Public School Labor Relations Board shall expire as follows:

(a) one member in 2011;

(b) two members in 2012; and

(c) two members in 2013.

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 negotiations requested or entered into before the effective date of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That nothing in this Act may be construed to prevent a party from appealing a final decision of the Public School Labor Relations Board to a circuit court.

SECTION 5. AND BE IT FURTHER ENACTED, That, on or before July 1, 2013, the Public School Labor Relations Board shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the implementation of this Act.".

On page 22, in line 25, strike "2." and substitute "6."; and in line 26, strike "October 1, 2009" and substitute "July 1, 2009. It shall remain effective for a period of

5 years and, at the end of June 30, 2014, 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 only.

Senator Mooney moved, duly seconded, to make the Bill and Amendments a Special Order for evening session.

The motion was adopted.

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

House Bill 644 – Delegates Manno, Davis, Braveboy, McHale, Ali, Barnes, Benson, Burns, Feldman, Frush, Gaines, Glenn, Gutierrez, Guzzone, Harrison, Haynes, Holmes, Howard, Hubbard, Hucker, Ivey, Kirk, Levi, Levy, Mizeur, Niemann, Pena–Melnyk, Proctor, Ramirez, Rice, Ross, Schuler, Taylor, V. Turner, Valderrama, and Vaughn

AN ACT concerning

Procurement – Apprenticeship Training Programs

HB0644/637077/2

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 644
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "circumstances;" insert "requiring organizations that have registered apprenticeship programs and receive certain funds to certify to the Secretary that the funds are used solely for the purpose of improving or expanding apprenticeship training in the State; requiring the Secretary to adopt regulations that establish a process for auditing organizations that have registered apprenticeship programs to ensure that certain funds received are used solely to improve and expand apprenticeship programs in the State;".

AMENDMENT NO. 2

On page 4, in line 2, after "**PROGRAM**" insert "**FOR EACH COVERED CRAFT**"; in line 5, after "**PAYMENTS**" insert "**IN AMOUNTS DETERMINED UNDER § 17–605 OF**

THIS SUBTITLE"; in line 7, after "**PROGRAMS**" insert "**FOR THE PURPOSE OF SUPPORTING THESE PROGRAMS**";

after line 11, insert:

"**(C) ORGANIZATIONS THAT HAVE REGISTERED APPRENTICESHIP PROGRAMS AND RECEIVE FUNDS FROM CONTRACTORS UNDER SUBSECTION (A)(3) OF THIS SECTION SHALL CERTIFY TO THE SECRETARY THAT ALL FUNDS RECEIVED ARE USED SOLELY FOR THE PURPOSE OF IMPROVING OR EXPANDING APPRENTICESHIP TRAINING IN THE STATE.**

(D) THE SECRETARY SHALL ADOPT REGULATIONS TO ESTABLISH A PROCESS FOR AUDITING ORGANIZATIONS THAT PROVIDE REGISTERED APPRENTICESHIP PROGRAMS TO ENSURE THAT ALL FUNDS RECEIVED UNDER SUBSECTION (A)(3) OF THIS SECTION ARE USED SOLELY TO IMPROVE AND EXPAND APPRENTICESHIP PROGRAMS IN THE STATE.";

in line 17, after "**PROGRAM**" insert "**FOR EACH COVERED CRAFT**"; in line 21, after "**PAYMENTS**" insert "**IN AMOUNTS DETERMINED UNDER § 17–605 OF THIS SUBTITLE**"; in line 23, after "**PROGRAMS**" insert "**FOR THE PURPOSE OF SUPPORTING THESE PROGRAMS**";

and after line 27, insert:

"**(C) ORGANIZATIONS THAT HAVE REGISTERED APPRENTICESHIP PROGRAMS AND RECEIVE FUNDS FROM CONTRACTORS UNDER SUBSECTION (A)(3) OF THIS SECTION SHALL CERTIFY TO THE SECRETARY THAT ALL FUNDS RECEIVED ARE USED SOLELY FOR THE PURPOSE OF IMPROVING OR EXPANDING APPRENTICESHIP TRAINING IN THE STATE.**

(D) THE SECRETARY SHALL ADOPT REGULATIONS TO ESTABLISH A PROCESS FOR AUDITING ORGANIZATIONS THAT PROVIDE REGISTERED APPRENTICESHIP PROGRAMS TO ENSURE THAT ALL FUNDS RECEIVED UNDER SUBSECTION (A)(3) OF THIS SECTION ARE USED SOLELY TO IMPROVE AND EXPAND APPRENTICESHIP PROGRAMS IN THE STATE.".

On page 5, in line 29, after "**FUND**" insert "**, REGISTERED APPRENTICESHIP PROGRAM, OR AN ORGANIZATION THAT HAS REGISTERED APPRENTICESHIP PROGRAMS**".

The preceding 2 amendments were read only.

Senator Stoltzfus moved, duly seconded, to make the Bill and Amendments a Special Order for evening session.

The motion was adopted.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #57

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

Senate Bill 883 – Senators Dyson, Brinkley, Colburn, Edwards, Exum, Forehand, Glassman, Haines, Harrington, Harris, Jacobs, Jones, Kasemeyer, Klausmeier, Middleton, Miller, Muse, Pipkin, Pugh, Robey, Simonaire, Stoltzfus, and Stone

AN ACT concerning

State Government – Commemorative Days – Firemen and Rescue Workers Memorial Service

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:

House Bill 26 – Delegate Kullen

AN ACT concerning

Public Schools – Children with Anaphylactic Allergies – Reduction of Risk

HB0026/734334/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 26
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 5 down through "plans;" in line 7.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 26 through 30, inclusive; and in line 31, strike "**(3)**" and substitute "**(2)**".

On pages 2 through 4, strike beginning with line 33 on page 2 through line 6 on page 4, inclusive.

AMENDMENT NO. 3

On page 4, in lines 7, 12, 15, and 20, strike "**(4)**", "**(F)**", "**(G)**", and "**(H)**", respectively, and substitute "**(3)**", "**(C)**", "**(D)**", and "**(E)**", respectively; in line 7, strike "**MEET THE NEEDS OF THE CHILD, INCLUDING ESTABLISHING**" and substitute "**ESTABLISH**"; in line 23, strike the colon; in line 24, strike "**(1) THE**" and substitute "**THE**"; in the same line, after "**SCHOOL**" insert "**OR ITS EMPLOYEE**"; in line 25, strike "**; AND**" and substitute a period; and strike in their entirety lines 26 through 28, inclusive.

The preceding 3 amendments were read and adopted.

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

The motion was adopted.

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

House Bill 315 – Delegate Barve and the Speaker (By Request – Administration) and Delegates Ali, Barkley, Barnes, Beidle, Benson, Bobo, Branch, Bronrott, Cane, Cardin, Carr, V. Clagett, Feldman, Frick, Frush, Gaines, Gilchrist, Gutierrez, Guzzone, Healey, Hecht, Holmes, Howard, Hubbard, Hucker, Ivey, Kaiser, Kramer, Lafferty, Lee, Levi, Levy, Malone, Manno, McIntosh, Mizeur, Montgomery, Morhaim, Niemann, Pena–Melnyk, Pendergrass, Ramirez, Reznik, Rosenberg, Ross, Schuler, Stein, Stukes, Taylor, F. Turner, V. Turner, Valderrama, Vaughn, ~~and Waldstreicher~~

Waldstreicher, Braveboy, Burns, Davis, Glenn, Harrison, Jameson, Kirk, Love, Mathias, McHale, and Rudolph

AN ACT concerning

Greenhouse Gas Emissions 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:

House Bill 420 – Delegates Love, Beidle, V. Clagett, Costa~~, George~~, and Sophocleus

AN ACT concerning

Environment – Limitation of Actions – Political Subdivisions

Senator Stoltzfus moved, duly seconded, to make the Bill and Report a Special Order for evening session.

The motion was adopted.

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

House Bill 1411 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Department of Labor, Licensing, and Regulation – Maryland Real Estate Commission – Continuing Education

HB1411/894733/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1411
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "fees;" insert "requiring certain licensees to take certain courses as a condition of licensure renewal on or after a certain date;".

AMENDMENT NO. 2

On page 3, in line 33, strike "**2**" and substitute "**4**".

On page 4, in line 1, strike "**2**" and substitute "**4**".

On page 5, after line 7, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, as a condition of the next licensure renewal that occurs on or after January 1, 2010, each licensee of the Maryland Real Estate Commission shall take at least one 3 clock hour course that includes the principles of agency and agency disclosure.

SECTION 3. AND BE IT FURTHER ENACTED, That, as a condition of the next licensure renewal that occurs on or after January 1, 2010, each individual designated as a branch office manager or a team leader and real estate broker licensees of the Maryland Real Estate Commission shall take at least one 3 clock hour course that includes the requirements of broker supervision.";

and in line 8, strike "2." and substitute "4.".

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:

House Bill 1465 – Chair, Appropriations Committee (By Request – Departmental – Military)

AN ACT concerning

Maryland National Guard Tuition Assistance Program

HB1465/744837/2

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1465
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "Guard;" insert "requiring certain members to remain active members for a certain period of time under certain circumstances;".

AMENDMENT NO. 2

On page 2, in line 20, after "(b)" insert "**(1)**"; and after line 25, insert:

"**(2) A MEMBER WHO RECEIVES ASSISTANCE UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR AN UNDERGRADUATE CREDIT, VOCATIONAL–TECHNICAL, OR TRADE COURSE SHALL REMAIN AN ACTIVE MEMBER FOR AT LEAST 2 YEARS FOLLOWING THE COMPLETION OF THE COURSE.**

(3) A MEMBER WHO RECEIVES ASSISTANCE UNDER PARAGRAPH (1) OF THIS SUBSECTION FOR A GRADUATE OR PROFESSIONAL CREDIT COURSE SHALL REMAIN AN ACTIVE MEMBER FOR AT LEAST 4 YEARS FOLLOWING THE COMPLETION OF THE COURSE.".

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:

House Bill 1469 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

EMERGENCY BILL

AN ACT concerning

State Board of Nursing – Discipline – Hearing Committee

HB1469/194831/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1469
(Third Reading File Bill)

On page 2, in line 13, after "**(D)**" insert "**(1)**"; in line 14, strike "**THREE**" and substitute "**FIVE**"; after line 15, insert:

"**(2) A HEARING COMMITTEE CREATED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL INCLUDE AT LEAST ONE REGISTERED NURSE, ONE LICENSED PRACTICAL NURSE, ONE ADVANCED PRACTICE NURSE, AND ONE CONSUMER MEMBER.**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 37	Sen. Colburn	Caroline County – Alcoholic Beverages – Multiple Event Licenses
SB 60	Ch., Finance Com.	Md Transit Admin – Mass Transit Serv Alterations – PSC and People's Counsel Reporting and Rep Reqmts
SB 83	Ch., Finance Com.	Human Services – Child Welfare Workforce
SB 161	Sen. Middleton	Injured Workers' Insurance Fund – Board – Term Limits
SB186	Sen. Pugh	Correctional Facilities – Released Inmates – Identification Cards

SB 192	Sen. Brinkley	Criminal Law – Fraudulent Conversion of Rental Property
SB 299	Sen. Simonaire	Child Custody and Visitation – Relocation of Child
SB 334	Sen. Colburn	Talbot County – Alcoholic Beverages – Limited Wineries
SB 421	Sen. Jacobs	Socl Servs Admin and DHMH – Parents Responsible for Child Abuse or Neglect – Birth of Subq Child
SB 470	Sen. Kittleman	Unemployment Insurance – Recreational Sports Officials – Coverage
SB 562 (Emergency Bill)	Sen. Garagiola	Labor and Employment – Flexible Leave
SB 576	Sen Middleton	Unemployment Insurance – Maximum Benefit – Increase
SB 654	Sen. Stone	Violent Crimes – Conditional Release Under Mandatory Supervision – Limitation
SB 714	Sen. Forehand	Domestic Violence – Protective Orders – Custody of Minor Child
SB 762	Sen. Middleton	DLLR – Workforce Development and Adult Learning – Administration
SB 792	Sen. Klausmeier	Property and Casualty Insurance – Portable Electronics Insurance – Regulation
SB 863	Sen. Edwards	Workers' Compensation – Death Benefits for Partially Dependent Individuals – Payment
SB 886	Sen. Rosapepe	Prince George's County – Laurel Commons – Alcoholic Beverages – Additional Class B Licenses
SB 908	Sen. Muse	Task Force on Prisoner Reentry

(Emergency Bill)		
SB 955	Sen. Klausmeier	Pub Util Cmpns – Energy Efcy, Conserv, and Demand Response Pgms – Selection of HVAC Serv Prvdrs
SB 962	Sen. Pinsky	Town of University Park Employees – Participation in the Employees' Pension System
SB 981	Sen. Garagiola	Public Service Companies – Net Energy Metering
SB 1057	Sen. Klausmeier	Public Service Companies – Termination of Electric and Gas Service – Extreme Temperatures
SB 1059	Ch., Finance Com.	Cigarette Business Licenses – Cigarette Manufacturers – Definitions and Scope of License
SB 1060	Sen. Jones	General Obligation Bonds – Method of Sale by Board of Public Works
SB 1065	Sen. Frosh	Standing – Miscellaneous Environmental Protection Proceedings and Judicial Review
SB 1072 (Emergency Bill)	The President	Pimlico and Laurel Park Tracks, Bowie Race Course Trng Ctr, Preakness Stakes – State Prchs/Condemn

Endorsed as having been read the third time and passed by yeas and nays in the House of Delegates.

LAID OVER BILLS

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

House Bill 1394 – Chair, Ways and Means Committee (By Request – Departmental – Elections, State Board of)

AN ACT concerning

Election Law – Employment and Compensation of Election Judges

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

HB1394/674736/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1394
(Third Reading File Bill)

On page 1, in line 2, strike "and Compensation".

The preceding amendment was read only.

Senator Kittleman moved, duly seconded, to make the Bill and Amendment a Special Order for evening session.

The motion was adopted.

SPECIAL ORDERS

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

House Bill 1382 – Chair, Judiciary Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Juvenile Law – Juvenile Records – Disclosure

STATUS OF BILL: QUESTION IS ON THE ADOPTION OF THE AMENDMENTS (5) OFFERED FROM THE FLOOR BY SENATOR PUGH.

FLOOR AMENDMENT

HB1382/663427/1

BY: Senator Pugh

AMENDMENTS TO HOUSE BILL 1382, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Judicial Proceedings Committee Amendments (HB1382/678173/1), strike in their entirety Amendments No. 1 and 2.

AMENDMENT NO. 2

On page 1 of the bill, strike beginning with "a" in line 3 down through "circumstances;" in line 7, and substitute "authorizing the Department of Juvenile Services to provide access to and the confidential use of a certain treatment plan of a child by an agency in the District of Columbia or a state agency in Virginia under certain circumstances; providing that a certain shared record may only provide certain information; providing that the Department of Juvenile Services is liable for an unauthorized release of a certain court record; requiring the Department of Juvenile Services to adopt certain regulations; establishing that certain provisions do not prohibit access to certain court records by the Department of Human Resources under certain circumstances; providing that the Department of Human Resources shall be liable for the unauthorized release of certain information;".

AMENDMENT NO. 3

On page 2 of the bill, in line 9, strike the colon; and strike in their entirety lines 10 through 20, inclusive, and substitute:

"the Department of Juvenile Services or in an investigation and prosecution by a law enforcement agency.".

AMENDMENT NO. 4

On page 2 of the bill, after line 27, insert:

"**(4) (I) THE DEPARTMENT OF JUVENILE SERVICES MAY PROVIDE ACCESS TO AND THE CONFIDENTIAL USE OF A TREATMENT PLAN OF A CHILD DESCRIBED UNDER TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE BY AN AGENCY IN THE DISTRICT OF COLUMBIA OR A STATE AGENCY IN VIRGINIA, IF THE AGENCY:**

1. PERFORMS THE SAME FUNCTIONS IN THE JURISDICTION OF THE AGENCY AS DESCRIBED IN § 9–216(A) OF THE HUMAN SERVICES ARTICLE; AND

2. HAS A RECIPROCAL AGREEMENT WITH THE STATE THAT PROVIDES THAT THE SPECIFIC INFORMATION TO BE SHARED BY THE STATE IS THE SAME TYPE OF INFORMATION THAT WILL BE SHARED BY THE AGENCY; AND

3. HAS CUSTODY OF THE CHILD.

(II) A RECORD THAT IS SHARED UNDER THIS PARAGRAPH MAY ONLY PROVIDE INFORMATION THAT IS RELEVANT TO THE SUPERVISION, CARE, AND TREATMENT OF THE CHILD.

(III) THE DEPARTMENT OF JUVENILE SERVICES SHALL BE LIABLE FOR AN UNAUTHORIZED RELEASE OF A COURT RECORD UNDER THIS PARAGRAPH.

(IV) THE DEPARTMENT OF JUVENILE SERVICES SHALL ADOPT REGULATIONS TO IMPLEMENT THIS PARAGRAPH.";

and in line 28, strike "(4)" and substitute "**(5)**".

AMENDMENT NO. 5

On page 3 of the bill, in line 9, strike "(5)" and substitute "**(6)**".

On page 2 of the Judicial Proceedings Committee Amendments, in line 1 of Amendment No. 3, strike "**(6)**" and substitute "**(7)**".

The preceding 5 amendments were read and rejected by a roll call vote as follows:

Affirmative – 6 Negative – 39 (See Roll Call No. 1168)

Read the second time and ordered prepared for Third Reading.

MESSAGE TO THE SENATE

BILL: **HB 0072**
SPONSOR: Del F. Turner, et al
SUBJECT: The Delegate John Arnick Electronic Communications Traffic Safety Act

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Malone, Chairman
Delegate Frush, and
Delegate Stull.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

Senator Frosh moved, duly seconded, that the Senate recede from its position.

The motion was adopted.

HB0072/618471/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 72
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "write" in line 4 down through "or send" in line 5 and substitute "write, send, or read"; in line 6, strike "certain terms" and substitute "a certain term"; and in lines 6 and 7, strike "providing for the application of this Act;".

AMENDMENT NO. 2

On page 2, in line 8, strike "**(1)**"; strike beginning with "**SECTION**" in line 8 down through "**TEXT**" in line 12 and substitute "**SECTION, "TEXT**"; and strike in their entirety lines 16 through 22, inclusive, and substitute:

"**(B)** **A PERSON MAY NOT USE A TEXT MESSAGING DEVICE TO WRITE, SEND, OR READ A TEXT MESSAGE WHILE OPERATING A MOTOR VEHICLE IN MOTION OR IN THE TRAVEL PORTION OF THE ROADWAY.**".

The preceding 2 amendments were withdrawn.

House Bill 72 – Delegates F. Turner~~, Ali,~~ and Waldstreicher and Delegates Barkley, Bartlett, Beidle, Bobo, Branch, Cardin, V. Clagett, Conway, DeBoy, Doory, Eckardt, Frick, Frush, Gilchrist, Gutierrez, Haddaway, Harrison, Heller, Hixson, Holmes, Howard, Hubbard, King, Kirk, Kramer, Krebs, Krysiak, Lee, Levy, Mathias, McDonough, McHale, Miller, Minnick, Montgomery, Morhaim, Murphy, Nathan–Pulliam, Olszewski, Pena–Melnyk, Pendergrass, Proctor, Reznik, Rice, Ross, Shewell, Sossi, Stocksdale, Stukes, Tarrant, Taylor, V. Turner, Vallario, Vaughn, Walker, ~~and Weir~~ Weir, Cane, Carr, Glenn, Healey, Hucker, Niemann, Norman, and Stein

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. 1169)

The Bill was then sent to the House of Delegates.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **HB 0072**
SPONSOR: Del F. Turner, et al
SUBJECT: The Delegate John Arnick Electronic Communications Traffic Safety Act

The Senate recedes from its position on HB 0072.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,

Secretary

Read and adopted.

SPECIAL ORDERS

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

House Bill 26 – Delegate Kullen

AN ACT concerning

Public Schools – Children with Anaphylactic Allergies – Reduction of Risk

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

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0026/353426/1

BY: Senator Madaleno

AMENDMENTS TO HOUSE BILL 26
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "requiring" insert ", in consultation with a school health professional,".

AMENDMENT NO. 2

On page 2, in line 19, strike "**THE**" and substitute "**IN CONSULTATION WITH A SCHOOL HEALTH PROFESSIONAL, THE**".

The preceding 2 amendments were 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. 1170)

ADJOURNMENT

At 3:20 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 5:00 P.M. on Legislative Day April 9, 2009, Calendar Day, Monday, April 13, 2009.

Annapolis, Maryland
Legislative Day: April 9, 2009
Calendar Day: Monday, April 13, 2009
5:00 P.M. Session

The Senate met at 5:12 P.M.

Prayer by Senator McFadden.

The Journal of April 8, 2009 was read and approved.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 1172)

CONCURRENCE CALENDAR #23

AMENDED IN THE HOUSE

Senate Bill 1019 – Senators McFadden ~~and Robey~~, Robey, and Munson

AN ACT concerning

State Police Retirement System – Reemployment of Retirees

Senator Currie moved that the Senate concur in the House amendment.

SB1019/804163/1

BY: Appropriations Committee

AMENDMENT TO SENATE BILL 1019
(Third Reading File Bill)

On page 8, in line 8, after "**PAY**" insert "**THE BALANCE OF THE RETIREE'S ACCUMULATED CONTRIBUTIONS AND**"; and in line 9, after "**RETIREMENT**" insert "**,**

WITH ACCUMULATED COST–OF–LIVING ADJUSTMENTS FROM THE DATE THE RETIREE RETIRED".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 33 Negative – 0 (See Roll Call No. 1173)

CONCURRENCE CALENDAR #22

AMENDED IN THE HOUSE

Senate Bill 21 – Senator Colburn

AN ACT concerning

Dorchester County – School Buses – Length of Operation – Sunset Repeal

Senator Conway moved that the Senate concur in the House amendment.

SB0021/895368/1

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 21
(Third Reading File Bill)

In line 2, strike "Buses –" and substitute "Bus"; and strike in their entirety lines 4 and 5, inclusive, and substitute "alters the length of time a school bus may be operated in Dorchester County; and generally relating to school buses in Dorchester County.".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 36 Negative – 0 (See Roll Call No. 1174)

AMENDED IN THE HOUSE

Senate Bill 241 – Senators Pugh, Conway, Harrington, Kelley, Muse, and Pinsky

AN ACT concerning

Education – Suspension and Expulsion Procedures – Attendance–Related Offenses

Senator Conway moved that the Senate concur in the House amendments.

SB0241/865064/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 241
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "offenses;" insert "establishing an exception for in–school suspensions for attendance–related offenses;".

AMENDMENT NO. 2

On page 2, in line 7, after "(b)" insert "**(1)**"; in the same line, strike "**A**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**"; and after line 8, insert:

"**(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO IN–SCHOOL SUSPENSIONS FOR ATTENDANCE–RELATED OFFENSES.**".

On page 4, in line 29, strike "October" and substitute "July".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 36 Negative – 0 (See Roll Call No. 1175)

AMENDED IN THE HOUSE

Senate Bill 247 – Senators Rosapepe, Colburn, Greenip, Harrington, Harris, and Kelley

AN ACT concerning

Health Occupations – Maryland Athletic Trainers Act

Senator Conway moved that the Senate concur in the House amendment.

SB0247/946287/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 247
(Third Reading File Bill)

On page 3, after line 12, insert:

"**(G) "EDUCATIONAL INSTITUTION" INCLUDES:**

(1) THE SCHOOLS IN THE PUBLIC ELEMENTARY AND SECONDARY EDUCATION SYSTEM OF THE STATE;

(2) A NONCOLLEGIATE EDUCATIONAL INSTITUTION GOVERNED UNDER § 2–206 OF THE EDUCATION ARTICLE; AND

(3) AN INSTITUTION OF HIGHER EDUCATION AS DEFINED IN § 10–101 OF THE EDUCATION ARTICLE.".

On page 3, in lines 13, 16, 18, 20, and 23, strike "**(G)**", "**(H)**", "**(I)**", "**(J)**", and "**(K)**", respectively, and substitute "**(H)**", "**(I)**", "**(J)**", "**(K)**", and "**(L)**", respectively.

On page 4, in line 21, strike "**(L)**" and substitute "**(M)**".

On page 5, in line 4, strike "**(M)**" and substitute "**(N)**".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 40 Negative – 0 (See Roll Call No. 1176)

AMENDED IN THE HOUSE

Senate Bill 309 – Senator Conway

AN ACT concerning

State Board of Pharmacy – Pharmacy Permit – Term and Renewal

Senator Conway moved that the Senate concur in the House amendments.

SB0309/176281/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 309
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 3 down through "permit" in line 5 and substitute "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".

AMENDMENT NO. 2

On page 2, in line 1, strike the bracket; and strike beginning with "November" in line 2 down through "**EXPIRES**" in line 3 and substitute "**OCTOBER 1 OF THE YEAR THE PERMIT EXPIRES**".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 40 Negative – 0 (See Roll Call No. 1177)

AMENDED IN THE HOUSE

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

Senator Conway moved that the Senate concur in the House amendments.

SB0597/933697/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 597
(Third Reading File Bill)

On page 3, after line 33, insert:

"(1) list by county the name, address, and category of each business that is engaged in the sale of secondhand items;".

On page 4, in lines 1, 3, and 7, strike "(1)", "(2)", and "(3)", respectively, and substitute "(2)", "(3)", and "(4)", respectively.

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 42 Negative – 0 (See Roll Call No. 1178)

AMENDED IN THE HOUSE

Senate Bill 602 – Senators Pinsky, Colburn, Conway, Dyson, Harrington, Lenett, ~~and Rosapepe~~ Rosapepe, and Middleton

AN ACT concerning

Dental Hygienists – Expanded Functions

Senator Conway moved that the Senate concur in the House amendment.

SB0602/456983/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 602
(Third Reading File Bill)

On page 2, strike in their entirety lines 17 and 18; and in lines 19 and 21 strike "**(9)**" and "**(10)**", respectively, and substitute "**(8)**" and "**(9)**", respectively.

On page 3, strike in their entirety lines 22 through 27, inclusive; and in line 28, strike "**(IX)**" and substitute "**(VIII)**".

On page 4, in lines 3 and 5, strike "**(X)**" and "**(XI)**", respectively, and substitute "**(IX)**" and "**(X)**", respectively.

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1179)

AMENDED IN THE HOUSE

Senate Bill 627 – Senators Middleton, Colburn, Dyson, Edwards, Kasemeyer, and Klausmeier

AN ACT concerning

Loan Assistance Repayment and Practice Assistance for Physicians

Senator Conway moved that the Senate concur in the House amendment.

SB0627/715361/1

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 627

(Third Reading File Bill)

On page 6, strike beginning with the colon in line 19 down through "**PRACTICES**" in line 20 and substitute "**A PHYSICIAN WHO:**

(1) **PRACTICES**".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1180)

AMENDED IN THE HOUSE

Senate Bill 690 – Senators Kelley, Currie, Jones, Kasemeyer, and Madaleno

AN ACT concerning

Programs for Children in Out–of–Home Placement – System for Outcomes Evaluation

Senator Conway moved that the Senate concur in the House amendment.

SB0690/266984/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 690
(Third Reading File Bill)

On page 1, in lines 9 and 10, strike "the effective dates" and substitute "a delayed effective date for certain provisions".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1181)

AMENDED IN THE HOUSE

Senate Bill 951 – Senator Lenett

AN ACT concerning

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

Senator Conway moved that the Senate concur in the House amendment.

SB0951/106089/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 951
(Third Reading File Bill)

On page 3, in line 10, after "Board" insert "**IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE BOARD**"; and strike beginning with "At" in line 11 down through "awarded." in line 12.

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 1182)

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 870** SPONSOR: **Senator Gladden**

SUBJECT: **Marriage Ceremonies – Performance by Tax Court Judges**

THIRD READING CALENDAR HOUSE NO. **23** SENATE NO. **54**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

That the attached House Judiciary Committee Amendments (SB0870/132814/1) be adopted.

SB0870/132814/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 870
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "who" in line 3 down through "State" in line 4.

AMENDMENT NO. 2

On page 2, in line 5, strike "**, IF THE JUDGE IS A RESIDENT OF THIS STATE,**".

Senate Members:	House Members:
Chair, **Lisa A. Gladden**	Chair, **Ben Barnes**
Nancy Jacobs	**Benjamin F. Kramer**
Jennie M. Forehand	**Susan K. McComas**

Read in the Senate: Read in the House of Delegates:

Amendment Office Delivers Report to: ( ) Chief Clerk
(X) Secretary, Senate

Conference Committee Report read and adopted by a roll call vote as follows:

Affirmative – 29 Negative – 14 (See Roll Call No. 1183)

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 32 Negative – 12 (See Roll Call No. 1184)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON RULES REPORT #23

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

House Bill 108 – ~~Delegate Feldman~~ Delegates Feldman, Bartlett, Boteler, Cardin, Elmore, Doory, Frick, George, Gilchrist, Hixson, Howard, Ivey, Kaiser, Murphy, Myers, Olszewski, Rice, Ross, Stukes, F. Turner, and Walker

AN ACT concerning

Tax Amnesty 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 Finance:

House Bill 706 – ~~Delegate Pena–Melnyk~~ Delegates Pena–Melnyk, Hammen, Benson, Costa, Elliott, Hubbard, Kipke, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pendergrass, Reznik, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Electronic Health Records – Regulation and Reimbursement

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 and the Committee on Education, Health, and Environmental Affairs:

House Bill 708 – Delegates Vaughn, Glenn, Gutierrez, Holmes, Hucker, Jones, Lafferty, Lee, Love, Manno, Oaks, Ramirez, Robinson, ~~and Valderrama~~ Valderrama, and Braveboy

AN ACT concerning

~~Recipients of State Incentives or Financial Assistance – Diversity Initiatives~~
General Obligation Bonds for Capital Projects – Required Reports

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:

House Bill 800 – ~~Delegate Hucker~~ Delegates Hucker and Manno

AN ACT concerning

Natural Resources – Roadside Trees – Protection and Enforcement

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:

House Bill 866 – Delegates Holmes, Barkley, Beidle, McConkey, Niemann, and Sophocleus

AN ACT concerning

Alcoholic Beverages – Issuance, Renewal, and Transfer of Licenses and Permits – Payment of State and Local Taxes

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:

House Bill 899 – Delegates Kelly, Beitzel, Myers, and Schuler

AN ACT concerning

Workers' Compensation – Death Benefits for Partially Dependent Individuals – Payment

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:

House Bill 1175 – Delegates Myers, Beitzel, Boteler, Eckardt, Kelly, Krebs, Miller, Serafini, Stull, Walkup, and Weldon

AN ACT concerning

Electricians, Gas Fitters, HVAC Contractors, and Plumbers – Display of Licenses and License Numbers

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:

House Bill 1215 – Delegates Hixson, Hucker, Kaiser, Mizeur, Montgomery, Niemann, Rice, and Ross

AN ACT concerning

Inheritance Tax – Exemption – Domestic Partners

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:

House Bill 1223 – Delegate Braveboy

AN ACT concerning

Education – Public High Schools and Public High School Students – ~~Revisions and Requirements~~ Data Collection 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 Education, Health, and Environmental Affairs:

House Bill 1275 – ~~Delegate Nathan–Pulliam~~ Delegates Nathan–Pulliam, Benson, Montgomery, Oaks, Pena–Melnyk, Tarrant, and V. Turner

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 Education, Health, and Environmental Affairs:

House Bill 1422 – Delegates McHale, Anderson, Barkley, Braveboy, Bromwell, Feldman, Glenn, Hammen, Harrison, Haynes, Healey, Hecht, Heller, Hixson, Hubbard, Hucker, Kirk, Krysiak, Lafferty, Love, Malone, Manno, Minnick, Mizeur, Montgomery, Murphy, Olszewski, Riley, Robinson, Schuler, Stukes, Tarrant, and Vaughn

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:

House Bill 1453 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Unemployment Insurance – Exemption from Covered Employment – Home Workers

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:

House Bill 1475 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Maryland Veterans Behavioral Health – Expansion

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

SPECIAL ORDERS

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

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

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

FLOOR AMENDMENT

HB0922/473427/1

BY: Senator Pipkin

AMENDMENT TO HOUSE BILL 922
(Third Reading File Bill)

On page 4, in line 3, strike the third "**AND**"; and in line 6, after "**PARAGRAPH**" insert "**; AND**

5. THE AUTHORITY'S RATIONALE FOR THE PROPOSAL TO FIX OR REVISE THE TOLL, FEE, OR OTHER CHARGE".

The preceding amendment was read only.

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

The motion was adopted.

House Bill 784 – Delegates James, Gaines, and Riley

AN ACT concerning

Consolidated Transportation Program – Traffic Congestion ~~Reporting~~

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

HB0784/789033/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 784
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "that" insert "certain".

AMENDMENT NO. 2

On page 3, in line 17, after "**NEW**" insert "**MAJOR**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0784/423127/1

BY: Senator Pipkin

AMENDMENTS TO HOUSE BILL 784
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Congestion" insert "and Safety Inspections"; in line 11, after the semicolon insert "requiring the Department to include a description in the annual Consolidated Transportation Program of each safety inspection of a transportation facility conducted by the Authority in the prior year;"; and in line 12, strike "traffic congestion in the State" and substitute "the Consolidated Transportation Program".

AMENDMENT NO. 2

On page 3, in line 9, strike "**AND**"; and in line 20, before the period insert "**; AND**

(V) A DESCRIPTION OF EACH SAFETY INSPECTION OF A TRANSPORTATION FACILITY, AS DEFINED IN § 3–102 OF THIS ARTICLE, CONDUCTED BY THE MARYLAND TRANSPORTATION AUTHORITY IN THE PRIOR YEAR".

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

Affirmative – 13 Negative – 27 (See Roll Call No. 1185)

Read the second time and ordered prepared for Third Reading.

House Bill 635 – Delegates Levi, Anderson, Barnes, Burns, Carr, Carter, Conaway, Dumais, Gutierrez, Healey, Reznik, Riley, Robinson, Ross, Schuler, F. Turner, and Valderrama

AN ACT concerning

Criminal Procedure – Occupational Licenses or Certificates – ~~Issuance of a Certificate of Employability~~ Criminal Conviction

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

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

The motion was adopted.

House Bill 1117 – Delegates Lee, Barkley, Beidle, Boteler, Bronrott, Carr, DeBoy, Dumais, Elliott, Frick, Hecht, Ivey, Kaiser, Kipke, Kramer, Krebs, Levi, Levy, McComas, McDonough, Montgomery, Ramirez, Riley, Robinson, Shewell, Sophocleus, Stocksdale, F. Turner, Valderrama, and Walkup

AN ACT concerning

Immunity from Liability – Medical Emergency – Use of Automated External Defibrillator

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

HB1117/128777/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 1117
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike ", notwithstanding certain other provisions of law,"; in line 16, after "individual" insert "or facility"; and strike beginning with "providing" in line 16 down through "defibrillation" in line 17 and substitute "certain acts or omissions".

On pages 1 and 2, strike in their entirety the lines beginning with line 19 on page 1 through line 11 on page 2, inclusive.

On page 2, in line 14, strike "13–517(j)(3)" and substitute "13–517".

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 19 on page 2 through line 29 on page 4, inclusive, and substitute:

"Article – Education

13–517.

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

(2) "Automated external defibrillator (AED)" means a medical heart monitor and defibrillator device that:

(i) Is cleared for market by the federal Food and Drug Administration;

(ii) Recognizes the presence or absence of ventricular fibrillation or rapid ventricular tachycardia;

(iii) Determines, without intervention by an operator, whether defibrillation should be performed;

(iv) On determining that defibrillation should be performed, automatically charges; and

(v) 1. Requires operator intervention to deliver the electrical impulse; or

2. Automatically continues with delivery of electrical impulse.

(3) "Certificate" means a certificate issued by the EMS Board to a registered facility.

(4) "Facility" means an agency, association, corporation, firm, partnership, or other entity.

(5) "Jurisdictional emergency medical services operational program" means the institution, agency, corporation, or other entity that has been approved by the EMS Board to provide oversight of emergency medical services for each of the local government and State and federal emergency medical services programs.

(6) "Program" means the Public Access Automated External Defibrillator Program.

(7) "Regional administrator" means the individual employed by the Institute as regional administrator in each EMS region.

(8) "Regional council" means an EMS advisory body as created by the Code of Maryland Regulations 30.05.

(9) "Regional council AED committee" means a committee appointed by the regional council consisting of:

(i) The regional medical director;

(ii) The regional administrator; and

(iii) Three or more individuals with knowledge of and expertise in AEDs.

(10) "Registered facility" means an organization, business association, agency, or other entity that meets the requirements of the EMS Board for registering with the Program.

(b) (1) There is a Public Access Automated External Defibrillator Program.

(2) The purpose of the Program is to coordinate an effective statewide public access defibrillation program.

(3) The Program shall be administered by the EMS Board.

(c) The EMS Board may:

(1) Adopt regulations for the administration of the Program;

(2) Issue and renew certificates to facilities that meet the requirements of this section;

(3) Deny, suspend, revoke, or refuse to renew the certificate of a registered facility for failure to meet the requirements of this section;

(4) Approve educational and training programs required under this section that:

(i) Are conducted by any private or public entity;

(ii) Include training in cardiopulmonary resuscitation and automated external defibrillation; and

(iii) May include courses from nationally recognized entities such as the American Heart Association, the American Red Cross, and the National Safety Council;

(5) Approve the protocol for the use of an AED; and

(6) Delegate to the Institute any portion of its authority under this section.

(d) (1) Each facility that desires to make automated external defibrillation available shall possess a valid certificate from the EMS Board.

(2) This subsection does not apply to:

(i) A jurisdictional emergency medical services operational program;

(ii) A licensed commercial ambulance service;

(iii) A health care facility as defined in § 19–114 of the Health – General Article; or

(iv) A place of business for health care practitioners who are licensed as dentists under Title 4 of the Health Occupations Article or as physicians under Title 14 of the Health Occupations Article and are authorized to use an AED in accordance with that license.

(e) To qualify for a certificate a facility shall:

(1) Comply with the written protocol approved by the EMS Board for the use of an AED which includes notification of the emergency medical services system through the use of the 911 universal emergency access number as soon as possible on the use of an AED;

(2) Have established automated external defibrillator maintenance, placement, operation, reporting, and quality improvement procedures as required by the EMS Board;

(3) Maintain each AED and all related equipment and supplies in accordance with the standards established by the device manufacturer and the federal Food and Drug Administration; and

(4) Ensure that each individual who is expected to operate an AED for the registered facility has successfully completed an educational training course and refresher training as required by the EMS Board.

(f) A registered facility shall report the use of an AED to the Institute for review by the regional council AED committee.

(g) A facility that desires to establish or renew a certificate shall:

(1) Submit an application on the form that the EMS Board requires; and

(2) Meet the requirements under this section.

(h) (1) The EMS Board shall issue a new or a renewed certificate to a facility that meets the requirements of this section.

(2) Each certificate shall include:

(i) The type of certificate;

(ii) The full name and address of the facility;

(iii) A unique identification number; and

(iv) The dates of issuance and expiration of the certificate.

(3) A certificate is valid for 3 years.

(i) The EMS Board may issue a cease and desist order or obtain injunctive relief if a facility makes automated external defibrillation available in violation of this section.

(j) (1) **[**In addition to any other immunities available under statutory or common law, a registered facility is not civilly liable for any act or omission in the provision of automated external defibrillation if the registered facility:

(i) Has satisfied the requirements for making automated external defibrillation available under this section; and

(ii) Possesses a valid certificate at the time of the act or omission.**] THE FOLLOWING INDIVIDUALS AND FACILITIES ARE IMMUNE FROM CIVIL LIABILITY FOR DAMAGES RELATING TO THE USE, POSSESSION, OR PURCHASE OF AN AED OR ARISING OUT OF ANY ACT OR OMISSION IN PREPARING FOR OR RESPONDING TO A SUSPECTED SUDDEN CARDIAC ARREST EMERGENCY:**

(I) AN INDIVIDUAL OR FACILITY THAT ACQUIRES AN AED, IF THE AED IS MAINTAINED AND TESTED IN ACCORDANCE WITH THE STANDARDS ESTABLISHED BY THE MANUFACTURER OF THE AED;

(II) AN INDIVIDUAL OR FACILITY THAT OWNS, MANAGES, OR IS OTHERWISE RESPONSIBLE FOR THE PREMISES ON WHICH AN AED IS LOCATED, IF THE AED IS MAINTAINED AND TESTED IN ACCORDANCE WITH THE STANDARDS ESTABLISHED BY THE MANUFACTURER OF THE AED;

(III) AN INDIVIDUAL WHO RETRIEVES AN AED IN RESPONSE TO A PERCEIVED SUDDEN CARDIAC ARREST EMERGENCY AT A FACILITY; OR

(IV) AN INDIVIDUAL WHO USES, ATTEMPTS TO USE, OR FAILS TO USE AN AED IN RESPONSE TO A PERCEIVED SUDDEN CARDIAC ARREST EMERGENCY AT A FACILITY.

(2) In addition to any other immunities available under statutory or common law, a member of the regional council AED committee is not civilly liable for any act or omission in the provision of automated external defibrillation.

(3) In addition to any other immunities available under statutory or common law, an individual is not civilly liable for any act or omission if:

(i) The individual is acting in good faith while rendering automated external defibrillation to a person who is a victim or reasonably believed by the individual to be a victim of a sudden cardiac arrest; **AND**

(ii) **[**The assistance or aid is provided in a reasonably prudent manner; and

(iii)**]** The automated external defibrillation is provided without fee or other compensation.

(4) The immunities in this subsection are not available if the conduct of the **[**registered**]** facility or an individual amounts to gross negligence, willful or wanton misconduct, or intentionally tortious conduct.

(5) This subsection does not affect, and may not be construed as affecting, any immunities from civil or criminal liability or defenses established by any other provision of the Code or by common law to which a [registered] facility, a member of the regional council AED committee, or an individual may be entitled.

(k) (1) A registered facility aggrieved by a decision of the Institute acting under the delegated authority of the EMS Board under this section shall be afforded an opportunity for a hearing before the EMS Board.

(2) A registered facility aggrieved by a decision of the EMS Board under this section shall be afforded an opportunity for a hearing in accordance with Title 10, Subtitle 2 of the State Government Article.".

The preceding 2 amendments were read only.

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

The motion was adopted.

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

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

Favorable report adopted.

FLOOR AMENDMENT

HB1201/543326/1

BY: Senator Mooney

AMENDMENTS TO HOUSE BILL 1201
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike the first "or" and substitute a comma; in the same line, after "Swastika" insert ", Logo, or Insignia"; in line 3, strike the second "or" and substitute a comma; in line 4, after "swastika" insert ", or logo or insignia of the People's Global Action Network"; in line 8, strike the first "or" and substitute a comma; and in the same line, after "swastika" insert ", logo, or insignia".

AMENDMENT NO. 2

On page 2, in line 3, strike the second "**OR**" and substitute a comma; and in the same line, after "**SWASTIKA**" insert "**, OR LOGO OR INSIGNIA OF THE PEOPLE'S GLOBAL ACTION NETWORK**".

The preceding 2 amendments were withdrawn.

Read the second time and ordered prepared for Third Reading.

House Bill 1408 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Real Estate Licensees – Services Provided Through Teams

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.

INTRODUCTION OF BILLS

Senator Pipkin 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 1073 – Senator Pipkin

EMERGENCY BILL

AN ACT concerning

Public Financing Act – Declaration by General Assembly that the Act Is Operable and Viable

FOR the purpose of declaring that the Public Financing Act is operable and continues as a viable mechanism for public funding of gubernatorial elections in the State; and generally relating to the Public Financing Act for the election of gubernatorial candidates in the State.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 15–101 through 15–111
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

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

Senator Pipkin moved to suspend the rules to allow **Senate Bill 1073** to be referred immediately.

The motion was adopted.

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:

House Bill 1474 – Chair, Health and Government Operations Committee (By Request – Departmental – Military)

AN ACT concerning

Maryland Emergency Management Agency – Director

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.

House Bill 1061 – Delegates Mizeur, Barkley, Bobo, Bronrott, Carr, Dumais, Glenn, Healey, Hecht, Manno, and Rosenberg

AN ACT concerning

Earned Income Credit Information Act

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 405 – Senator Conway

AN ACT concerning

Procurement – Apprenticeship Training Programs

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

SB0405/947573/2

BY: Finance Committee

AMENDMENTS TO SENATE BILL 405
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "circumstances;" insert "requiring organizations that have registered apprenticeship programs and receive certain funds to certify to the Secretary that the funds are used solely for the purpose of improving or expanding apprenticeship training in the State; requiring the Secretary to adopt regulations that establish a process for auditing organizations that have registered apprenticeship programs to ensure that certain funds received are used solely to improve and expand apprenticeship programs in the State;".

AMENDMENT NO. 2

On page 3, in line 21, strike "**OR**"; in line 22, after "**FUND**" insert "**; OR**

(3) THE CONTRACTOR WILL MAKE PAYMENTS IN AMOUNTS DETERMINED UNDER § 17–605 OF THIS SUBTITLE TO A REGISTERED APPRENTICESHIP PROGRAM OR TO AN ORGANIZATION THAT HAS REGISTERED

APPRENTICESHIP PROGRAMS FOR THE PURPOSE OF SUPPORTING THESE PROGRAMS";

and after line 26, insert:

"**(C) ORGANIZATIONS THAT HAVE REGISTERED APPRENTICESHIP PROGRAMS AND RECEIVE FUNDS FROM CONTRACTORS UNDER SUBSECTION (A)(3) OF THIS SECTION SHALL CERTIFY TO THE SECRETARY THAT ALL FUNDS RECEIVED ARE USED SOLELY FOR THE PURPOSE OF IMPROVING OR EXPANDING APPRENTICESHIP TRAINING IN THE STATE.**

(D) THE SECRETARY SHALL ADOPT REGULATIONS TO ESTABLISH A PROCESS FOR AUDITING ORGANIZATIONS THAT PROVIDE REGISTERED APPRENTICESHIP PROGRAMS TO ENSURE THAT ALL FUNDS RECEIVED UNDER SUBSECTION (A)(3) OF THIS SECTION ARE USED SOLELY TO IMPROVE AND EXPAND APPRENTICESHIP PROGRAMS IN THE STATE.".

On page 4, in line 3, strike "**OR**"; in line 4, after "**FUND**" insert "**; OR**

(3) THE SUBCONTRACTOR WILL MAKE PAYMENTS IN AMOUNTS DETERMINED UNDER § 17–605 OF THIS SUBTITLE TO A REGISTERED APPRENTICESHIP PROGRAM OR TO AN ORGANIZATION THAT HAS REGISTERED APPRENTICESHIP PROGRAMS FOR THE PURPOSE OF SUPPORTING THESE PROGRAMS";

after line 8, insert:

"**(C) ORGANIZATIONS THAT HAVE REGISTERED APPRENTICESHIP PROGRAMS AND RECEIVE FUNDS FROM CONTRACTORS UNDER SUBSECTION (A)(3) OF THIS SECTION SHALL CERTIFY TO THE SECRETARY THAT ALL FUNDS RECEIVED ARE USED SOLELY FOR THE PURPOSE OF IMPROVING OR EXPANDING APPRENTICESHIP TRAINING IN THE STATE.**

(D) THE SECRETARY SHALL ADOPT REGULATIONS TO ESTABLISH A PROCESS FOR AUDITING ORGANIZATIONS THAT PROVIDE REGISTERED APPRENTICESHIP PROGRAMS TO ENSURE THAT ALL FUNDS RECEIVED UNDER

SUBSECTION (A)(3) OF THIS SECTION ARE USED SOLELY TO IMPROVE AND EXPAND APPRENTICESHIP PROGRAMS IN THE STATE.";

and in line 30, after "**FUND**" insert "**, REGISTERED APPRENTICESHIP PROGRAM, OR AN ORGANIZATION THAT HAS REGISTERED APPRENTICESHIP PROGRAMS**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0405/693520/1

BY: Senator Brinkley

AMENDMENTS TO SENATE BILL 405
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Procurement –" insert "Construction"; in line 3, after "State" insert "Construction"; in line 19, after "to" insert "construction"; and in line 22, after "6." insert "Construction".

AMENDMENT NO. 2

On page 2, in line 1, after "**6.**" insert "**CONSTRUCTION**"; in line 6, strike "**AN**" and substitute "**A CONSTRUCTION**"; in line 18, after "**STATE**" insert "**CONSTRUCTION**"; and in line 31, after "**STATE**" insert "**CONSTRUCTION**".

On page 3, in lines 13 and 14, strike "**AND ENTERING APPRENTICESHIP TRAINING PROGRAMS**" and substitute "**EMPLOYMENT IN THE CONSTRUCTION INDUSTRY**".

The preceding 2 amendments were read and rejected.

Read the second time and ordered prepared for Third Reading.

Senate Bill 673 – Senators Raskin, Brochin, Dyson, Exum, Frosh, Garagiola, Glassman, Harrington, Jones, King, Madaleno, Muse, Peters, Pinsky, Pugh, Rosapepe, and Stone

AN ACT concerning

Fairness in Negotiations Act

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

SB0673/117271/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 673
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Glassman, Harrington, Jones, King, Madaleno, Muse, Peters, Pinsky, Pugh, Rosapepe, and Stone" and substitute "Harrington, Jones, King, Madaleno, Muse, Peters, Pinsky, Pugh, Rosapepe, Stone, and Kelley".

On pages 1 and 2, strike beginning with "requiring" in line 3 on page 1 down through "parties;" in line 39 on page 2 and substitute "establishing as an independent unit of State government a Public School Labor Relations Board to assume certain duties previously held by the State Board of Education; requiring the Public School Labor Relations Board to hear certain controversies and disputes; establishing that certain decisions by the Public School Labor Relations Board are final; requiring the Public School Labor Relations Board to adopt certain rules and regulations related to the designation of an exclusive representative; requiring the Public School Labor Relations Board to supervise certain elections concerning employee representation; requiring a public school employer and an employee organization to negotiate in a certain manner under certain circumstances; including procedures regarding employee transfers and assignments among the matters a public school employer must meet and negotiate with a certain employee organization on request; including the discipline and discharge of an employee for just cause among the matters a public school employer must meet and negotiate with a certain employee organization on request; establishing certain processes and requirements for the resolution of disputes over the negotiability of certain topics; authorizing the Public School Labor Relations Board to adopt certain regulations, guidelines, and policies; repealing certain provisions of law regarding the resolution of certain impasses in negotiations; requiring the Public

School Labor Relations Board to facilitate the beginning of mediation of certain disputes within a certain period of time and in a certain manner; establishing a certain process for the mediation of certain disputes; requiring a mediator to conclude certain mediations within a certain period of time; requiring a public school employer and employee organization to share certain dispute resolution costs equally; establishing certain processes for arbitration of certain disputes left unresolved by mediation; requiring the Public School Labor Relations Board to facilitate certain arbitration processes within a certain period of time and in a certain manner; requiring the Public School Labor Relations Board to issue a certain award at the end of arbitration; subjecting certain negotiated provisions or decisions to certain provisions of law concerning the fiscal relationship between public school employers and certain governing bodies; requiring public school employers to renegotiate certain agreements with employee organizations under certain circumstances in a certain manner; specifying the manner of appointment, membership, duties, and responsibilities of the Public School Labor Relations Board; providing for the staffing of the Public School Labor Relations Board; providing for the staggering of terms of the members of the Public School Labor Relations Board; requiring the Public School Labor Relations Board to decide certain controversies and disputes involving public school employers and employee organizations; authorizing a member of the Public School Labor Relations Board to petition a circuit court to seek enforcement of an order of the Public School Labor Relations Board; providing that a certain hearing and determination under this Act is a contested case; establishing the significance of certain prior orders, actions, and opinions of the State Board of Education in deciding certain matters arising after the enactment of this Act; providing for the application and construction of this Act; requiring the Public School Labor Relations Board to report to the General Assembly on or before a certain date; providing for the termination of this Act;".

On page 2, in line 44, strike "6–401, 6–408, 6–501, and 6–510" and substitute "2–205(e), 6–401, 6–405(f), 6–408, 6–501, 6–506(f), 6–510, and 6–511"; and after line 46, insert:

"BY adding to

Article – Education

Section 6–408.1; and 6–801 through 6–807 to be under the new subtitle "Subtitle 8. Public School Labor Relations Board"

Annotated Code of Maryland

(2008 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 3–204
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 2
On page 3, after line 3, insert:

"2–205.

(e) (1) Without charge and with the advice of the Attorney General, the State Board shall explain the true intent and meaning of the provisions of:

(i) This article that are within its jurisdiction; and

(ii) The bylaws, rules, and regulations adopted by the Board.

(2) **[**The**] EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION AND IN TITLE 6, SUBTITLES 4 AND 5 OF THIS ARTICLE, THE** Board shall decide all controversies and disputes under these provisions.

(3) The decision of the Board is final.

(4) (I) THE PUBLIC SCHOOL LABOR RELATIONS BOARD SHALL DECIDE ANY CONTROVERSY OR DISPUTE ARISING UNDER TITLE 6, SUBTITLE 4 OR SUBTITLE 5 OF THIS ARTICLE.

(II) A DECISION OF THE PUBLIC SCHOOL LABOR RELATIONS BOARD IS FINAL.";

strike in their entirety lines 6 through 13, inclusive; in line 14, strike the brackets; in the same line, strike "**(D)**" and substitute "**"BOARD" MEANS THE PUBLIC SCHOOL LABOR RELATIONS BOARD ESTABLISHED UNDER SUBTITLE 8 OF THIS TITLE.**

(C)";

and in line 19, strike "**(E)**" and substitute "**(D)**".

On page 4, in lines 1 and 26, strike "**(F)**" and "**(G)**", respectively, and substitute "**(E)**" and "**(F)**", respectively; and after line 27, insert:

"6–405.

(f) (1) The **[**State**]** Board shall adopt rules and regulations for:

(i) Verifying the number of certificated employees of the public school employer or individuals of equivalent status in Baltimore City who are members in good standing of an employee organization on the date of the certification or who have signed a petition under this section; and

(ii) Holding elections under this section and the certification of their results.

(2) The **[**State**]** Board shall provide for supervision of these elections.

(3) The elections shall be held:

(i) In each school facility where public employees are assigned on a regularly scheduled school day;

(ii) In a manner assuring the secrecy of the ballot; and

(iii) On a regular working day for public school employees, between June 1 and June 15, inclusive, except in Baltimore City where the elections shall be held between November 1 and November 15 following the date on which certification of required membership enrollment is made.

(4) In any election held under this section, the employee organization that receives the largest number of votes cast in a unit shall be declared to be the exclusive representative of all public school employees in the unit. If the largest number of votes in the election is cast not to have exclusive representation, a representative may not be designated for the unit.

(5) The public school employer shall provide any assistance required in holding the elections.".

On page 5, in lines 1 and 2 and 3, in each instance, strike "**EXCLUSIVE REPRESENTATIVE**" and substitute "**EMPLOYEE ORGANIZATION**"; in line 10, strike the brackets; in the same line, strike "**SHALL**"; in line 16, strike the colon; in lines 17, 18, 19, and 20, strike "**(I)**", "**(II)**", "**(III)**", and "**(IV)**", respectively; in lines 17, 18, and 19, in each instance, strike the brackets; in lines 17, 18, and 19, in each instance, strike the semicolons; and in line 20, after "**INCLUDING**" insert "**PROCEDURES REGARDING**".

On page 6, in lines 1 and 4, in each instance, strike the bracket; after line 4, insert:

"**(5) (I) IF A PUBLIC SCHOOL EMPLOYER AND AN EMPLOYEE ORGANIZATION DISPUTE WHETHER A PROPOSED TOPIC FOR NEGOTIATION IS A MANDATORY, PERMISSIVE, OR ILLEGAL TOPIC OF BARGAINING, EITHER PARTY MAY SUBMIT A REQUEST FOR A DECISION IN WRITING TO THE BOARD FOR FINAL RESOLUTION OF THE DISPUTE.**

(II) A REQUEST FOR A DECISION SHALL:

1. CLEARLY IDENTIFY EACH TOPIC OF BARGAINING FOR WHICH THE PARTY IS REQUESTING A DECISION; AND

2. BE MADE BEFORE THE BOARD DETERMINES THAT AN IMPASSE HAS BEEN REACHED.

(III) IF THE BOARD RECEIVES A REQUEST FOR A DECISION, WITHIN 7 DAYS AFTER RECEIPT OF THE REQUEST THE BOARD SHALL ISSUE A LETTER TO THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION, THAT REQUESTS WRITTEN BRIEFS IN SUPPORT OF THEIR RESPECTIVE POSITIONS.

(IV) WITHIN 7 DAYS AFTER RECEIPT OF A REQUEST FROM THE BOARD FOR WRITTEN BRIEFS, THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION SHALL DELIVER TO THE BOARD A WRITTEN BRIEF ON THE ISSUE OF WHETHER THE TOPIC IS MANDATORY, PERMISSIVE, OR ILLEGAL IN NATURE.

(V) AFTER RECEIPT OF WRITTEN BRIEFS FROM THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION, THE BOARD SHALL:

1. CONSIDER THE MERITS OF EACH PARTY'S ARGUMENTS;

2. RENDER A DECISION DETERMINING WHETHER THE TOPIC OF NEGOTIATION IS MANDATORY, PERMISSIVE, OR ILLEGAL; AND

3. ISSUE THE WRITTEN DECISION TO THE PARTIES WITHIN 14 DAYS AFTER RECEIVING THE WRITTEN BRIEFS.

(VI) 1. THE BOARD MAY ADOPT REGULATIONS, GUIDELINES, AND POLICIES TO CARRY OUT ITS RIGHTS AND RESPONSIBILITIES UNDER THIS SECTION.

2. TO RESOLVE DISPUTES UNDER THIS SECTION, THE BOARD SHALL DEVELOP A BALANCING TEST TO DETERMINE WHETHER THE IMPACT OF THE MATTER ON THE SCHOOL SYSTEM AS A WHOLE CLEARLY OUTWEIGHS THE DIRECT IMPACT ON THE TEACHERS OR EMPLOYEES.";

in line 5, strike "(5)" and substitute "**(6)**"; in line 12, strike "**[**(d)" and substitute "**(E)**"; in the same line, strike "State Superintendent" and substitute "**BOARD**"; strike beginning with the first "the" in line 15 down through "determination" in line 33 and substitute "**THE BOARD SHALL WITHIN 10 CALENDAR DAYS:**

(I) REQUEST LAST AND BEST OFFERS FROM THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION; AND

(II) ORDER THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION TO COMMENCE MEDIATION WITHIN 14 DAYS AFTER THE BOARD'S DETERMINATION THAT AN IMPASSE HAS BEEN REACHED.

(2) THE LAST AND BEST OFFERS SHALL LIST SEPARATELY EVERY TERM OR CONDITION FOR EMPLOYMENT IN DISPUTE AND THE DEMAND OF THE PARTY MAKING THE LAST AND BEST OFFER.

(3) WITHIN 5 CALENDAR DAYS AFTER AN ORDER TO MEDIATE, THE PARTIES SHALL SELECT A MEDIATOR BY:

(I) AGREEMENT; OR

(II) ALTERNATE STRIKING FROM A LIST OF SEVEN NEUTRAL PARTIES FURNISHED BY:

1. THE FEDERAL MEDIATION AND CONCILIATION SERVICE; OR

2. THE AMERICAN ARBITRATION ASSOCIATION.

(4) THE MEDIATOR SHALL CONCLUDE THE MEDIATION WITHIN 25 DAYS AFTER CONVENING THE FIRST MEDIATION SESSION.

(5) IF THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION DO NOT REACH AGREEMENT BEFORE CONCLUDING THE MEDIATION, THE MEDIATOR SHALL ISSUE A WRITTEN OFFER TO BOTH PARTIES AND THE BOARD OF SETTLEMENT OF ALL MATTERS RAISED.

(6) WITHIN 5 DAYS AFTER RECEIVING THE PROPOSED SETTLEMENT, THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION EACH SHALL NOTIFY THE MEDIATOR OF ITS INTENT TO:

(I) ACCEPT THE WRITTEN PROPOSED SETTLEMENT; OR

(II) DECLINE THE PROPOSED SETTLEMENT AND REQUEST ARBITRATION BEFORE THE BOARD.

(7) THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION SHALL SHARE THE COSTS OF THE MEDIATOR EQUALLY.

(8) IF EITHER PARTY DECLINES THE PROPOSED SETTLEMENT AND REQUESTS ARBITRATION, THE BOARD SHALL, WITHIN 5 CALENDAR DAYS, SET A DATE FOR AN ARBITRATION HEARING BEFORE THE BOARD.

(9) THE BOARD SHALL:

(I) OPEN THE ARBITRATION RECORD WITHIN 20 DAYS AFTER RECEIVING EITHER PARTY'S DECISION TO DECLINE THE MEDIATOR'S PROPOSAL;

(II) CONVENE A HEARING;

(III) HEAR TESTIMONY FROM AND RECEIVE SUPPORTING WRITTEN EVIDENCE, AS PROVIDED IN AN ORDER OF THE BOARD, FROM THE PUBLIC SCHOOL EMPLOYER, THE EMPLOYEE ORGANIZATION, AND THE MEDIATOR;

(IV) ADMINISTER OATHS TO WITNESSES DEEMED RELEVANT AND CALLED BY THE BOARD;

(V) ISSUE SUBPOENAS TO COMPEL THE PRODUCTION OF RELEVANT AND NONPRIVILEGED DOCUMENTS AND OTHER TANGIBLE EVIDENCE THAT WOULD ALSO BE SUBJECT TO PRODUCTION BEFORE A HEARING OR AT A HEARING UNDER TITLE 10, SUBTITLE 6, PART III OF THE STATE GOVERNMENT ARTICLE;

(VI) DECIDE WHETHER TO HEAR EVIDENCE OFFERED THROUGH AN ATTORNEY; AND

(VII) RECEIVE AND CONSIDER ALL EVIDENCE CONSIDERED RELEVANT BY THE BOARD, INCLUDING:

1. THE WAGES, HOURS, WORKING CONDITIONS, OR OTHER TERMS AND CONDITIONS OF EMPLOYMENT OF SIMILAR PUBLIC EMPLOYEES IN COMPARABLE SURROUNDING JURISDICTIONS AND COMPARABLE JURISDICTIONS OUTSIDE OF THE STATE; AND

2. THE ABILITY OF THE PUBLIC SCHOOL EMPLOYER AND THE COUNTY SERVED BY THE PUBLIC SCHOOL EMPLOYER TO PAY FROM THE COUNTY'S GENERAL FUND THE COSTS OF THE FINAL OFFERS PROPOSED AND OTHER PERSONNEL COSTS.

(10) THE BOARD SHALL CONCLUDE THE HEARING BY ISSUING A WRITTEN ORDER WITHIN 20 DAYS AFTER THE ARBITRATION RECORD IS OPENED.

(11) THE BOARD SHALL ISSUE THE WRITTEN AWARD THAT SELECTS AND ADOPTS:

(I) THE COMPLETE FINAL OFFER OF THE PUBLIC SCHOOL EMPLOYER;

(II) THE COMPLETE FINAL OFFER OF THE EMPLOYEE ORGANIZATION; OR

(III) THE MEDIATOR'S COMPLETE OFFER OF SETTLEMENT.

(12) THE BOARD'S WRITTEN AWARD IS FINAL AND BINDING ON THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION.

(13) THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION SHALL SHARE THE COSTS OF THE HEARING EQUALLY.

(14) ANY NEGOTIATED PROVISION OR DECISION OF THE BOARD";

and in line 36, strike the bracket.

On pages 7 through 13, strike in their entirety the lines beginning with line 1 on page 7 through line 3 on page 13, inclusive.

On page 13, after line 3, insert:

"**6–408.1.**

IF A FISCAL AUTHORITY DOES NOT APPROVE ENOUGH FUNDS TO IMPLEMENT THE NEGOTIATED AGREEMENT, THE PUBLIC SCHOOL EMPLOYER SHALL RENEGOTIATE THE FUNDS ALLOCATED FOR THESE PURPOSES BY THE FISCAL AUTHORITY WITH THE EMPLOYEE ORGANIZATION BEFORE THE PUBLIC SCHOOL EMPLOYER MAKES A FINAL DETERMINATION IN ACCORDANCE WITH A TIMETABLE AND PROCEDURE ESTABLISHED BY THE BOARD.";

strike in their entirety lines 6 through 13, inclusive; in line 14, strike the brackets; in the same line, strike "**(D)**" and substitute "**"BOARD" MEANS THE PUBLIC SCHOOL LABOR RELATIONS BOARD ESTABLISHED UNDER SUBTITLE 8 OF THIS TITLE.**

(C)";

in lines 18, 22, 26, and 28, strike "**(E)**", "**(F)**", "**(G)**", and "**(H)**", respectively, and substitute "**(D)**", "**(E)**", "**(F)**", and "**(G)**", respectively.

On page 14, in lines 9 and 13, strike "**(I)**" and "**(J)**", respectively, and substitute "**(H)**" and "**(I)**", respectively; after line 15 insert:

"6–506.

(f) (1) The [State] Board shall adopt rules and regulations for:

(i) Verifying the number of public school employees who are members in good standing of an employee organization on the date of the certification or who have signed a petition under this section; and

(ii) Holding elections under this section and the certification of their results.

(2) The [State] Board shall provide for supervision of these elections.

(3) The elections shall be held:

(i) In each school facility where public school employees are assigned on a regularly scheduled school day;

(ii) In a manner assuring the secrecy of the ballot; and

(iii) On a regular working day for public school employees, between June 1 and June 15, inclusive.

(4) In all elections held under this section, the employee organization that receives a majority of the votes cast in a unit shall be declared to be the exclusive representative of all public school employees in the unit. If a majority of the votes in the election are cast not to have exclusive representation, a representative may not be designated for the unit.

(5) The two choices on the ballot that receive the most votes shall be placed on a ballot for a runoff election that shall be held in the same manner as the original election if:

(i) More than one employee organization is on the ballot;

(ii) No employee organization obtains a majority of the votes; and

(iii) A majority of the votes is not for "not to have exclusive representation".

(6) The public school employer shall provide any assistance required in conducting the elections.";

and in lines 21 and 22 and 23, in each instance, strike "**EXCLUSIVE REPRESENTATIVE**" and substitute "**EMPLOYEE ORGANIZATION**".

On page 15, in line 1, strike the brackets; in the same line, strike "**SHALL**"; strike beginning with the colon in line 7 down through the first bracket in line 8; strike beginning with the second bracket in line 8 down through "**OTHER**" in line 11; strike beginning with the colon in line 11 down through the "**THE**" in line 12 and substitute "**THE**"; strike beginning with the semicolon in line 13 down through "**ASSIGNMENTS**" in line 14; in lines 24 and 27, in each instance, strike the bracket; after line 27, insert:

"(5) (I) IF A PUBLIC SCHOOL EMPLOYER AND AN EMPLOYEE ORGANIZATION DISPUTE WHETHER A PROPOSED TOPIC FOR NEGOTIATION IS A MANDATORY, PERMISSIVE, OR ILLEGAL TOPIC OF BARGAINING, EITHER PARTY MAY SUBMIT A REQUEST FOR A DECISION IN WRITING TO THE BOARD FOR FINAL RESOLUTION OF THE DISPUTE.

(II) A REQUEST FOR A DECISION SHALL:

1. CLEARLY IDENTIFY EACH TOPIC OF BARGAINING FOR WHICH THE PUBLIC SCHOOL EMPLOYER OR EMPLOYEE ORGANIZATION IS REQUESTING A DECISION; AND

2. BE MADE BEFORE THE BOARD DETERMINES THAT AN IMPASSE HAS BEEN REACHED.

(III) IF THE BOARD RECEIVES A REQUEST FOR A DECISION, WITHIN 7 DAYS AFTER RECEIPT OF THE REQUEST THE BOARD SHALL ISSUE A LETTER TO THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION, THAT REQUESTS WRITTEN BRIEFS IN SUPPORT OF THEIR RESPECTIVE POSITIONS.

(IV) WITHIN 7 DAYS AFTER RECEIPT OF A REQUEST FROM THE BOARD FOR WRITTEN BRIEFS, THE PUBLIC SCHOOL EMPLOYER AND THE EXCLUSIVE REPRESENTATIVE SHALL DELIVER TO THE BOARD A WRITTEN BRIEF ON THE ISSUE OF WHETHER THE TOPIC AT ISSUE IS MANDATORY, PERMISSIVE, OR ILLEGAL IN NATURE.

(V) AFTER RECEIPT OF THE WRITTEN BRIEFS FROM THE PUBLIC SCHOOL EMPLOYER AND EMPLOYEE ORGANIZATION, THE BOARD SHALL:

1. CONSIDER THE MERITS OF EACH PARTY'S ARGUMENTS;

2. RENDER A DECISION DETERMINING WHETHER THE TOPIC OF NEGOTIATION IS MANDATORY, PERMISSIVE, OR ILLEGAL; AND

3. ISSUE THE WRITTEN DECISION TO THE PARTIES WITHIN 14 DAYS AFTER RECEIPT OF THE WRITTEN BRIEFS.

(VI) 1. THE BOARD MAY ADOPT REGULATIONS, GUIDELINES, AND POLICIES TO CARRY OUT ITS RIGHTS AND RESPONSIBILITIES UNDER THIS SECTION.

2. TO RESOLVE DISPUTES UNDER THIS SECTION, THE BOARD SHALL DEVELOP A BALANCING TEST TO DETERMINE WHETHER THE IMPACT OF THE MATTER ON THE SCHOOL SYSTEM AS A WHOLE CLEARLY OUTWEIGHS THE DIRECT IMPACT ON THE EMPLOYEES.";

in line 31, strike "**[**(d)" and substitute "**(E)**"; and in the same line, strike "State Superintendent" and substitute "**BOARD**".

On page 16, strike beginning with the first "the" in line 1 down through "determination" in line 19 and substitute "**THE BOARD SHALL WITHIN 10 CALENDAR DAYS:**

(I) REQUEST LAST AND BEST OFFERS FROM THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION; AND

(II) ORDER THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION TO COMMENCE MEDIATION WITHIN 14 DAYS AFTER THE BOARD'S DETERMINATION THAT AN IMPASSE HAS BEEN REACHED.

(2) THE LAST AND BEST OFFERS SHALL LIST SEPARATELY EVERY TERM OR CONDITION FOR EMPLOYMENT IN DISPUTE AND THE DEMAND OF THE PARTY MAKING THE LAST AND BEST OFFER.

(3) WITHIN 5 CALENDAR DAYS AFTER AN ORDER TO MEDIATE, THE PARTIES SHALL SELECT A MEDIATOR BY:

(I) AGREEMENT; OR

(II) ALTERNATE STRIKING FROM A LIST OF SEVEN NEUTRAL PARTIES FURNISHED BY:

1. THE FEDERAL MEDIATION AND CONCILIATION SERVICE; OR

2. THE AMERICAN ARBITRATION ASSOCIATION.

(4) THE MEDIATOR SHALL CONCLUDE THE MEDIATION WITHIN 25 DAYS AFTER CONVENING THE FIRST MEDIATION SESSION.

(5) IF THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION DO NOT REACH AGREEMENT BEFORE CONCLUDING THE MEDIATION, THE MEDIATOR SHALL ISSUE A WRITTEN OFFER TO BOTH PARTIES AND THE BOARD OF SETTLEMENT OF ALL MATTERS RAISED.

(6) WITHIN 5 DAYS AFTER RECEIVING THE PROPOSED SETTLEMENT, THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION EACH SHALL NOTIFY THE MEDIATOR OF ITS INTENT TO:

(I) ACCEPT THE WRITTEN PROPOSED SETTLEMENT; OR

(II) DECLINE THE PROPOSED SETTLEMENT AND REQUEST ARBITRATION BEFORE THE BOARD.

(7) THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION SHALL SHARE THE COSTS OF THE MEDIATOR EQUALLY.

(8) IF EITHER PARTY DECLINES THE PROPOSED SETTLEMENT AND REQUESTS ARBITRATION, THE BOARD SHALL, WITHIN 5 CALENDAR DAYS, SET A DATE FOR AN ARBITRATION HEARING BEFORE THE BOARD.

(9) THE BOARD SHALL:

(I) OPEN THE ARBITRATION RECORD WITHIN 20 DAYS AFTER RECEIVING EITHER PARTY'S DECISION TO DECLINE THE MEDIATOR'S PROPOSAL;

(II) CONVENE A HEARING;

(III) HEAR TESTIMONY FROM AND RECEIVE SUPPORTING WRITTEN EVIDENCE, AS PROVIDED IN AN ORDER OF THE BOARD, FROM THE PUBLIC SCHOOL EMPLOYER, THE EMPLOYEE ORGANIZATION, AND THE MEDIATOR;

(IV) ADMINISTER OATHS TO WITNESSES DEEMED RELEVANT AND CALLED BY THE BOARD;

(V) ISSUE SUBPOENAS TO COMPEL THE PRODUCTION OF RELEVANT AND NONPRIVILEGED DOCUMENTS AND OTHER TANGIBLE EVIDENCE THAT WOULD ALSO BE SUBJECT TO PRODUCTION BEFORE A HEARING OR AT A HEARING UNDER TITLE 10, SUBTITLE 6, PART III OF THE STATE GOVERNMENT ARTICLE;

(VI) DECIDE WHETHER TO HEAR EVIDENCE OFFERED THROUGH AN ATTORNEY; AND

(VII) RECEIVE AND CONSIDER ALL EVIDENCE CONSIDERED RELEVANT BY THE BOARD, INCLUDING:

1. THE WAGES, HOURS, WORKING CONDITIONS, OR OTHER TERMS AND CONDITIONS OF EMPLOYMENT OF SIMILAR PUBLIC EMPLOYEES IN COMPARABLE SURROUNDING JURISDICTIONS AND COMPARABLE JURISDICTIONS OUTSIDE OF THE STATE; AND

2. THE ABILITY OF THE PUBLIC SCHOOL EMPLOYER AND THE COUNTY SERVED BY THE PUBLIC SCHOOL EMPLOYER TO PAY FROM THE COUNTY'S GENERAL FUND THE COSTS OF THE FINAL OFFERS PROPOSED AND OTHER PERSONNEL COSTS.

(10) THE BOARD SHALL CONCLUDE THE HEARING BY ISSUING A WRITTEN ORDER WITHIN 20 DAYS AFTER THE ARBITRATION RECORD IS OPENED.

(11) THE BOARD SHALL ISSUE THE WRITTEN AWARD THAT SELECTS AND ADOPTS:

(I) THE COMPLETE FINAL OFFER OF THE PUBLIC SCHOOL EMPLOYER;

(II) THE COMPLETE FINAL OFFER OF THE EMPLOYEE ORGANIZATION; OR

(III) THE MEDIATOR'S COMPLETE OFFER OF SETTLEMENT.

(12) THE BOARD'S WRITTEN AWARD IS FINAL AND BINDING ON THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION.

(13) THE PUBLIC SCHOOL EMPLOYER AND THE EMPLOYEE ORGANIZATION SHALL SHARE THE COSTS OF THE HEARING EQUALLY.

(14) ANY NEGOTIATED PROVISION OR DECISION OF THE BOARD";

and in line 21, strike the bracket.

On pages 16 through 22, strike in their entirety the lines beginning with line 22 on page 16 through line 24 on page 22, inclusive, and substitute:

"6–511.

If the fiscal authority does not approve enough funds to implement the negotiated agreement, the public school employer shall renegotiate the funds allocated for these purposes by the fiscal authority with the employee organization before the public school employer makes a final determination in accordance with the timetable and procedure established by the **[**State**]** Board.

SUBTITLE 8. PUBLIC SCHOOL LABOR RELATIONS BOARD.

6–801.

IN THIS SUBTITLE, "BOARD" MEANS THE PUBLIC SCHOOL LABOR RELATIONS BOARD ESTABLISHED UNDER § 6–802 OF THIS SUBTITLE.

6–802.

THERE IS A PUBLIC SCHOOL LABOR RELATIONS BOARD ESTABLISHED AS AN INDEPENDENT UNIT OF STATE GOVERNMENT.

6–803.

(A) THE BOARD SHALL CONSIST OF THE FOLLOWING FIVE MEMBERS APPOINTED BY THE GOVERNOR, WITH THE ADVICE AND CONSENT OF THE SENATE:

(1) ONE MEMBER WHO:

(I) REPRESENTS THE PUBLIC;

(II) HAS EXPERIENCE IN LABOR RELATIONS;

(III) IS NOT AN OFFICER OR EMPLOYEE OF A BOARD OF EDUCATION OR EMPLOYEE ORGANIZATION REPRESENTING PUBLIC SCHOOL SYSTEM EMPLOYEES;

(IV) IS NOT AN ELECTED OFFICIAL OF THE STATE, A COUNTY, OR AN EMPLOYEE ORGANIZATION REPRESENTING PUBLIC SCHOOL EMPLOYEES; AND

(V) IS KNOWN FOR OBJECTIVE AND INDEPENDENT JUDGMENT;

(2) TWO MEMBERS CHOSEN FROM A LIST OF CANDIDATES SUBMITTED BY EACH DESIGNATED EXCLUSIVE REPRESENTATIVE

ORGANIZATION REPRESENTING CERTIFICATED AND NONCERTIFICATED EMPLOYEES, UNDER SUBTITLES 4 AND 5 OF THIS TITLE, WHO:

(I) ARE NOT EMPLOYEES OF THE STATE OR A PUBLIC SCHOOL EMPLOYEE ORGANIZATION; AND

(II) ARE KNOWN FOR OBJECTIVE AND INDEPENDENT JUDGMENT; AND

(3) TWO MEMBERS OF THE EDUCATION OR BUSINESS COMMUNITY, CHOSEN FROM A LIST OF CANDIDATES SUBMITTED BY THE MARYLAND ASSOCIATION OF BOARDS OF EDUCATION AND THE STATE SUPERINTENDENTS ASSOCIATION OF MARYLAND, WHO:

(I) ARE NOT OFFICERS OR EMPLOYEES OF THE STATE OR COUNTY OR STATE BOARDS OF EDUCATION AND ARE NOT OFFICERS OR EMPLOYEES OF EMPLOYEE ORGANIZATIONS REPRESENTING EMPLOYEES OF PUBLIC SCHOOL SYSTEMS IN MARYLAND; AND

(II) ARE KNOWN FOR OBJECTIVE AND INDEPENDENT JUDGMENT.

(B) BEFORE TAKING OFFICE EACH MEMBER SHALL TAKE THE OATH REQUIRED BY ARTICLE I, SECTION 9 OF THE MARYLAND CONSTITUTION.

(C) THE PUBLIC SCHOOL LABOR RELATIONS BOARD SHALL ELECT A CHAIR FROM AMONG ITS MEMBERS.

(D) (1) THE TERM OF A MEMBER IS 5 YEARS.

(2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE TERMS PROVIDED FOR MEMBERS OF THE BOARD ON JULY 1, 2009.

(3) AT THE END OF A TERM A MEMBER CONTINUES TO SERVE UNTIL A SUCCESSOR IS APPOINTED AND QUALIFIES.

(4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES ONLY FOR THE REMAINDER OF THAT TERM.

(E) THE GOVERNOR MAY REMOVE A MEMBER ONLY FOR INCOMPETENCE OR MISCONDUCT.

6–804.

A MEMBER OF THE BOARD SHALL BE ENTITLED TO:

(1) COMPENSATION IN ACCORDANCE WITH THE STATE BUDGET; AND

(2) REIMBURSEMENT FOR EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN THE STATE BUDGET.

6–805.

THE BOARD SHALL SHARE AN EXECUTIVE DIRECTOR WITH THE HIGHER EDUCATION LABOR RELATIONS BOARD AND THE STATE LABOR RELATIONS BOARD.

6–806.

(A) THE BOARD SHALL ADMINISTER AND ENFORCE THE PROVISIONS OF SUBTITLES 4 AND 5 OF THIS TITLE.

(B) THE BOARD MAY:

(1) ADOPT REGULATIONS, GUIDELINES, AND POLICIES TO CARRY OUT ITS RIGHTS AND RESPONSIBILITIES UNDER THIS TITLE; AND

(2) MAKE RECOMMENDATIONS FOR LEGISLATIVE ACTION REGARDING THE OPERATION OF THIS TITLE.

6–807.

(A) IN DECIDING MATTERS COVERED UNDER THE PROVISIONS OF SUBTITLES 4 AND 5 OF THIS TITLE, THE BOARD:

(1) MAY:

(I) CONDUCT HEARINGS;

(II) SUBPOENA WITNESSES AND DOCUMENTS;

(III) ADMINISTER OATHS;

(IV) TAKE THE TESTIMONY OR DEPOSITION OF A PERSON UNDER OATH; AND

(V) CONDUCT INVESTIGATIONS; AND

(2) SHALL DECIDE CONTROVERSIES AND DISPUTES.

(B) (1) IF A PERSON FAILS TO COMPLY WITH AN ORDER ISSUED BY THE BOARD, A MEMBER OF THE BOARD MAY PETITION THE CIRCUIT COURT TO ORDER THE PERSON TO COMPLY WITH THE BOARD'S ORDER.

(2) THE BOARD MAY NOT BE REQUIRED TO POST BOND IN AN ACTION UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(C) EACH HEARING AND DETERMINATION OF AN APPEAL OR COMPLAINT BY THE BOARD IS A CONTESTED CASE, SUBJECT TO THE PROVISIONS OF TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(D) A PRIOR ORDER, ACTION, OR OPINION ISSUED BY THE STATE BOARD BEFORE THE ENACTMENT OF THIS SECTION MAY BE CONSIDERED AS PRECEDENT IN MATTERS ARISING AFTER THE ENACTMENT OF THIS SECTION, BUT IT IS NOT BINDING ON THE BOARD.

Article – State Personnel and Pensions

3–204.

(a) (1) The State Labor Relations Board**, THE PUBLIC SCHOOL LABOR RELATIONS BOARD,** and the State Higher Education Labor Relations Board jointly shall appoint an executive director of the boards.

(2) The Executive Director:

(i) is responsible to and serves at the pleasure of the boards; and

(ii) is entitled to the salary provided in the State budget.

(b) The Executive Director shall perform the duties that the boards assign, including:

(1) operating the office of the boards; and

(2) keeping the official records of the boards.

(c) The Executive Director may hire any staff necessary to carry out the provisions of this subtitle.

(d) (1) With approval of the boards, the Executive Director may employ professional consultants.

(2) Each professional consultant serves at the pleasure of the Executive Director.

SECTION 2. AND BE IT FURTHER ENACTED, That the terms of the members of the Public School Labor Relations Board shall expire as follows:

(a) one member in 2011;

(b) two members in 2012; and

(c) two members in 2013.

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 negotiations requested or entered into before the effective date of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That nothing in this Act may be construed to prevent a party from appealing a final decision of the Public School Labor Relations Board to a circuit court.

SECTION 5. AND BE IT FURTHER ENACTED, That, on or before July 1, 2013, the Public School Labor Relations Board shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the implementation of this Act.".

On page 22, in line 25, strike "2." and substitute "6."; and in line 26, strike "October 1, 2009" and substitute "July 1, 2009. It shall remain effective for a period of 5 years and, at the end of June 30, 2014, 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.

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

The motion was adopted.

House Bill 644 – Delegates Manno, Davis, Braveboy, McHale, Ali, Barnes, Benson, Burns, Feldman, Frush, Gaines, Glenn, Gutierrez, Guzzone, Harrison, Haynes, Holmes, Howard, Hubbard, Hucker, Ivey, Kirk, Levi, Levy, Mizeur, Niemann, Pena–Melnyk, Proctor, Ramirez, Rice, Ross, Schuler, Taylor, V. Turner, Valderrama, and Vaughn

AN ACT concerning

Procurement – Apprenticeship Training Programs

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

HB0644/637077/2

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 644
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "circumstances;" insert "requiring organizations that have registered apprenticeship programs and receive certain funds to certify to the Secretary that the funds are used solely for the purpose of improving or expanding apprenticeship training in the State; requiring the Secretary to adopt regulations that establish a process for auditing organizations that have registered apprenticeship programs to ensure that certain funds received are used solely to improve and expand apprenticeship programs in the State;".

AMENDMENT NO. 2

On page 4, in line 2, after "**PROGRAM**" insert "**FOR EACH COVERED CRAFT**"; in line 5, after "**PAYMENTS**" insert "**IN AMOUNTS DETERMINED UNDER § 17–605 OF THIS SUBTITLE**"; in line 7, after "**PROGRAMS**" insert "**FOR THE PURPOSE OF SUPPORTING THESE PROGRAMS**";

after line 11, insert:

"**(C) ORGANIZATIONS THAT HAVE REGISTERED APPRENTICESHIP PROGRAMS AND RECEIVE FUNDS FROM CONTRACTORS UNDER SUBSECTION (A)(3) OF THIS SECTION SHALL CERTIFY TO THE SECRETARY THAT ALL FUNDS RECEIVED ARE USED SOLELY FOR THE PURPOSE OF IMPROVING OR EXPANDING APPRENTICESHIP TRAINING IN THE STATE.**

(D) THE SECRETARY SHALL ADOPT REGULATIONS TO ESTABLISH A PROCESS FOR AUDITING ORGANIZATIONS THAT PROVIDE REGISTERED APPRENTICESHIP PROGRAMS TO ENSURE THAT ALL FUNDS RECEIVED UNDER SUBSECTION (A)(3) OF THIS SECTION ARE USED SOLELY TO IMPROVE AND EXPAND APPRENTICESHIP PROGRAMS IN THE STATE.";

in line 17, after "**PROGRAM**" insert "**FOR EACH COVERED CRAFT**"; in line 21, after "**PAYMENTS**" insert "**IN AMOUNTS DETERMINED UNDER § 17–605 OF THIS SUBTITLE**"; in line 23, after "**PROGRAMS**" insert "**FOR THE PURPOSE OF SUPPORTING THESE PROGRAMS**";

and after line 27, insert:

"**(C) ORGANIZATIONS THAT HAVE REGISTERED APPRENTICESHIP PROGRAMS AND RECEIVE FUNDS FROM CONTRACTORS UNDER SUBSECTION (A)(3) OF THIS SECTION SHALL CERTIFY TO THE SECRETARY THAT ALL FUNDS RECEIVED ARE USED SOLELY FOR THE PURPOSE OF IMPROVING OR EXPANDING APPRENTICESHIP TRAINING IN THE STATE.**

(D) THE SECRETARY SHALL ADOPT REGULATIONS TO ESTABLISH A PROCESS FOR AUDITING ORGANIZATIONS THAT PROVIDE REGISTERED APPRENTICESHIP PROGRAMS TO ENSURE THAT ALL FUNDS RECEIVED UNDER SUBSECTION (A)(3) OF THIS SECTION ARE USED SOLELY TO IMPROVE AND EXPAND APPRENTICESHIP PROGRAMS IN THE STATE.".

On page 5, in line 29, after "**FUND**" insert "**, REGISTERED APPRENTICESHIP PROGRAM, OR AN ORGANIZATION THAT HAS REGISTERED APPRENTICESHIP PROGRAMS**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 1394 – Chair, Ways and Means Committee (By Request – Departmental – Elections, State Board of)

AN ACT concerning

Election Law – Employment and Compensation of Election Judges

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

HB1394/674736/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 1394
(Third Reading File Bill)

On page 1, in line 2, strike "and Compensation".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB1394/373325/2

BY: Senator Kittleman

AMENDMENTS TO HOUSE BILL 1394
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "repealing" in line 9 down through "basis;" in line 11.

AMENDMENT NO. 2

On page 3, in lines 7, 10, 13, and 25, in each instance, strike the bracket; strike beginning with "**EXCEPT**" in line 10 down through "**AFFILIATION**" in line 12; in line 25, after "party" insert a period; and in the same line, before "**EACH**" insert:

"**(3)**".

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

Affirmative – 19 Negative – 26 (See Roll Call No. 1186)

Read the second time and ordered prepared for Third Reading.

House Bill 420 – Delegates Love, Beidle, V. Clagett, Costa~~, George~~, and Sophocleus

AN ACT concerning

Environment – Limitation of Actions – Political Subdivisions

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.

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #38
CONSENT CALENDAR #20

BILL NO.	SPONSOR	CONTENT	COMMITTEE
HB 148	Calvert County Del.	Calvert County – Reimbursement of Costs – Authority	EHE
HB 216	Calvert County Del.	Calvert County – Animal Control – Fines and Licenses	EHE
HB 348	Anne Arundel Co. Del.	Anne Arundel County – Board of Education – Student Member Scholarship	EHE
HB 520	Calvert County Del.	Calvert County – Length of Service Award Program – Burial Benefits and Rescue Dive Team	EHE
HB 1559	St. Mary's County Del.	Task Force to Study the Governance and Structure of the St. Mary's County Metropolitan Commission	EHE

All of the above listed bills on the Third Reading Consent Calendar No. 20 were read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 1 (See Roll Call No. 1187)

The Bills were then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #39

House Bill 96 – Delegate Stifler

AN ACT concerning

Public Safety – Offender Registry – Frequency of Photograph

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1188)

The Bill was then sent to the House of Delegates.

House Bill 822 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Railroad Grade Crossings – Automated Enforcement Systems
MC 907–09

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

Affirmative – 37 Negative – 7 (See Roll Call No. 1189)

The Bill was then sent to the House of Delegates.

House Bill 933 – ~~Delegates Levi and Holmes~~ Prince George's County Delegation

AN ACT concerning

Prince George's County – Roadside Solicitation of Money or Donations – Permit Program
PG 419–09

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

Affirmative – 42 Negative – 1 (See Roll Call No. 1190)

The Bill was then sent to the House of Delegates.

House Bill 941 – Cecil County Delegation

AN ACT concerning

Cecil County – Tobacco Products – Distribution to Minors

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1191)

The Bill was then sent to the House of Delegates.

House Bill 1045 – Cecil County Delegation

AN ACT concerning

Cecil County – Regulation of Domestic Animals

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

Affirmative – 44 Negative – 3 (See Roll Call No. 1192)

The Bill was then sent to the House of Delegates.

House Bill 1144 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

~~Maryland-Washington Regional District – Highways – Pedestrian and Bicycle Traffic and Facilities~~ Bicycle and Pedestrian Advisory Committee – Membership
MC/PG 115–09

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1193)

The Bill was then sent to the House of Delegates.

House Bill 1273 – Delegates Valderrama, Anderson, Barnes, Carter, Conaway, Dumais, Gutierrez, Kramer, Lee, Ramirez, Rosenberg, Schuler, and Vallario

AN ACT concerning

~~Criminal Law – Limited Immunity – Seeking Medical Assistance for Alcohol or Drug-Related Overdose~~

Criminal Procedure – Medical Emergency After Alcohol or Drug Ingestion – Mitigating Factor

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1194)

The Bill was then sent to the House of Delegates.

House Bill 1297 – Delegates Taylor, Braveboy, Carter, Glenn, Hucker, Ivey, Levi, Ramirez, Rice, V. Turner, and Vaughn

AN ACT concerning

Procurement – Minority Business Enterprises – Prime Contractors

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1195)

The Bill was then sent to the House of Delegates.

House Bill 1347 – Delegate Anderson

AN ACT concerning

Criminal Procedure – Drug or Alcohol Abuse – Court–Ordered Evaluation and Treatment of Defendant

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1196)

The Bill was then sent to the House of Delegates.

House Bill 1414 – Chair, Environmental Matters Committee (By Request – Departmental – Housing and Community Development)

AN ACT concerning

Community Legacy Program – Neighborhood Intervention Project Applications and Financial Assistance Fund

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1197)

The Bill was then sent to the House of Delegates.

House Bill 1521 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Department of Transportation – Prospective and Current Employees – Criminal History Records Checks

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1198)

The Bill was then sent to the House of Delegates.

House Bill 1567 – ~~Delegate Hecht~~ Delegates Hecht, Barkley, Braveboy, Burns, Feldman, Haddaway, Harrison, Impallaria, Jameson, King, Kirk, Krysiak, Love, Manno, Mathias, McHale, Minnick, Rudolph, Stifler, Taylor, Vaughn, and Walkup

AN ACT concerning

Clean Energy Loan Programs

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

The motion was rejected.

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

Affirmative – 45 Negative – 2 (See Roll Call No. 1199)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #40

House Bill 189 – Delegates Morhaim, Cardin, ~~and Hubbard~~ Hubbard, Tarrant, Reznik, Pendergrass, Nathan–Pulliam, Pena–Melnyk, Montgomery, Kipke, and V. Turner

EMERGENCY BILL

AN ACT concerning

Respiratory Illness Prevention Act

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1200)

The Bill was then sent to the House of Delegates.

House Bill 439 – Delegate Hucker

AN ACT concerning

Advisory Committee on the Naming of State Facilities, Roads, and Bridges – Repeal

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1201)

The Bill was then sent to the House of Delegates.

House Bill 1263 – Delegates Hucker, O'Donnell, ~~and Shewell~~ Shewell, and Manno

AN ACT concerning

Mercury Switch Removal from Vehicles

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

Affirmative – 44 Negative – 3 (See Roll Call No. 1202)

The Bill was then sent to the House of Delegates.

House Bill 1355 – Delegates Lafferty and Morhaim

AN ACT concerning

Natural Resources – Tidal Fish Licenses and Authorizations – Enforcement

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1203)

The Bill was then sent to the House of Delegates.

House Bill 1363 – Delegates Murphy ~~and Kipke~~, Kipke, Bartlett, Barve, Boteler, Cardin, Doory, Elmore, Frick, George, Gilchrist, Hixson, Howard, Ivey, Kaiser, Myers, Olszewski, Rice, Ross, Shank, Stukes, F. Turner, and Walker

AN ACT concerning

County Boards of Education – Procurement of Green Product Cleaning Supplies

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1204)

The Bill was then sent to the House of Delegates.

House Bill 1395 – Chair, Ways and Means Committee (By Request – Departmental – Elections, State Board of)

AN ACT concerning

Campaign Finance – Reports and Affidavits – Failure to File

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1205)

The Bill was then sent to the House of Delegates.

House Bill 1413 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

State Board of Veterinary Medical Examiners – Veterinary Education – Continuing Education Requirements

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1206)

The Bill was then sent to the House of Delegates.

House Bill 1435 – Chair, Appropriations Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Higher Education – Enforcement Powers of Maryland Higher Education Commission and Secretary of Higher Education

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1207)

The Bill was then sent to the House of Delegates.

House Bill 1452 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Waiver of Examination Requirements – BRAC – Stationary Engineers, Plumbers, Gas Fitters, and Heating, Ventilation, Air–Conditioning, and Refrigeration Contractors

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1208)

The Bill was then sent to the House of Delegates.

House Bill 1454 – ~~Delegate Stukes~~ Delegates Stukes, Kirk, and Haynes

AN ACT concerning

Baltimore City – 44th Legislative District Alcoholic Beverages – Beer, Wine, and Liquor Tasting License

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1209)

The Bill was then sent to the House of Delegates.

House Bill 1468 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Public Health Surveillance – Confidentiality

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1210)

The Bill was then sent to the House of Delegates.

House Bill 1554 – Delegate Vaughn, Chair, Economic Matters Committee (By Request – Departmental – Housing and Community Development), and Delegates Barkley, Braveboy, Burns, Feldman, Haddaway, Harrison, Hecht, Impallaria, Jameson, King, Kirk, Krysiak, Love, Manno, Mathias, McHale, Miller, Minnick, Rudolph, Stifler, Taylor, and Walkup

AN ACT concerning

Linked Deposit Program – Loans to Minority Business Enterprises

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1211)

The Bill was then sent to the House of Delegates.

House Bill 1556 – Chair, Economic Matters Committee and Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Environment – Coal Combustion By–Products – Fees

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

Affirmative – 46 Negative – 1 (See Roll Call No. 1212)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (HOUSE BILLS) #41

House Bill 26 – Delegate Kullen

AN ACT concerning

Public Schools – Children with Anaphylactic Allergies – Reduction of Risk

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

Affirmative – 46 Negative – 1 (See Roll Call No. 1213)

The Bill was then sent to the House of Delegates.

House Bill 315 – Delegate Barve and the Speaker (By Request – Administration) and Delegates Ali, Barkley, Barnes, Beidle, Benson, Bobo, Branch, Bronrott, Cane, Cardin, Carr, V. Clagett, Feldman, Frick, Frush, Gaines, Gilchrist, Gutierrez, Guzzone, Healey, Hecht, Holmes, Howard, Hubbard, Hucker, Ivey, Kaiser, Kramer, Lafferty, Lee, Levi, Levy, Malone, Manno, McIntosh, Mizeur, Montgomery, Morhaim, Niemann, Pena–Melnyk, Pendergrass, Ramirez, Reznik, Rosenberg, Ross, Schuler, Stein, Stukes, Taylor, F. Turner, V. Turner, Valderrama, Vaughn, ~~and Waldstreicher~~ Waldstreicher, Braveboy, Burns, Davis, Glenn, Harrison, Jameson, Kirk, Love, Mathias, McHale, and Rudolph

AN ACT concerning

Greenhouse Gas Emissions Reduction Act of 2009

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

Affirmative – 41 Negative – 6 (See Roll Call No. 1214)

The Bill was then sent to the House of Delegates.

House Bill 541 – Delegates Bronrott, Morhaim, Conway, Hammen, Proctor, Ali, Aumann, Barve, Beitzel, Bobo, Branch, Bromwell, Cardin, Carr, G. Clagett, V. Clagett, Donoghue, Doory, Dumais, Eckardt, Elmore, Feldman, Frank, Frick, Gaines, Gilchrist, Griffith, Gutierrez, Guzzone, Healey, Hecht, Heller, Hixson, Howard, Hubbard, Hucker, Ivey, Jones, Kaiser, Kipke, Kullen, Lafferty, Lee, Levy, Manno, McHale, McIntosh, Mizeur, Montgomery, Pena–Melnyk, Reznik, Rice, Schuh, Schuler, Shewell, Simmons, Sophocleus, Sossi, Stein, F. Turner, V. Turner, Waldstreicher, Walker, and Weldon

AN ACT concerning

High Performance Buildings Act – Applicable to Community College Capital Projects

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1215)

The Bill was then sent to the House of Delegates.

House Bill 598 – Chair, Appropriations Committee (By Request – Departmental – University System of Maryland)

AN ACT concerning

Academic Facilities Bonding Authority

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1216)

The Bill was then sent to the House of Delegates.

House Bill 783 – Delegates James, Bohanan, and Gaines

AN ACT concerning

Transfer Tax – Program Open Space Bonds – Land and Easement Acquisition

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1217)

The Bill was then sent to the House of Delegates.

House Bill 1136 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

Montgomery County – Washington Suburban Sanitary Commission – Financial Oversight Act
MC/PG 101–09

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1218)

The Bill was then sent to the House of Delegates.

House Bill 1192 – Delegates Conway, Aumann, Bohanan, Branch, G. Clagett, DeBoy, Gaines, Griffith, Haynes, James, Jones, Levy, Malone, Mathias, McIntosh, O'Donnell, Proctor, Robinson, Rudolph, Shank, and Wood

AN ACT concerning

State Funding Accountability Act

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1219)

The Bill was then sent to the House of Delegates.

House Bill 1382 – Chair, Judiciary Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Juvenile Law – Juvenile Records – Disclosure

FLOOR AMENDMENT

HB1382/483428/1

BY: Senator Kelley

AMENDMENTS TO HOUSE BILL 1382, AS AMENDED
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Judicial Proceedings Committee Amendments (HB1382/678173/1), strike in their entirety Amendments No. 1 and 2.

AMENDMENT NO. 2

On page 1 of the bill, strike beginning with "a" in line 3 down through "circumstances;" in line 7, and substitute "authorizing the Department of Juvenile Services to provide access to and the confidential use of a certain treatment plan of a child by an agency in the District of Columbia or a state agency in Virginia under certain circumstances; providing that a certain shared record may only provide certain information; providing that the Department of Juvenile Services is liable for an unauthorized release of a certain court record; requiring the Department of Juvenile Services to adopt certain regulations; establishing that certain provisions do not prohibit access to certain court records by the Department of Human Resources under certain circumstances; providing that the Department of Human Resources shall be liable for the unauthorized release of certain information;".

AMENDMENT NO. 3

On page 2 of the bill, in line 9, strike the colon; and strike in their entirety lines 10 through 20, inclusive, and substitute:

"the Department of Juvenile Services or in an investigation and prosecution by a law enforcement agency.".

AMENDMENT NO. 4

On page 2 of the bill, after line 27, insert:

"**(4) (I) THE DEPARTMENT OF JUVENILE SERVICES MAY PROVIDE ACCESS TO AND THE CONFIDENTIAL USE OF A TREATMENT PLAN OF A CHILD DESCRIBED UNDER TITLE 10, SUBTITLE 2 OF THE CRIMINAL PROCEDURE ARTICLE BY AN AGENCY IN THE DISTRICT OF COLUMBIA OR A STATE AGENCY IN VIRGINIA, IF THE AGENCY:**

1. PERFORMS THE SAME FUNCTIONS IN THE JURISDICTION OF THE AGENCY AS DESCRIBED IN § 9–216(A) OF THE HUMAN SERVICES ARTICLE; AND

2. HAS A RECIPROCAL AGREEMENT WITH THE STATE THAT PROVIDES THAT THE SPECIFIC INFORMATION TO BE SHARED BY THE STATE IS THE SAME TYPE OF INFORMATION THAT WILL BE SHARED BY THE AGENCY; AND

3. HAS CUSTODY OF THE CHILD.

(II) A RECORD THAT IS SHARED UNDER THIS PARAGRAPH MAY ONLY PROVIDE INFORMATION THAT IS RELEVANT TO THE SUPERVISION, CARE, AND TREATMENT OF THE CHILD.

(III) THE DEPARTMENT OF JUVENILE SERVICES SHALL BE LIABLE FOR AN UNAUTHORIZED RELEASE OF A COURT RECORD UNDER THIS PARAGRAPH.

(IV) THE DEPARTMENT OF JUVENILE SERVICES SHALL ADOPT REGULATIONS TO IMPLEMENT THIS PARAGRAPH.";

and in line 28, strike "(4)" and substitute "**(5)**".

AMENDMENT NO. 5

On page 3 of the bill, in line 9, strike "(5)" and substitute "**(6)**".

On page 2 of the Judicial Proceedings Committee Amendments, in line 1 of Amendment No. 3, strike "**(6)**" and substitute "**(7)**".

The preceding 5 amendments were read and adopted.

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1220)

The Bill was then sent to the House of Delegates.

House Bill 1383 – Delegates Gaines, Healey, and Ross

AN ACT concerning

Town of University Park Employees – Participation in the Employees' Pension System

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1221)

The Bill was then sent to the House of Delegates.

House Bill 1385 – Chair, Judiciary Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Juvenile Services – Employee Criminal History Record Information – Disclosure of New Information

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1222)

The Bill was then sent to the House of Delegates.

House Bill 1411 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Department of Labor, Licensing, and Regulation – Maryland Real Estate Commission – Continuing Education

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

The motion was adopted.

House Bill 1465 – Chair, Appropriations Committee (By Request – Departmental – Military)

AN ACT concerning

Maryland National Guard Tuition Assistance Program

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1223)

The Bill was then sent to the House of Delegates.

House Bill 1469 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

EMERGENCY BILL

AN ACT concerning

State Board of Nursing – Discipline – Hearing Committee

FLOOR AMENDMENT

HB1469/653026/1

BY: Senator Kasemeyer

AMENDMENTS TO HOUSE BILL 1469
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after "measure;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 4, in line 20, after "enacted." insert "It shall remain effective for a period of 2 years from the date it is enacted and, at the end of the 2–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 adopted.

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

Affirmative – 46 Negative – 1 (See Roll Call No. 1224)

The Bill was then sent to the House of Delegates.

CONCURRENCE CALENDAR #24

AMENDED IN THE HOUSE

Senate Bill 686 – Senators Robey, Forehand, Frosh, Garagiola, Harrington, King, Klausmeier, Kramer, Lenett, Madaleno, Peters, Raskin, ~~and Rosapepe~~ Rosapepe, DeGrange, Greenip, Jones, and Stoltzfus

AN ACT concerning

High Performance Buildings Act – ~~Applicable~~ Modifications and Applicability to Community College Capital Projects

Senator Currie moved that the Senate not concur in the House amendments.

SB0686/474269/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 686
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Modifications" in line 2 down through "Applicability" in line 3 and substitute "Applicable"; strike beginning with "altering" in line 4 down through "projects;" in line 5; in line 7, strike "altering a certain waiver process;" and substitute "authorizing a community college to apply for a waiver from certain high performance building requirements under a certain waiver process established by the Department of Budget and Management and the Department of General Services;"; strike beginning with "altering" in line 9 down through "meet" in

line 11 and substitute "making a technical correction"; and in line 12, after "buildings" insert "at community colleges".

AMENDMENT NO. 2

On page 2, in line 3, after "that" insert ":

(i) meets or exceeds the current version of the U.S. Green Building Council's LEED (Leadership in Energy and Environmental Design) Green Building Rating System Silver rating; or

(ii) achieves at least a comparable";

strike beginning with "**MEETS**" in line 7 down through "**CERTAIN**" in line 8; in line 10, strike "**AS**"; in line 19, after "meet" insert "the"; and strike beginning with "**THAT**" in line 21 down through "**COUNCIL.**" in line 22 and substitute "established under the "High **[**Efficiency**]** **PERFORMANCE** Green Building Program" adopted by the Maryland Green Building Council.".

On page 3, strike beginning with "**LOCAL**" in line 11 down through "**SECTION**" in line 12 and substitute "**COMMUNITY COLLEGE**".

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0686**
SPONSOR: Sen Robey, et al
SUBJECT: High Performance Bldgs Act – Modifs and Applicability to Community College Capital Projs

The Senate refuses to concur in the House amendments and respectfully requests the House recede from its position.

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints:

Senator Robey, Chairman
Senator Jones

Senator Stoltzfus.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

CONCURRENCE CALENDAR #25

AMENDED IN THE HOUSE

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

Senator Currie moved that the Senate concur in the House amendments.

SB0556/314666/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 556
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "grantees that receive" and substitute "grantors that provide"; in line 5, strike "Information Technology" and substitute "Budget and Management"; strike beginning with "requiring" in line 5 down through "date;" in line 8; in line 9, after "Department" insert "of Information Technology"; and in line 16, after "reporting" insert "of certain grantors".

AMENDMENT NO. 2

On page 2, in line 15, strike "**INFORMATION TECHNOLOGY**" and substitute "**BUDGET AND MANAGEMENT**"; in line 20, after "**(4)**" insert "**"GRANTOR" MEANS A UNIT OF STATE GOVERNMENT OR OTHER STATE ENTITY THAT PROVIDES STATE AID TO A GRANTEE.**

(5)";

in line 26, strike "**GRANTEE**" and substitute "**GRANTOR**"; in line 28, strike "**GRANTEE RECEIVES**" and substitute "**GRANTOR PROVIDED**"; and in line 29, after "**AID**" insert "**TO A GRANTEE**".

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 31 on page 2 through line 29 on page 3, inclusive, and substitute:

"**1. THE NAME, ADDRESS, AND ZIP CODE OF EACH GRANTEE THAT RECEIVED STATE AID FROM THE GRANTOR DURING THE PREVIOUS FISCAL YEAR;**

2. THE AMOUNT OF ANY STATE AID PROVIDED TO THE GRANTEE; AND

3. A DESCRIPTION OF THE STATE AID PROVIDED TO THE GRANTEE.";

in line 30, strike "**(3)**" and substitute "**(2)**"; and strike beginning with "**BUDGET**" in line 32 down through "**AND MANAGEMENT**" in line 33 and substitute "**INFORMATION TECHNOLOGY**".

AMENDMENT NO. 4

On page 4, in line 1, after "**DEPARTMENT**" insert "**OF INFORMATION TECHNOLOGY**"; strike beginning with "**CONTAIN**" in line 5 down through "**AID**" in line 8 and substitute "**CONTAIN:**

(I) THE NAME OF THE GRANTOR THAT PROVIDED THE STATE AID;

(II) THE NAME OF THE GRANTEE THAT RECEIVED THE STATE AID;

(III) THE AMOUNT OF THE STATE AID THAT WAS PROVIDED TO THE GRANTEE;

(IV) THE ZIP CODE OF THE GRANTEE THAT RECEIVED THE STATE AID; AND

(V) A DESCRIPTION OF THE STATE AID THAT WAS PROVIDED TO THE GRANTEE.

(3) THE SEARCHABLE WEBSITE SHALL ALLOW A USER TO SEARCH BY THE FOLLOWING DATA FIELDS:

(I) THE GRANTEE THAT RECEIVED THE STATE AID;

(II) THE GRANTOR THAT PROVIDED THE STATE AID; AND

(III) THE ZIP CODE OF ANY GRANTEE THAT RECEIVED STATE AID".

The preceding 4 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1225)

AMENDED IN THE HOUSE

Senate Bill 821 – Harford County Senators

AN ACT concerning

Harford County – Property Tax Exemption – Continuing Care Facility for Aged

Senator Currie moved that the Senate concur in the House amendments.

SB0821/455867/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 821
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Exemption" and substitute "Credit"; in the same line, after "for" insert "the"; strike beginning with "exempting" in line 4 down through "tax" in line 7 and substitute "authorizing the governing body of Harford County or of a municipal corporation in Harford County to grant, by law, a credit against the county or municipal corporation property tax imposed on certain property owned by certain continuing care facilities for the aged"; in line 7, after "to" insert "a"; in line 8, strike "exemptions" and substitute "credit"; in line 12, strike "7–402" and substitute "9–314(d)"; and in line 19, strike "**7–402.**" and substitute "9–314.".

AMENDMENT NO. 2

On page 2, in line 1, strike "**(A)**" and substitute "**(D)(1)**"; in the same line, strike "**SECTION**" and substitute "**SUBSECTION**"; in lines 3, 5, 7, and 8, strike "**(1)**", "**(2)**", "**(3)**", and "**(4)**", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", and "**(IV)**", respectively; in line 7, after the semicolon insert "**AND**"; strike beginning with "**; AND**" in line 11 down through "**COUNTY**" in line 12; in line 13, strike "**(B)**" and substitute "**(2)**"; strike beginning with "**PROPERTY**" in line 13 down through "**THE**" in line 15 and substitute "**THE**"; in line 16, strike "**IF THE**" and substitute "**MAY GRANT, BY LAW, A TAX CREDIT AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON**"; in the same line, after "**PROPERTY**" insert "**THAT**"; and in lines 17 and 20, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively.

AMENDMENT NO. 3

On page 2, after line 20, insert:

"**(3) THE GOVERNING BODY OF HARFORD COUNTY OR OF A MUNICIPAL CORPORATION IN HARFORD COUNTY MAY PROVIDE, BY LAW, FOR:**

(I) THE AMOUNT AND DURATION OF THE TAX CREDIT UNDER THIS SUBSECTION;

(II) ADDITIONAL ELIGIBILITY CRITERIA FOR THE TAX CREDIT UNDER THIS SUBSECTION;

(III) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE TAX CREDIT; AND

(IV) ANY OTHER PROVISION NECESSARY TO CARRY OUT THE CREDIT UNDER THIS SUBSECTION.".

The preceding 3 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 1226)

AMENDED IN THE HOUSE

Senate Bill 761 – Senators Middleton, Klausmeier, Kramer, and Stoltzfus

AN ACT concerning

Department of Health and Mental Hygiene – ~~Federal Waiver – Waiver for Medicaid Coordinated Long–Term Care Program~~ Long–Term Care Supports and Services – Report

Senator Middleton moved that the Senate concur in the House amendment.

SB0761/976289/1

BY: Health and Government Operations Committee

AMENDMENT TO SENATE BILL 761
(Third Reading File Bill)

On page 2, in line 34, strike "and"; and in the same line, after "health" insert ", and disabilities in younger adults".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1227)

AMENDED IN THE HOUSE

Senate Bill 909 – The President (By Request – Administration) and Senators Kelley, Raskin, Currie, Forehand, Gladden, Harrington, King, Klausmeier, Lenett, Madaleno, McFadden, Muse, Peters, Pinsky, Rosapepe, and Stone

AN ACT concerning

Workplace Fraud Act of 2009

Senator Middleton moved that the Senate concur in the House amendments.

SB0909/713094/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 909
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 10, after "violations;" insert "requiring the court or an administrative unit to award restitution under certain circumstances; authorizing the court or an administrative unit to award other damages under certain circumstances;"; in line 16, after "employer" insert "under certain circumstances"; and in line 45, after "classify" insert "individuals as".

On page 3, strike beginning with "employee" in line 3 down through "contractor" in line 4 and substitute "individual as an employee"; in line 6, after "classify" insert "an individual as"; in the same line, strike "as an independent contractor"; and in line 9, after "classify" insert "an individual as".

AMENDMENT NO. 2

On page 15, in line 25, after "**CLASSIFY**" insert "**AS AN EMPLOYEE**".

On page 18, after line 17, insert:

"**(C)** **IF THE COURT OR AN ADMINISTRATIVE UNIT DETERMINES THAT AN INDIVIDUAL OR CLASS OF INDIVIDUALS IS ENTITLED TO RESTITUTION AS A RESULT OF THE EMPLOYER'S VIOLATION OF § 3–904 OF THIS SUBTITLE, THE COURT OR ADMINISTRATIVE UNIT:**

(1) **SHALL AWARD EACH INDIVIDUAL ANY RESTITUTION TO WHICH THE INDIVIDUAL MAY BE ENTITLED; AND**

(2) **MAY AWARD EACH INDIVIDUAL AN ADDITIONAL AMOUNT UP TO THREE TIMES THE AMOUNT OF SUCH RESTITUTION.**";

and in lines 18, 23, and 27, strike "**(C)**", "**(D)**", and "**(E)**", respectively, and substitute "**(D)**", "**(E)**", and "**(F)**", respectively.

On page 19, in line 4, strike "**(F)**" and substitute "**(G)**"; in line 8, strike "**IF**" and substitute "**UNLESS**"; strike beginning with "**KNOWINGLY**" in line 9 down through "**IMPOSED**" in line 10 and substitute "**DID NOT OR WITH THE EXERCISE OF REASONABLE DILIGENCE COULD NOT KNOW OF THE VIOLATION FOR WHICH THE PENALTY WAS IMPOSED**"; strike in their entirety lines 27 through 29, inclusive; and after line 29, insert:

"**(2)** **AN INDIVIDUAL MAY NOT BRING A CIVIL ACTION UNDER THIS SECTION IF A FINAL ORDER OF AN ADMINISTRATIVE UNIT OR OF A COURT HAS BEEN ISSUED UNDER § 3–906 OF THIS SUBTITLE.**".

AMENDMENT NO. 3

On page 27 in lines 24 and 27, on page 28 in line 23, and on page 31 in line 33, in each instance, strike "**EMPLOYEE AS AN INDEPENDENT CONTRACTOR**" and substitute "**INDIVIDUAL AS AN EMPLOYEE**".

On page 29, in line 4, strike "**OF**" and substitute "**AN INDIVIDUAL AS**".

On page 29 in lines 13 and 32, and on page 32 in lines 22 and 31, in each instance, after "**CLASSIFY**" insert "**AN INDIVIDUAL AS**".

On page 30, in lines 19 and 24, in each instance, strike "**EMPLOYEE AS AN INDEPENDENT CONTRACTOR**" and substitute "**INDIVIDUAL AS AN EMPLOYEE**".

On page 32, in lines 2 and 3, strike "**EMPLOYEE AS AN INDEPENDENT CONTRACTOR**" and substitute "**INDIVIDUAL AS AN EMPLOYEE,**"; and in lines 7 and 8, strike "**EMPLOYEE AS AN INDEPENDENT CONTRACTOR**" and substitute "**INDIVIDUAL AS AN EMPLOYEE**".

The preceding 3 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 33 Negative – 13 (See Roll Call No. 1228)

MESSAGE TO THE SENATE

BILL: **SB 0079**
SPONSOR: Chr FIN (Dept)
SUBJECT: Health Insurance – Reform

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Garagiola, Chair
Senator Kelley
Senator Pipkin

The House appoints:
Delegate Pendergrass, Chairman
Delegate Tarrant, and
Delegate Elliott.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0151**
SPONSOR: Sen Mooney, et al
SUBJECT: Hate Crimes – Prohibitions and Protected Classes – Homeless Persons and Groups

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Mooney, Chair
Senator Raskin
Senator Forehand

The House appoints:
Delegate Kramer, Chairman
Delegate Conaway, and
Delegate Lee.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0266**
SPONSOR: The Pres (Admin), et al
SUBJECT: Freedom of Association and Assembly Protection Act of 2009

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Raskin, Chair
Senator Forehand
Senator Mooney

The House appoints:
Delegate Dumais, Chairman
Delegate Valderrama, and
Delegate Frank.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0643**
SPONSOR: Sen Brochin, et al
SUBJECT: Estes – Disqualification of Persons Convicted of Unlawfully Obtaining Prop from Vulnerable Adlts

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Brochin, Chair
Senator Raskin
Senator Simonaire

The House appoints:
Delegate Carter, Chairman
Delegate Ramirez, and
Delegate Smigiel.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 850** SPONSOR: **Senator Muse**

SUBJECT: **Public Safety – Electronic Control Devices – Requirements**

THIRD READING CALENDAR HOUSE NO. **23** SENATE NO. **48**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

That the attached House Judiciary Committee Amendments (SB0850/722810/1) be adopted.

SB0850/722810/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 850
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike ", possessed, or used" and substitute "and activated"; in line 6, strike "the electronic control device meets"; in the same line, after "requirements" insert "are met"; in line 13, strike "and to establish certain standards"; and in line 15, strike "a certain term" and substitute "certain terms".

AMENDMENT NO. 2

On page 2, strike line 12 in its entirety and substitute:

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

(2) "CRIME OF VIOLENCE" HAS THE MEANING STATED IN § 14–101 OF THIS ARTICLE.

(3) "ELECTRONIC CONTROL DEVICE" MEANS A";

in line 20, after the semicolon, insert "**AND**"; in line 22, strike "**AS DEFINED IN § 14–101 OF THIS ARTICLE;**" and substitute "**OR A VIOLATION OF § 5–602, § 5–603, § 5–604, § 5–605, § 5–606, § 5–613, OR § 5–614 OF THIS ARTICLE.**"; strike in their entirety lines 23 through 29, inclusive; and strike beginning with the first comma in line 30 down through "**USED**" in line 31 and substitute "**AND ACTIVATED**".

On page 3, strike beginning with "**THE**" in line 1 down through "**AND**" in line 3 and substitute "**AN INSTRUCTIONAL MANUAL OR AUDIO OR AUDIOVISUAL INSTRUCTIONS ARE PROVIDED TO THE PURCHASER;**"; strike beginning with "**THE**" in line 4 down through "**FIND**" in line 5 and substitute "**THE MANUFACTURER MAINTAINS A RECORD OF**"; in line 6, after "**DEVICE**" insert "**; AND**

(3) THE MANUFACTURER OR SELLER HAS OBTAINED A STATE AND FEDERAL CRIMINAL HISTORY RECORDS CHECK OF THE ORIGINAL OWNER TO ENSURE COMPLIANCE WITH SUBSECTION (B)(2) OF THIS SECTION";

and in line 16, strike "**FELONY**" and substitute "**CRIME OF VIOLENCE**".

AMENDMENT NO. 3

On page 5, in line 18, after the semicolon insert "**AND**"; strike in their entirety lines 19 through 21, inclusive; and in line 22, strike "**(17)**" and substitute "**(16)**".

AMENDMENT NO. 4

On page 6, in line 5, after the comma insert "**AS DEFINED IN § 4–109 OF THE CRIMINAL LAW ARTICLE,**"; in the same line, strike "**POLICE**" and substitute "**CORRECTIONAL**"; and strike beginning with "**LAW**" in line 6 down through "**ARTICLE**" in line 8 and substitute "**CORRECTIONAL UNIT**".

Senate Members:	House Members:
Chair, **C. Anthony Muse**	Chair, **Samuel I. Rosenberg**
Jennie M. Forehand	**Tony McConkey**
Bryan W. Simonaire	**Ben Barnes**

Read in the Senate: Read in the House of Delegates:

Amendment Office Delivers Report to: ( ) Chief Clerk
(X) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 1229)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 14** SPONSOR: **Senator Astle**

SUBJECT: **Maryland Environmental Service – Energy Generation Projects**

THIRD READING CALENDAR HOUSE NO. **17** SENATE NO. **30**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

That the attached Economic Matters Committee Amendment (SB0014/673996/1) be adopted.

SB0014/673996/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 14
(Third Reading File Bill)

On page 3, in line 10, after "**RENEWABLE**" insert "**OR OTHER ENERGY**".

On page 6, in line 15, after "**RENEWABLE**" insert "**AND OTHER**".

On page 23, strike beginning with "**EACH**" in line 17 down through "**ACTIVITY.**" in line 20.

Senate Members:		House Members:	
Chair,	**Katherine Klausmeier**	Chair,	**David D. Rudolph**
	Barry Glassman		**Jeannie Haddaway**
	Nathaniel Exum		**James E. Malone, Jr.**

Read in the Senate: Read in the House of Delegates:

Amendment Office Delivers Report to: ( ) Chief Clerk
(X) Secretary, Senate

Conference Committee Report read only.

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

The motion was adopted.

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #42

House Bill 937 – Delegates F. Turner, Beitzel, Cane, DeBoy, Doory, Guzzone, Holmes, Jennings, Kirk, McDonough, McHale, Miller, Minnick, Pena–Melnyk, Pendergrass, Proctor, Rice, Serafini, ~~and Stukes~~ Stukes, Gilchrist, Howard, and Kaiser

AN ACT concerning

Higher Education – Student Financial Assistance – Retention of Unused Funds

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1230)

The Bill was then sent to the House of Delegates.

House Bill 948 – Delegates Kaiser, Gilchrist, Olszewski, Rice, Ross, Stukes, and Walker

AN ACT concerning

Higher Education – Part–Time Grant Program – Eligibility

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1231)

The Bill was then sent to the House of Delegates.

House Bill 1139 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

Washington Suburban Sanitary Commission – System Development Surcharge – Exemptions
MC/PG 104–09

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

Affirmative – 44 Negative – 0 (See Roll Call No. 1232)

The Bill was then sent to the House of Delegates.

House Bill 1396 – Chair, Ways and Means Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Higher Education – Student Financial Assistance – Dually Enrolled Students

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

Affirmative – 44 Negative – 0 (See Roll Call No. 1233)

The Bill was then sent to the House of Delegates.

House Bill 1403 – Chair, Appropriations Committee (By Request – Departmental – Higher Education Commission)

EMERGENCY BILL

AN ACT concerning

State Plan for Higher Education Quadrennial Review – Reporting Date

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1234)

The Bill was then sent to the House of Delegates.

House Bill 1404 – Chair, Appropriations Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Higher Education – Children of Fallen State or Local Public Safety Employees – Exemption from Nonresident Tuition

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1235)

The Bill was then sent to the House of Delegates.

House Bill 1440 – Delegates Burns and Rudolph

AN ACT concerning

State Board of Public Accountancy – Reinstatement Fee for Expired Firm Permits

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1236)

The Bill was then sent to the House of Delegates.

House Bill 1450 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

State Board of Cosmetologists – Executive Director

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1237)

The Bill was then sent to the House of Delegates.

House Bill 1473 – Chair, Health and Government Operations Committee (By Request – Departmental – Military)

AN ACT concerning

Military Department – Classification, Organization, and Authority

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1238)

The Bill was then sent to the House of Delegates.

House Bill 1532 – Chair, Economic Matters Committee (By Request – Departmental – State Police)

AN ACT concerning

State Fire Marshal – Fire Sprinkler Contractor – Licensing

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

Affirmative – 43 Negative – 2 (See Roll Call No. 1239)

The Bill was then sent to the House of Delegates.

House Bill 1561 – Chair, Health and Government Operations Committee (By Request – Departmental – Veterans Affairs)

AN ACT concerning

Maryland Veterans Trust Fund

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1240)

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 673 – Senators Raskin, Brochin, Dyson, Exum, Frosh, Garagiola, Glassman, Harrington, Jones, King, Madaleno, Muse, Peters, Pinsky, Pugh, Rosapepe, and Stone

AN ACT concerning

Fairness in Negotiations Act

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

Favorable report, as amended, adopted.

FLOOR AMENDMENT

SB0673/423025/1

BY: Senator Harris

AMENDMENT TO SENATE BILL 673
(First Reading File Bill)

On page 5, in line 21, after "**ASSIGNMENTS**" insert "**THAT COULD BE CONSIDERED PUNITIVE TO EMPLOYEES**".

The preceding amendment was read only.

Senator Kasemeyer moved, duly seconded, to limit the debate on **Senate Bill 673**.

PURSUANT TO THE PROVISIONS OF SENATE RULE 77(B), DEBATE ON **SENATE BILL 673** SHALL BE LIMITED TO 30 MINUTES IN THE AGGREGATE FOR CONSIDERATION OF SECOND READING AND THIRD READING AND FINAL PASSAGE, AND ON ALL SUBSEQUENT QUESTIONS, AMENDMENTS AND MOTIONS SO RELATED TO SUCH MOTIONS, READINGS AND OTHER ACTIONS. THE PRESIDENT SHALL ALLOCATE THE 30 MINUTES AGGREGATE TIME AMONG THOSE SENATORS DESIRING TO SPEAK THEREON, PROVIDED THAT NOT MORE THAN 15 MINUTES SHALL BE ALLOCATED FOR THE PROPONENTS AND NOT MORE THAN 15 MINUTES SHALL BE ALLOCATED FOR THE OPPONENTS OF SUCH SENATE BILL.

The motion was adopted by a roll call vote as follows:

Affirmative – 33 Negative – 12 (See Roll Call No. 1241)

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

Affirmative – 13 Negative – 34 (See Roll Call No. 1242)

Read the second time and ordered prepared for Third Reading.

CONCURRENCE CALENDAR #27

AMENDED IN THE HOUSE

Senate Bill 32 – Senators DeGrange and Astle

EMERGENCY BILL

AN ACT concerning

Junk Dealers and Scrap Metal Processors – Required Records

Senator Middleton moved that the Senate not concur in the House amendments.

SB0032/493091/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 32

(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, strike "EMERGENCY BILL".

On pages 1 and 2, strike beginning with "providing" in line 6 on page 1 down through "processors" in line 2 on page 2, and substitute "providing that this Act applies to certain automotive dismantlers and scrap metal processors; providing for the applicability of the record keeping requirements; providing for the form and content of the records; requiring that certain records be kept electronically; providing for the submission of certain records to certain law enforcement units under certain circumstances; authorizing certain law enforcement units to issue certain waivers under certain circumstances; requiring junk dealers and scrap metal processors who are residents of the State to keep the required records for a certain period of time; providing that the records shall be open to inspection by certain law enforcement personnel during certain hours; prohibiting junk dealers and scrap metal processors from purchasing junk or scrap metal unless the person seeking to sell the junk or scrap metal provides certain documentation; authorizing State or local law enforcement personnel to request information from certain records under certain circumstances; authorizing a State or local law enforcement agency to issue a certain hold notice under certain circumstances; authorizing certain law enforcement personnel to enforce this Act; establishing certain penalties; altering a certain definition; and generally relating to junk dealers and scrap metal processors";

in line 10, strike "and (f)"; and strike in their entirety lines 13 through 17, inclusive.

AMENDMENT NO. 2

On pages 2 through 11, strike in their entirety the lines beginning with line 21 on page 2 through line 23 on page 11, inclusive, and substitute:

"12–102.

(a) This title does not apply to a transaction that involves:

(1) merchandise acquired from an established manufacturer or dealer who holds a license under this title, other than a pawnbroker, if the dealer who acquires the merchandise keeps an invoice or other customary proof of origin for the merchandise;

(2) a metal acquired for use in dentistry by a dentist licensed to practice dentistry under Title 4 of the Health Occupations Article; **[**or**]**

(3) coins or numismatic items**; OR**

(4) THE PURCHASE OF JUNK OR SCRAP METAL THAT IS SUBJECT TO THE RECORD AND REPORTING REQUIREMENTS UNDER § 17–1011 OF THIS ARTICLE.

17–1001.

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

(e) "Junk" or "scrap metal" includes:

(1) **NONFERROUS** articles made wholly or **[**partly**] SUBSTANTIALLY** of:

(i) aluminum;

(ii) babbitt metal;

(iii) brass;

(iv) bronze;

(v) light copper;

(vi) heavy copper;

(vii) lead;

(viii) low carbon chrome;

(ix) low carbon manganese;

(x) molybdenum;

(xi) monel metal;

(xii) pewter;

(xiii) nickel;

(XIV) STAINLESS STEEL;

[(xiv)**]** **(XV)** tin;

[(xv)**]** **(XVI)** vanadium; **[**or**]**

[(xvi)**]** **(XVII)** zinc;

(XVIII) PLATINUM;

(XIX) GOLD;

(XX) RHODIUM; OR

(XXI) OTHER NONFERROUS METALS;

(2) **[**stoves**]** **STREET SIGNS**;

(3) **[**plumbing fixtures and supplies**]** **GUARD RAILS**;

(4) **[**electrical fixtures and wiring;

(5) gas fixtures and appliances;

(6) pipes;

(7) locks;

(8) used railroad equipment;

(9) used farm machinery; and**]** **HARD DRAWN COPPER ELECTRICAL CONDUCTORS, CABLES, OR WIRE;**

(5) ALUMINUM CONDUCTORS, CABLES, OR WIRES GREATER THAN THREE–QUARTERS OF 1 INCH IN DIAMETER, STRANDED OR SOLID;

(6) METAL BEER KEGS;

(7) MANHOLE COVERS;

(8) TREE GRATES;

(9) METAL LIGHT POLES;

(10) CATALYTIC CONVERTERS;

(11) CEMETERY URNS;

(12) GRAVE MARKERS; AND

[(10)**]** **(13)** any other similar used material **OWNER BY A PUBLIC UTILITY**.

17–1010.

[(a)**]** A nonresident junk dealer or nonresident scrap metal processor may not keep a fixed place of business in the State.

[(b) (1) Before transporting junk or scrap metal from the State, each nonresident junk dealer, nonresident scrap metal processor, or agent of a nonresident junk dealer or nonresident scrap metal processor shall register with the sheriff of the county where the junk or scrap metal was bought a complete description of the junk or scrap metal to be transported.

(2) The description shall include:

(i) the date of purchase;

(ii) the name and junk dealer or scrap metal processor license number, if any, of the buyer;

(iii) the name and junk dealer or scrap metal processor license number, if any, of the seller;

(iv) the license tag number of the vehicle used; and

(v) the name of any consignee.]

17–1011.

[(a) Each junk dealer or scrap metal processor who is a resident of the State shall keep a written record in English that:

(1) for each purchase of junk or scrap metal:

(i) is made at the time of the purchase; and

(ii) includes:

1. a description of the junk or scrap metal purchased;

2. the name and address of the seller;

3. the license tag number of any vehicle used; and

4. the date and time of the purchase; and

(2) for each sale of junk or scrap metal, shows the name and address of the buyer.

(b) The records shall be open to inspection by State or local law enforcement personnel for the jurisdiction where the place of business of the junk dealer or scrapmetal processor is located.]

(A) (1) THIS SECTION APPLIES TO ALL JUNK DEALERS AND SCRAP METAL PROCESSORS DOING BUSINESS IN THE STATE.

(2) THIS SECTION APPLIES TO AN AUTOMOTIVE DISMANTLER AND RECYCLER OR SCRAP METAL PROCESSOR LICENSED UNDER TITLE 15, SUBTITLE 5 OF THE TRANSPORTATION ARTICLE.

(B) (1) FOR EACH PURCHASE OF JUNK OR SCRAP METAL IN THE STATE, A JUNK DEALER OR SCRAP METAL PROCESSOR SHALL KEEP AN ACCURATE RECORD IN ENGLISH THAT INCLUDES:

(I) THE DATE AND TIME OF PURCHASE;

(II) A DESCRIPTION OF THE JUNK OR SCRAP METAL ACCORDING TO INDUSTRY CUSTOMS, INCLUDING ITS WEIGHT IF PAYMENT IS BASED ON WEIGHT;

(III) THE AMOUNT PAID OR OTHER CONSIDERATION FOR THE JUNK OR SCRAP METAL;

(IV) THE LICENSE TAG NUMBER, MAKE, AND MODEL OF ANY VEHICLE USED;

(V) THE NAME AND ADDRESS OF THE INDIVIDUAL FROM WHOM THE JUNK OR SCRAP METAL IS ACQUIRED;

(VI) THE SIGNATURE OF:

1. THE INDIVIDUAL FROM WHOM THE JUNK OR SCRAP METAL IS ACQUIRED; AND

2. THE JUNK DEALER, SCRAP METAL PROCESSOR, OR EMPLOYEE WHO ACCEPTED THE JUNK OR SCRAP METAL; AND

(VII) FOR EACH INDIVIDUAL FROM WHOM THE JUNK DEALER OR SCRAP METAL PROCESSOR ACQUIRES JUNK OR SCRAP METAL:

1. THE DATE OF BIRTH AND DRIVER'S LICENSE NUMBER OF THE INDIVIDUAL; OR

2. IDENTIFICATION INFORMATION ABOUT THE INDIVIDUAL FROM A VALID STATE–ISSUED PHOTO ID THAT PROVIDES A PHYSICAL DESCRIPTION OF THE INDIVIDUAL.

(2) THE RECORD KEEPING REQUIREMENTS OF THIS SUBSECTION:

(I) APPLY TO ALUMINUM BLEACHERS;

(II) APPLY TO KEGS MADE OF ALUMINUM OR ANY OTHER METAL; AND

(III) DO NOT APPLY TO BEVERAGE CANS OR FOOD CANS.

(3) THE RECORDS REQUIRED UNDER THIS SUBSECTION SHALL BE KEPT IN ELECTRONIC FORM.

(4) (I) A JUNK DEALER AND SCRAP METAL PROCESSOR SHALL SUBMIT A COPY OF EACH RECORD REQUIRED UNDER THIS SUBSECTION TO THE PRIMARY LAW ENFORCEMENT UNIT IN ACCORDANCE WITH SUBPARAGRAPHS (II) AND (III) OF THIS PARAGRAPH.

(II) A JUNK DEALER AND SCRAP METAL PROCESSOR SHALL SUBMIT A RECORD BY TRANSMITTING A COPY OF THE RECORDS ELECTRONICALLY, IN A FORMAT ACCEPTABLE TO THE RECEIVING PRIMARY LAW ENFORCEMENT UNIT, BY THE END OF EACH BUSINESS DAY.

(III) EACH COPY OF A RECORD SUBMITTED TO THE PRIMARY LAW ENFORCEMENT UNIT SHALL INCLUDE:

1. THE DATE AND TIME OF PURCHASE;

2. A DESCRIPTION OF THE JUNK OR SCRAP METAL, INCLUDING ITS WEIGHT IF PAYMENT IS BASED ON WEIGHT; AND

3. WHETHER THE AMOUNT PAID OR OTHER CONSIDERATION FOR THE JUNK OR SCRAP METAL EXCEEDS $500.

(IV) A COPY OF A RECORD SUBMITTED UNDER THIS PARAGRAPH:

1. SHALL BE KEPT CONFIDENTIAL;

2. IS NOT A PUBLIC RECORD; AND

3. IS NOT SUBJECT TO TITLE 10, SUBTITLE 6 OF THE STATE GOVERNMENT ARTICLE.

(V) A LAW ENFORCEMENT UNIT MAY DESTROY THE COPY OF A RECORD SUBMITTED UNDER THIS SECTION AFTER 1 YEAR FROM THE DATE THE LAW ENFORCEMENT UNIT RECEIVES THE COPY.

(5) (I) THE PRIMARY LAW ENFORCEMENT UNIT MAY WAIVE THE HOLDING OF ELECTRONIC RECORDS UNDER PARAGRAPH (3) OF THIS SUBSECTION OR THE TRANSMISSION OF ELECTRONIC RECORDS UNDER PARAGRAPH (4)(II) OF THIS SUBSECTION BY A JUNK DEALER OR SCRAP METAL PROCESSOR.

(II) ANY WAIVERS GRANTED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE LIMITED TO AUTHORIZING A JUNK DEALER OR SCRAP METAL PROCESSOR TO HOLD WRITTEN RECORDS OR TO TRANSMIT RECORDS BY FACSIMILE OR BY MAIL.

(C) (1) THIS SUBSECTION APPLIES TO JUNK DEALERS AND SCRAP METAL PROCESSORS WHO ARE RESIDENTS OF THE STATE.

(2) EACH JUNK DEALER OR SCRAP METAL PROCESSOR SHALL KEEP THE RECORDS REQUIRED BY SUBSECTION (B) OF THIS SECTION FOR 1 YEAR AFTER THE DATE OF THE TRANSACTION.

(3) THE RECORDS KEPT IN ACCORDANCE WITH THIS SUBSECTION SHALL BE OPEN TO INSPECTION, DURING NORMAL BUSINESS HOURS, BY STATE OR LOCAL LAW ENFORCEMENT PERSONNEL FOR THE JURISDICTION WHERE THE PLACE OF BUSINESS OF THE JUNK DEALER OR SCRAP METAL PROCESSOR IS LOCATED.

[(c) A State junk licensee may not barter, buy, exchange, or accept from a person any junk or scrap metal unless the State junk licensee keeps records and makes entries in them in accordance with Part II of this subtitle.]

(D) (1) STATE OR LOCAL LAW ENFORCEMENT PERSONNEL CONDUCTING AN INVESTIGATION IN THE AREA WHERE THE BUSINESS OF THE JUNK DEALER OR SCRAP METAL PROCESSOR IS LOCATED MAY REQUEST INFORMATION FROM THE RECORDS REQUIRED UNDER SUBSECTION (B)(1) OF THIS SECTION.

(2) (I) IF A STATE OR LOCAL LAW ENFORCEMENT AGENCY PROVIDES REASONABLE CAUSE TO BELIEVE THAT ITEMS OF SCRAP METAL IN POSSESSION OF A JUNK DEALER OR SCRAP METAL PROCESSOR ARE STOLEN, THEN THE LAW ENFORCEMENT AGENCY MAY ISSUE A WRITTEN HOLD NOTICE.

(II) THE WRITTEN HOLD NOTICE SHALL:

1. IDENTIFY THE ITEMS OF REGULATED SCRAP METAL ALLEGED TO BE STOLEN AND SUBJECT TO HOLD; AND

2. INFORM THE JUNK DEALER OR SCRAP METAL PROCESSOR OF THE HOLD IMPOSED ON THE ITEMS OF REGULATED SCRAP METAL.

(III) FOR 5 DAYS AFTER THE DATE OF RECEIVING A HOLD NOTICE, A JUNK DEALER OR SCRAP METAL PROCESSOR MAY NOT PROCESS OR REMOVE FROM THE JUNK DEALER'S OR SCRAP METAL PROCESSOR'S PLACE OF BUSINESS ANY ITEMS OF REGULATED SCRAP METAL IDENTIFIED IN THE HOLD NOTICE, UNLESS THE ITEM IS RELEASED EARLIER BY THE LAW ENFORCEMENT AGENCY OR BY COURT ORDER.

(E) LOCAL LAW ENFORCEMENT PERSONNEL OF THE COUNTY WHERE THE PLACE OF BUSINESS OF THE JUNK DEALER OR SCRAP METAL PROCESSOR IS LOCATED OR WHERE THE JUNK OR SCRAP METAL WAS PURCHASED MAY ENFORCE THIS SECTION.

(F) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

(1) A FINE NOT EXCEEDING $500 FOR A FIRST OFFENSE; AND

(2) A FINE NOT EXCEEDING $5,000 OR IMPRISONMENT NOT EXCEEDING 1 YEAR OR BOTH FOR A SUBSEQUENT OFFENSE.".

AMENDMENT NO. 3

On page 11, strike beginning with "SECTION" in line 24 down through "enacted" in line 32 and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 2009".

The preceding 3 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0032**
SPONSOR: Sens DeGrange and Astle
SUBJECT: Junk Dealers and Scrap Metal Processors – Required Records

The Senate refuses to concur in the House amendments and respectfully requests the House recede from its position.

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints:

Senator Astle, Chairman
Senator Della
Senator Glassman.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

AMENDED IN THE HOUSE

Senate Bill 406 – Senators Conway, Pugh, Currie, Della, Exum, Forehand, Frosh, Gladden, Harrington, Jones, Kelley, King, Lenett, Madaleno, McFadden, Muse, Peters, Pinsky, Raskin, Rosapepe, and Stone

AN ACT concerning

Prevailing Wage Rates – Public Works Contracts – ~~Suits by Employees~~ Payment of Liquidated Damages

Senator Middleton moved that the Senate not concur in the House amendments.

SB0406/223490/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 406
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "Payment of Liquidated Damages" and substitute "Suits by Employees"; strike beginning with "altering" in line 17 down through "violations" in line 18 and substitute "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; prohibiting a contractor or subcontractor from engaging in certain conduct against certain employees; subjecting a contractor or subcontractor to certain penalties for certain violations"; in line 19, strike "the payment of liquidated damages" and substitute "private enforcement actions"; and in line 23, strike "17–222" and substitute "17–224".

AMENDMENT NO. 2

On page 2, after line 5, insert:

"17–224.

(a) (1) If an employee under a public work contract is paid less than the prevailing wage rate for that employee's classification for the work performed, the employee is entitled to sue **THE EMPLOYEE'S EMPLOYER** to recover the difference between the prevailing wage rate and the amount received by the employee **AND TO SEEK ADDITIONAL REMEDIES AS PROVIDED UNDER THIS SECTION**.

(2) A determination by the Commissioner that a contractor is required to make restitution does not preclude an employee from filing an action under this section.

(b) (1) An action under this section is considered to be a suit for wages **AND MAY BE FILED IN ANY COURT OF COMPETENT JURISDICTION**.

(2) A judgment in an action under this section shall have the same force and effect as any other judgment for wages.

(3) AN ACTION BROUGHT UNDER THIS SECTION FOR A VIOLATION OF THIS SUBTITLE SHALL BE FILED WITHIN 3 YEARS FROM THE DATE THE AFFECTED EMPLOYEE KNEW OR SHOULD HAVE KNOWN OF THE VIOLATION.

(c) **(1)** The failure of an employee to protest orally or in writing the payment of a wage that is less than the prevailing wage rate is not a bar to recovery in an action under this section.

(2) A CONTRACT OR OTHER WRITTEN DOCUMENT IN WHICH AN EMPLOYEE STATES THAT THE EMPLOYEE SHALL BE PAID LESS THAN THE AMOUNT REQUIRED BY THIS SUBTITLE DOES NOT BAR THE RECOVERY OF ANY REMEDY PRESCRIBED UNDER THIS SUBTITLE.

(D) (1) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, IF THE COURT IN AN ACTION FILED UNDER THIS SECTION FINDS THAT AN EMPLOYER PAID AN EMPLOYEE LESS THAN THE REQUISITE

PREVAILING WAGE, THE COURT SHALL AWARD THE AFFECTED EMPLOYEE THE DIFFERENCE BETWEEN THE WAGE ACTUALLY PAID AND THE PREVAILING WAGE AT THE TIME THAT THE SERVICES WERE RENDERED.

(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, UNPAID FRINGE BENEFIT CONTRIBUTIONS OWED FOR AN EMPLOYEE IN ACCORDANCE WITH THIS SECTION SHALL BE PAID TO THE APPROPRIATE BENEFIT FUND, PLAN, OR PROGRAM.

(II) IN THE ABSENCE OF AN APPROPRIATE BENEFIT FUND, PLAN, OR PROGRAM, THE AMOUNT OWED FOR FRINGE BENEFITS FOR AN EMPLOYEE SHALL BE PAID DIRECTLY TO THE EMPLOYEE.

(3) THE COURT MAY NOT ORDER THE PAYMENT OF DOUBLE DAMAGES OR TREBLE DAMAGES UNDER THIS SECTION UNLESS THE COURT FINDS THAT THE EMPLOYER WITHHELD WAGES OR FRINGE BENEFITS WILLFULLY AND KNOWINGLY OR WITH DELIBERATE IGNORANCE OR RECKLESS DISREGARD OF THE EMPLOYER'S OBLIGATIONS UNDER THIS SUBTITLE.

(4) IN AN ACTION UNDER THIS SECTION, THE COURT SHALL AWARD A PREVAILING PLAINTIFF REASONABLE COUNSEL FEES AND COSTS.

(5) IF THE COURT FINDS THAT AN EMPLOYEE SUBMITTED A FALSE OR FRAUDULENT CLAIM IN AN ACTION UNDER THIS SECTION, THE COURT MAY ORDER THE EMPLOYEE TO PAY THE EMPLOYER REASONABLE COUNSEL FEES AND COSTS.

(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AN ACTION FILED IN ACCORDANCE WITH THIS SECTION MAY BE BROUGHT BY ONE OR MORE EMPLOYEES ON BEHALF OF THAT EMPLOYEE OR GROUP OF EMPLOYEES AND ON BEHALF OF OTHER EMPLOYEES SIMILARLY SITUATED.

(2) AN EMPLOYEE MAY NOT BE A PARTY PLAINTIFF TO AN ACTION BROUGHT UNDER THIS SECTION UNLESS THAT EMPLOYEE FILES WRITTEN CONSENT WITH THE COURT IN WHICH THE ACTION IS BROUGHT TO BECOME A PARTY TO THE ACTION.

(F) (1) A PERSON FOUND TO HAVE MADE A FALSE OR FRAUDULENT REPRESENTATION OR OMISSION KNOWN TO BE FALSE OR MADE WITH DELIBERATE IGNORANCE OR RECKLESS DISREGARD FOR ITS TRUTH OR FALSITY REGARDING A MATERIAL FACT IN CONNECTION WITH ANY PREVAILING WAGE PAYROLL RECORD REQUIRED BY § 17–220 OF THIS SUBTITLE IS LIABLE FOR A CIVIL PENALTY OF $1,000 FOR EACH FALSIFIED RECORD.

(2) THE PENALTY SHALL BE RECOVERABLE IN A CIVIL ACTION FILED IN ACCORDANCE WITH THIS SECTION AND PAID TO THE STATE GENERAL FUND.

(G) AN EMPLOYER MAY NOT DISCHARGE, THREATEN, OR OTHERWISE RETALIATE OR DISCRIMINATE AGAINST AN EMPLOYEE REGARDING COMPENSATION OR OTHER TERMS AND CONDITIONS OF EMPLOYMENT BECAUSE THAT EMPLOYEE OR AN ORGANIZATION OR OTHER PERSON ACTING ON BEHALF OF THAT EMPLOYEE:

(1) REPORTS OR MAKES A COMPLAINT UNDER THIS SUBTITLE OR OTHERWISE ASSERTS THE WORKER'S RIGHTS UNDER THIS SECTION; OR

(2) PARTICIPATES IN ANY INVESTIGATION, HEARING, OR INQUIRY HELD BY THE COMMISSIONER UNDER § 17–221 OF THIS SUBTITLE.

(H) (1) A CONTRACTOR OR SUBCONTRACTOR MAY NOT RETALIATE OR DISCRIMINATE AGAINST AN EMPLOYEE IN VIOLATION OF THIS SECTION.

(2) IF A CONTRACTOR OR SUBCONTRACTOR RETALIATES OR DISCRIMINATES AGAINST AN EMPLOYEE IN VIOLATION OF THIS SECTION, THE AFFECTED EMPLOYEE MAY FILE AN ACTION IN ANY COURT OF COMPETENT JURISDICTION WITHIN 3 YEARS FROM THE EMPLOYEE'S KNOWLEDGE OF THE ACTION.

(3) IF THE COURT FINDS IN FAVOR OF THE EMPLOYEE IN AN ACTION BROUGHT UNDER THIS SUBSECTION, THE COURT SHALL ORDER THAT THE CONTRACTOR OR SUBCONTRACTOR:

(I) REINSTATE THE EMPLOYEE OR PROVIDE THE EMPLOYEE RESTITUTION, AS APPROPRIATE;

(II) PAY THE EMPLOYEE AN AMOUNT EQUAL TO THREE TIMES THE AMOUNT OF BACK WAGES AND FRINGE BENEFITS CALCULATED FROM THE DATE OF THE VIOLATION; AND

(III) PAY REASONABLE COUNSEL FEES AND OTHER COSTS.".

On pages 4 and 5, strike in their entirety the lines beginning with line 29 on page 4 through line 9 on page 5, inclusive.

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0406**
SPONSOR: Sen Conway, et al
SUBJECT: Prevailing Wage Rates – Public Works Contracts – Payment of Liquidated Damages

The Senate refuses to concur in the House amendments and respectfully requests the House recede from its position.

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints:

Senator Middleton, Chairman
Senator Klausmeier
Senator Pugh.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 47 Members present.

(See Roll Call No. 1243)

ADJOURNMENT

At 7:27 P.M. on motion of Senator Kasemeyer, seconded, the Senate adjourned until 8:30 P.M. on Legislative Day April 10, 2009, Calendar Day, Monday, April 13, 2009.

Annapolis, Maryland
Legislative Day: April 10, 2009
Calendar Day: Monday, April 13, 2009
8:30 P.M. Session

The Senate met at 8:27 P.M.

QUORUM CALL

The presiding officer announced a quorum call, showing 31 Members present.

(See Roll Call No. 1244)

Prayer by Senator Pugh.

The Journal of April 9, 2009 was read and approved.

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 151** SPONSOR: **Senator Mooney**

SUBJECT: **Hate Crimes – Prohibitions and Protected Classes – Homeless Persons and Groups**

THIRD READING CALENDAR HOUSE NO. **27** SENATE NO. **18**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the House Judiciary Committee Amendments (SB0151/892813/2) be rejected.

(2) That the attached Conference Committee Amendments (SB0151/493226/1) be adopted.

SB0151/493226/1

BY: Conference Committee

AMENDMENTS TO SENATE BILL 151
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Classes –" insert "Expansion to"; in line 3, after "Groups" insert "and Gender"; in line 4, after "persons" insert "and a person's gender"; in line 9, after "group;" insert "prohibiting the attempt to commit a crime against a certain person because of the race, color, religious beliefs, sexual orientation, gender, or national origin of that person, or because the person is homeless; establishing that a certain penalty applies to certain offenses;"; in line 10, strike "against homeless persons"; and after line 15, insert:

"BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 10–306
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)".

AMENDMENT NO. 2

On page 2, in line 16, after "orientation," insert "**GENDER,**"; and in line 18, after "crime" insert "**OR ATTEMPT TO COMMIT A CRIME**".

AMENDMENT NO. 3

On page 3, in lines 6 and 9, in each instance, after "orientation," insert "**GENDER,**"; and after line 10, insert:

"10–306.

(a) Except as provided in subsection (b) of this section, a person who violates this subtitle is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years or a fine not exceeding $5,000 or both.

(b) (1) A person who violates § 10–304(2)(i) of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 10 years or a fine not exceeding $10,000 or both.

(2) A person who violates § 10–304(2)(ii) of this subtitle is guilty of a felony and on conviction is subject to imprisonment not exceeding 20 years or a fine not exceeding $20,000 or both.".

Senate Members:	House Members:
Chair, **Alexander X. Mooney**	Chair, **Benjamin F. Kramer**
Jamie Raskin	**Frank M. Conaway, Jr.**
Jennie M. Forehand	**Susan C. Lee**

Read in the Senate: Read in the House of Delegates:

Amendment Office Delivers Report to: ( ) Chief Clerk
(X) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 34 Negative – 2 (See Roll Call No. 1245)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON FINANCE REPORT #41

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

Senate Bill 744 – Senator Rosapepe

AN ACT concerning

Electronic Health Records – Regulation and Reimbursement

SB0744/387773/1

BY: Finance Committee

AMENDMENTS TO SENATE BILL 744
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 5 down through "date;" in line 15 and substitute "requiring the Maryland Health Care Commission and the Health Services Cost Review Commission to designate a health information exchange for the State on or before a certain date; requiring the Maryland Health Care Commission, on or before a certain date, to report on progress in implementing certain provisions of this Act; requiring, on or before a certain date, the Maryland Health Care Commission, following consultation with certain stakeholders, to post on its website for a public comment and submit to the Governor and certain legislative committees, a report on certain aspects of health information technology; requiring the committees to have a certain period of time for review and comment; requiring, on or before a certain date, the Maryland Health Care Commission, in consultation with the Department of Health and Mental Hygiene and others, to adopt regulations that require certain payors to provide incentives to health care providers to promote the adoption and certain use of electronic health records; establishing certain requirements for the incentives; providing that the incentives may include certain items and services; specifying that the regulations need not require incentives for certain types of health care providers; requiring the regulations to apply to certain entities under certain circumstances; requiring the Health Services Cost Review Commission and the Department, in consultation with certain other entities, to take certain actions that relate to the American Recovery and Reinvestment Act of 2009 and certain rules and regulations; requiring the Maryland Health Care Commission, on or before a certain date, to report to the Governor and the General Assembly on certain progress achieved and recommendations for changes that may be necessary for certain adoption and use of electronic health records;"; in line 15, after "the" insert "Maryland Health Care"; in line 16, strike the first "a"; in the same line, strike "organization" and substitute "organizations"; in line 17, after "the" insert "Maryland Health Care"; in line 19, strike "or" and substitute "and"; strike beginning with "prohibiting" in line 19 down through "circumstances;" in line 22; in line 23, strike "certain carriers" and substitute "State–regulated payors"; in line 24, strike "reimburse" and substitute "provide incentives to"; and in line 27, after "Act;" insert "defining certain terms;".

On page 2, in line 6, strike "through 19–145" and substitute "and 19–143".

AMENDMENT NO. 2

On page 3, in line 15, after "**ORGANIZATION;**" insert "**OR**"; and strike beginning with "**A**" in line 16 down through "**(5)**" in line 17.

On page 4, after line 4, insert:

"**(D) (1) "HEALTH BENEFIT PLAN" MEANS A HOSPITAL OR MEDICAL POLICY, CONTRACT, OR CERTIFICATE ISSUED BY A CARRIER.**

(2) "HEALTH BENEFIT PLAN" DOES NOT INCLUDE:

(I) COVERAGE FOR ACCIDENT OR DISABILITY INCOME INSURANCE;

(II) COVERAGE ISSUED AS A SUPPLEMENT TO LIABILITY INSURANCE;

(III) LIABILITY INSURANCE, INCLUDING GENERAL LIABILITY INSURANCE AND AUTOMOBILE LIABILITY INSURANCE;

(IV) WORKERS' COMPENSATION OR SIMILAR INSURANCE;

(V) AUTOMOBILE OR PROPERTY MEDICAL PAYMENT INSURANCE;

(VI) CREDIT–ONLY INSURANCE;

(VII) COVERAGE FOR ON–SITE MEDICAL CLINICS;

(VIII) DENTAL OR VISION INSURANCE;

(IX) LONG–TERM CARE INSURANCE OR BENEFITS FOR NURSING HOME CARE, HOME HEALTH CARE, COMMUNITY–BASED CARE, OR ANY COMBINATION OF THESE;

(X) COVERAGE ONLY FOR A SPECIFIED DISEASE OR ILLNESS;

(XI) HOSPITAL INDEMNITY OR OTHER FIXED INDEMNITY INSURANCE; OR

(XII) THE FOLLOWING BENEFITS IF OFFERED AS A SEPARATE INSURANCE POLICY:

1. MEDICARE SUPPLEMENTAL HEALTH INSURANCE, AS DEFINED IN § 1882(G)(1) OF THE SOCIAL SECURITY ACT;

2. COVERAGE SUPPLEMENTAL TO THE COVERAGE PROVIDED UNDER CHAPTER 55 OF TITLE 10, U.S.C.; OR

3. SIMILAR SUPPLEMENTAL COVERAGE PROVIDED TO COVERAGE UNDER AN EMPLOYER–SPONSORED PLAN.";

and in lines 5 and 27, strike "**(D)**" and "**(E)**", respectively, and substitute "**(E)**" and "**(F)**", respectively.

On page 5, in line 1, strike "**(F)**" and substitute "**(G)**"; in line 2, strike "**MULTIPLE**" and substitute "**ONE OR MORE**"; strike lines 5 and 6 in their entirety; in line 7, after "**(H)**" insert "**(1)**"; strike line 8 in its entirety; in lines 9 and 11, strike "**(2)**" and "**(3)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; in line 11, after "**CARRIER**" insert "**ISSUING OR DELIVERING HEALTH BENEFIT PLANS IN THE STATE**"; and after line 11, insert:

"**(2) "STATE–REGULATED PAYOR" DOES NOT INCLUDE A MANAGED CARE ORGANIZATION AS DEFINED IN TITLE 15, SUBTITLE 1 OF THIS ARTICLE.**".

AMENDMENT NO. 3

On pages 5 through 7, strike in their entirety the lines beginning with line 13 on page 5 through line 9 on page 7, inclusive, and substitute:

"**(A) ON OR BEFORE OCTOBER 1, 2009, THE COMMISSION AND THE HEALTH SERVICES COST REVIEW COMMISSION SHALL DESIGNATE A HEALTH INFORMATION EXCHANGE FOR THE STATE.**

(B) ON OR BEFORE JANUARY 1, 2010, THE COMMISSION SHALL:

(1) REPORT, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE ON PROGRESS IN IMPLEMENTING THE REQUIREMENTS OF SUBSECTIONS (A) AND (D) OF THIS SECTION; AND

(2) INCLUDE IN THE REPORT RECOMMENDATIONS FOR LEGISLATION SPECIFYING HOW INCENTIVES REQUIRED FOR STATE–REGULATED PAYORS THAT ARE NATIONAL CARRIERS SHALL TAKE INTO ACCOUNT EXISTING CARRIER ACTIVITIES THAT PROMOTE THE ADOPTION AND MEANINGFUL USE OF ELECTRONIC HEALTH RECORDS.

(C) (1) ON OR BEFORE JANUARY 1, 2011, FOLLOWING CONSULTATIONS WITH APPROPRIATE STAKEHOLDERS, THE COMMISSION SHALL POST ON ITS WEBSITE FOR PUBLIC COMMENT AND SUBMIT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE A REPORT ON:

(I) THE DEVELOPMENT OF A COORDINATED PUBLIC–PRIVATE APPROACH TO IMPROVE THE STATE'S HEALTH INFORMATION INFRASTRUCTURE;

(II) ANY CHANGES IN STATE LAWS THAT ARE NECESSARY TO PROTECT THE PRIVACY AND SECURITY OF HEALTH INFORMATION STORED IN ELECTRONIC HEALTH RECORDS OR EXCHANGED THROUGH A HEALTH INFORMATION EXCHANGE IN THE STATE;

(III) ANY CHANGES IN STATE LAWS THAT ARE NECESSARY TO PROVIDE FOR THE EFFECTIVE OPERATION OF A HEALTH INFORMATION EXCHANGE;

(IV) ANY ACTIONS THAT ARE NECESSARY TO ALIGN FUNDING OPPORTUNITIES UNDER THE FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 WITH OTHER STATE AND PRIVATE SECTOR INITIATIVES RELATED TO HEALTH INFORMATION TECHNOLOGY, INCLUDING:

1. THE PATIENT–CENTERED MEDICAL HOME;

2. THE ELECTRONIC HEALTH RECORD DEMONSTRATION PROJECT SUPPORTED BY THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES;

3. THE HEALTH INFORMATION EXCHANGE; AND

4. THE MEDICAID INFORMATION TECHNOLOGY ARCHITECTURE INITIATIVE; AND

(V) RECOMMENDED LANGUAGE FOR THE REGULATIONS REQUIRED UNDER SUBSECTION (D) OF THIS SECTION.

(2) THE SENATE FINANCE COMMITTEE AND THE HOUSE HEALTH AND GOVERNMENT OPERATIONS COMMITTEE SHALL HAVE 60 DAYS FROM RECEIPT OF THE REPORT FOR REVIEW AND COMMENT.

(D) (1) ON OR BEFORE SEPTEMBER 1, 2011, THE COMMISSION, IN CONSULTATION WITH THE DEPARTMENT, PAYORS, AND HEALTH CARE PROVIDERS, SHALL ADOPT REGULATIONS THAT REQUIRE STATE–REGULATED PAYORS TO PROVIDE INCENTIVES TO HEALTH CARE PROVIDERS TO PROMOTE THE ADOPTION AND MEANINGFUL USE OF ELECTRONIC HEALTH RECORDS.

(2) INCENTIVES REQUIRED UNDER THE REGULATIONS:

(I) SHALL HAVE MONETARY VALUE;

(II) SHALL FACILITATE THE USE OF ELECTRONIC HEALTH RECORDS BY HEALTH CARE PROVIDERS IN THE STATE;

(III) TO THE EXTENT FEASIBLE, SHALL RECOGNIZE AND BE CONSISTENT WITH EXISTING PAYOR INCENTIVES THAT PROMOTE THE ADOPTION AND MEANINGFUL USE OF ELECTRONIC HEALTH RECORDS;

(IV) SHALL TAKE INTO ACCOUNT:

1. INCENTIVES PROVIDED TO HEALTH CARE PROVIDERS UNDER MEDICARE AND MEDICAID; AND

2. ANY GRANTS OR LOANS THAT ARE AVAILABLE TO HEALTH CARE PROVIDERS FROM THE FEDERAL GOVERNMENT; AND

(V) MAY INCLUDE:

1. INCREASED REIMBURSEMENT FOR SPECIFIC SERVICES;

2. LUMP SUM PAYMENTS;

3. GAIN–SHARING ARRANGEMENTS;

4. REWARDS FOR QUALITY AND EFFICIENCY;

5. IN–KIND PAYMENTS; AND

6. OTHER ITEMS OR SERVICES TO WHICH A SPECIFIC MONETARY VALUE CAN BE ASSIGNED.

(3) THE REGULATIONS NEED NOT REQUIRE INCENTIVES FOR THE ADOPTION AND MEANINGFUL USE OF ELECTRONIC HEALTH RECORDS, FOR EACH TYPE OF HEALTH CARE PROVIDER LISTED IN § 19–142(E) OF THIS SUBTITLE.

(4) IF FEDERAL LAW IS AMENDED TO ALLOW THE STATE TO REGULATE PAYMENTS MADE BY ENTITIES THAT SELF–INSURE THEIR HEALTH BENEFIT PLANS, REGULATIONS ADOPTED UNDER THIS SECTION SHALL APPLY TO THOSE ENTITIES TO THE SAME EXTENT TO WHICH THEY APPLY TO STATE–REGULATED PAYORS.

(E) THE HEALTH SERVICES COST REVIEW COMMISSION, IN CONSULTATION WITH HOSPITALS, PAYORS, AND THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES, SHALL TAKE THE ACTIONS NECESSARY TO:

(1) ASSURE THAT HOSPITALS IN THE STATE RECEIVE THE PAYMENTS PROVIDED UNDER § 4102 OF THE FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 AND ANY SUBSEQUENT FEDERAL RULES AND REGULATIONS; AND

(2) IMPLEMENT ANY CHANGES IN HOSPITAL RATES REQUIRED BY THE FEDERAL CENTERS FOR MEDICARE AND MEDICAID SERVICES TO ENSURE COMPLIANCE WITH § 4102 OF THE FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 AND ANY SUBSEQUENT FEDERAL RULES AND REGULATIONS.

(F) THE DEPARTMENT, IN CONSULTATION WITH THE COMMISSION, SHALL DEVELOP A MECHANISM TO ASSURE THAT HEALTH CARE PROVIDERS THAT PARTICIPATE IN THE MARYLAND MEDICAL ASSISTANCE PROGRAM RECEIVE THE PAYMENTS PROVIDED FOR ADOPTION AND USE OF ELECTRONIC HEALTH RECORDS TECHNOLOGY UNDER § 4201 OF THE FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 AND ANY SUBSEQUENT FEDERAL RULES AND REGULATIONS.

(G) ON OR BEFORE OCTOBER 1, 2012, THE COMMISSION SHALL REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY ON PROGRESS ACHIEVED TOWARD ADOPTION AND MEANINGFUL USE OF ELECTRONIC HEALTH RECORDS BY HEALTH CARE PROVIDERS IN THE STATE AND RECOMMENDATIONS FOR ANY CHANGES IN STATE LAWS THAT MAY BE NECESSARY TO ACHIEVE OPTIMAL ADOPTION AND USE.

(H) (1) ON OR BEFORE OCTOBER 1, 2012, THE COMMISSION SHALL DESIGNATE ONE OR MORE MANAGEMENT SERVICE ORGANIZATIONS TO OFFER SERVICES THROUGHOUT THE STATE.

(2) THE COMMISSION MAY USE FEDERAL GRANTS AND LOANS TO HELP SUBSIDIZE THE USE OF THE DESIGNATED MANAGEMENT SERVICE ORGANIZATIONS BY HEALTH CARE PROVIDERS.

(I) ON AND AFTER THE LATER OF JANUARY 1, 2015, OR THE DATE ESTABLISHED FOR THE IMPOSITION OF PENALTIES UNDER § 4102 OF THE FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009:

(1) EACH HEALTH CARE PROVIDER USING AN ELECTRONIC HEALTH RECORD THAT SEEKS PAYMENT FROM A STATE–REGULATED PAYOR SHALL USE ELECTRONIC HEALTH RECORDS THAT ARE:

(I) CERTIFIED BY A NATIONAL CERTIFICATION ORGANIZATION DESIGNATED BY THE COMMISSION; AND

(II) CAPABLE OF CONNECTING TO AND EXCHANGING DATA WITH THE HEALTH INFORMATION EXCHANGE DESIGNATED BY THE COMMISSION UNDER SUBSECTION (A) OF THIS SECTION; AND

(2) THE INCENTIVES REQUIRED UNDER SUBSECTION (D) OF THIS SECTION MAY INCLUDE REDUCTIONS IN PAYMENTS TO A HEALTH CARE PROVIDER THAT DOES NOT USE ELECTRONIC HEALTH RECORDS THAT MEET THE REQUIREMENTS OF PARAGRAPH (1) OF THIS SUBSECTION.".

AMENDMENT NO. 4

On page 7, strike in their entirety lines 15 through 24, inclusive, and substitute:

"**(A) IN THIS SECTION, "CARRIER" HAS THE MEANING STATED IN § 19–142 OF THE HEALTH – GENERAL ARTICLE.**

(B) A CARRIER SHALL PROVIDE INCENTIVES TO HEALTH CARE PROVIDERS IN ACCORDANCE WITH THE REQUIREMENTS OF TITLE 19, SUBTITLE 1, PART IV OF THE HEALTH – GENERAL ARTICLE.".

On page 8, in line 13, 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.

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (SENATE BILLS) #75

Senate Bill 555 – Senators Middleton, Brinkley, Colburn, Currie, DeGrange, Della, Exum, Garagiola, Glassman, Haines, Harrington, ~~Jacobs,~~ Jones, Kasemeyer, Kelley, King~~, Kittleman~~, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Miller, Munson, Muse, Peters, Pugh, Robey, Stoltzfus, and Zirkin

AN ACT concerning

Biomass and Biofuels – In–State Production Incentives

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

Affirmative – 35 Negative – 7 (See Roll Call No. 1246)

The Bill was then sent to the House of Delegates.

Senate Bill 835 – Senators Peters and Muse

AN ACT concerning

Prince George's County – Roadside Solicitation of Money or Donations – Permit Program

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

Affirmative – 40 Negative – 3 (See Roll Call No. 1247)

The Bill was then sent to the House of Delegates.

Senate Bill 883 – Senators Dyson, Brinkley, Colburn, Edwards, Exum, Forehand, Glassman, Haines, Harrington, Harris, Jacobs, Jones, Kasemeyer, Klausmeier, Middleton, Miller, Muse, Pipkin, Pugh, Robey, Simonaire, Stoltzfus, and Stone

AN ACT concerning

State Government – Commemorative Days – Firemen and Rescue Workers Memorial Service

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

Affirmative – 42 Negative – 0 (See Roll Call No. 1248)

The Bill was then sent to the House of Delegates.

THIRD READING CALENDAR (SENATE BILLS) #76

Senate Bill 405 – Senator Conway

AN ACT concerning

Procurement – Apprenticeship Training Programs

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

The motion was adopted.

Senate Bill 673 – Senators Raskin, Brochin, Dyson, Exum, Frosh, Garagiola, ~~Glassman, Harrington, Jones, King, Madaleno, Muse, Peters, Pinsky, Pugh, Rosapepe, and Stone~~ Harrington, Jones, King, Madaleno, Muse, Peters, Pinsky, Pugh, Rosapepe, Stone, and Kelley

AN ACT concerning

Fairness in Negotiations Act

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

Affirmative – 31 Negative – 13 (See Roll Call No. 1249)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 265** SPONSOR: **The President**

SUBJECT: **Vehicle Laws – Teen Driver Safety**

THIRD READING CALENDAR HOUSE NO. **22** SENATE NO. **51**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That Amendment Nos. 1, 2, and 3 of the attached Environmental Matters Committee Amendments (SB0265/540215/1) be adopted.

(2) That Amendment No. 4 of the attached Environmental Matters Committee Amendments (SB0265/540215/1) be rejected.

(3) That the attached Conference Committee Amendments (SB0265/303322/1) be adopted.

SB0265/540215/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 265
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "license" insert a semicolon.

On page 2, in line 2, after "circumstances;" insert "defining a certain term; altering a certain definition;"; and in line 5, strike "driving" and substitute "driver".

AMENDMENT NO. 2

On page 11, in line 5, after "(a)" insert "**(1)**"; strike beginning with "section" in line 5 down through "individual" in line 6 and substitute "**SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) "EDUCATION AND EMPLOYMENT ONLY RESTRICTION" MEANS A RESTRICTION THAT ALLOWS A LICENSED DRIVER TO DRIVE ONLY:

(I) TO OR FROM A SCHOOL CLASS OR AN OFFICIAL SCHOOL ACTIVITY; OR

(II) TO OR FROM, OR IN THE COURSE OF, THE LICENSEE'S EMPLOYMENT.

(3) "OFFENSE" MEANS A MOVING VIOLATION COMMITTED BY AN INDIVIDUAL";

in lines 7, 9, and 11, strike "(1)", "(2)", and "(3)", respectively, and substitute "**(I)**", "**(II)**", and "**(III)**", respectively; in line 23, after "**MAY**" insert a colon; and strike in their entirety lines 24 through 27, inclusive, and substitute:

"**1. SUSPEND THE OFFENDER'S LICENSE FOR 30 DAYS; AND**

2. IMPOSE, ON COMPLETION OF THE SUSPENSION, AN EDUCATION AND EMPLOYMENT ONLY RESTRICTION ON THE OFFENDER'S LICENSE EFFECTIVE FOR 90 DAYS;".

AMENDMENT NO. 3

On page 12, strike beginning with "**RESTRICT**" in line 8 down through "**TITLE**" in line 10 and substitute "**IMPOSE, ON COMPLETION OF THE SUSPENSION, AN EDUCATION AND EMPLOYMENT ONLY RESTRICTION ON THE OFFENDER'S LICENSE EFFECTIVE FOR 180 DAYS**".

AMENDMENT NO. 4

On page 13, in line 3, strike "a passenger" and substitute a colon; in line 5, strike "under the age of 18 years"; in line 7, strike the period; after line 7 insert:

"**(I) FOR THE FIRST 9 MONTHS AFTER THE PROVISIONAL LICENSE IS ISSUED, A PASSENGER WHO IS** under the age of 18 years**; AND**

(II) AFTER THE EXPIRATION OF THE 9–MONTH PERIOD, MORE THAN ONE PASSENGER WHO IS UNDER THE AGE OF 18 YEARS.";

in line 16, before "stepbrother" insert "or"; and in the same line strike "**, OR COUSIN**".

SB0265/303322/1

BY: Conference Committee

AMENDMENTS TO SENATE BILL 265
(Third Reading File Bill)

AMENDMENT NO. 1

On pages 1 and 2, strike beginning with "modifying" in line 25 on page 1 down through "circumstances;" in line 2 on page 2.

On page 2, in line 9, strike "16–213, and 21–1123" and substitute "and 16–213".

AMENDMENT NO. 2

On pages 12 and 13, strike in their entirety the lines beginning with line 22 on page 12 through line 28 on page 13, inclusive.

Senate Members:	House Members:
Chair, **Brian E. Frosh**	Chair, **James E. Malone, Jr.**
Larry E. Haines	**Barbara Frush**
C. Anthony Muse	**Paul S. Stull**

Read in the Senate:	Read in the House of Delegates:
Amendment Office Delivers Report to:	( ) Chief Clerk (X) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 34 Negative – 12 (See Roll Call No. 1250)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 14** SPONSOR: **Senator Astle**

SUBJECT: **Maryland Environmental Service – Energy Generation Projects**

THIRD READING CALENDAR HOUSE NO. **17** SENATE NO. **30**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

That the attached Economic Matters Committee Amendment (SB0014/673996/1) be adopted.

SB0014/673996/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 14
(Third Reading File Bill)

On page 3, in line 10, after "**RENEWABLE**" insert "**OR OTHER ENERGY**".

On page 6, in line 15, after "**RENEWABLE**" insert "**AND OTHER**".

On page 23, strike beginning with "**EACH**" in line 17 down through "**ACTIVITY.**" in line 20.

Senate Members:	House Members:
Chair, **Katherine Klausmeier**	Chair, **David D. Rudolph**
Barry Glassman	**Jeannie Haddaway**
Nathaniel Exum	**James E. Malone, Jr.**

Read in the Senate: Read in the House of Delegates:

Amendment Office Delivers Report to: ( ) Chief Clerk
(X) Secretary, Senate

Conference Committee Report read and adopted by a roll call vote as follows:

Affirmative – 44 Negative – 3 (See Roll Call No. 1251)

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 44 Negative – 3 (See Roll Call No. 1252)

The Bill was then sent to the House of Delegates.

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #43

House Bill 420 – Delegates Love, Beidle, V. Clagett, Costa~~, George~~, and Sophocleus

AN ACT concerning

Environment – Limitation of Actions – Political Subdivisions

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

Affirmative – 44 Negative – 1 (See Roll Call No. 1253)

The Bill was then sent to the House of Delegates.

House Bill 644 – Delegates Manno, Davis, Braveboy, McHale, Ali, Barnes, Benson, Burns, Feldman, Frush, Gaines, Glenn, Gutierrez, Guzzone, Harrison, Haynes, Holmes, Howard, Hubbard, Hucker, Ivey, Kirk, Levi, Levy, Mizeur, Niemann, Pena–Melnyk, Proctor, Ramirez, Rice, Ross, Schuler, Taylor, V. Turner, Valderrama, and Vaughn

AN ACT concerning

Procurement – Apprenticeship Training Programs

FLOOR AMENDMENT

HB0644/923625/1

BY: Senator Brinkley

AMENDMENTS TO HOUSE BILL 644
(Third Reading File Bill)

AMENDMENT NO. 1

On pages 1 and 2, strike beginning with "establishing" in line 20 on page 1 down through "circumstances;" in line 1 on page 2.

On page 2, in line 5, strike "17–606" and substitute "17–605".

AMENDMENT NO. 2

On pages 5 and 6, strike beginning with line 35 on page 5 through line 25 on page 6, inclusive.

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

Affirmative – 16 Negative – 31 (See Roll Call No. 1254)

FLOOR AMENDMENT

HB0644/983325/1

BY: Senator Brinkley

AMENDMENT TO HOUSE BILL 644
(Third Reading File Bill)

On page 6, in line 13, strike "**$1,000**" and substitute "**$50**".

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

Affirmative – 17 Negative – 30 (See Roll Call No. 1255)

FLOOR AMENDMENT

HB0644/113825/1

BY: Senator Brinkley

AMENDMENTS TO HOUSE BILL 644
(Third Reading File Bill)

AMENDMENT NO. 1

On pages 1 and 2, strike beginning with "requiring" in line 22 on page 1 down through "circumstances;" in line 1 on page 2.

AMENDMENT NO. 2

On page 6, in line 20, strike "**(I)**"; and strike in their entirety lines 22 through 25, inclusive.

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

Affirmative – 15 Negative – 31 (See Roll Call No. 1256)

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

Affirmative – 33 Negative – 14 (See Roll Call No. 1257)

The Bill was then sent to the House of Delegates.

CONCURRENCE CALENDAR #29

AMENDED IN THE HOUSE

Senate Bill 11 – Chair, Anne Arundel County Senators

AN ACT concerning

Anne Arundel County Tourism and Economic Development Promotion Act of 2009

Senator Currie moved that the Senate concur in the House amendments.

SB0011/425162/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 11
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 4 down through "rate;" in line 5 and substitute "repealing a requirement that the City of Annapolis collect and retain the revenue generated within the city from a certain hotel tax;"; in line 6, after the first "to" insert "the City of Annapolis and"; and in line 9, strike "making a technical correction;".

On page 2, in lines 21 and 22, strike "and the Anne Arundel Economic Development Corporation".

AMENDMENT NO. 2

On page 3, in line 1, strike "Except as provided in paragraph (2) of this subsection, any" and substitute "**ANY**"; in line 2, after the first "of" insert "**SUBSECTION (A)(1) AND (2) OF**"; in line 5, strike "Any" and substitute "**EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, ANY**"; strike beginning with the comma in line 6 down through "transients," in line 7; after line 7, insert:

"**(3) ANY REVENUE GENERATED WITHIN THE BOUNDARIES OF THE CITY OF ANNAPOLIS FROM THE HOTEL TAX SHALL BE COLLECTED BY ANNE ARUNDEL COUNTY.**

(4) FROM ANY REVENUE GENERATED WITHIN THE BOUNDARIES OF THE CITY OF ANNAPOLIS FROM THE HOTEL TAX, ANNE ARUNDEL COUNTY SHALL DISTRIBUTE:

(I) IN FISCAL YEAR 2012:

1. 2% TO THE ARTS COUNCIL OF ANNE ARUNDEL COUNTY, INC.; AND

2. 8% TO THE ANNAPOLIS AND ANNE ARUNDEL COUNTY CONFERENCE AND VISITORS BUREAU;

(II) IN FISCAL YEAR 2013:

1. 2.5% TO THE ARTS COUNCIL OF ANNE ARUNDEL COUNTY, INC.; AND

2. 12.5% TO THE ANNAPOLIS AND ANNE ARUNDEL COUNTY CONFERENCE AND VISITORS BUREAU; AND

(III) IN FISCAL YEAR 2014 AND EACH FISCAL YEAR THEREAFTER:

1. 3% TO THE ARTS COUNCIL OF ANNE ARUNDEL COUNTY, INC.; AND

2. 17% TO THE ANNAPOLIS AND ANNE ARUNDEL COUNTY CONFERENCE AND VISITORS BUREAU.

(5) AFTER MAKING THE DISTRIBUTIONS REQUIRED UNDER PARAGRAPH (4) OF THIS SUBSECTION, THE BALANCE OF THE REVENUE GENERATED WITHIN THE BOUNDARIES OF THE CITY OF ANNAPOLIS FROM THE HOTEL TAX SHALL BE DISTRIBUTED TO THE CITY OF ANNAPOLIS.";

strike beginning with "**ANNE**" in line 10 down through "**(2)**" in line 12; in line 14, after "**(I)**" insert "**IN FISCAL YEARS 2010 AND 2011, 7% TO THE ANNAPOLIS AND ANNE ARUNDEL COUNTY CONFERENCE AND VISITORS BUREAU;**"; strike in their entirety lines 17 and 18; in lines 19, 21, and 23, strike "**2011**", "**2012**", and "**2013**", respectively, and substitute "**2012**", "**2013**", and "**2014**", respectively; in line 19, strike the comma and substitute a colon; strike beginning with "**15%**" in line 19 down through "**BUREAU;**" in line 20 and substitute:

"**1. 2% TO THE ARTS COUNCIL OF ANNE ARUNDEL COUNTY, INC.; AND**

2. 8% TO THE ANNAPOLIS AND ANNE ARUNDEL COUNTY CONFERENCE AND VISITORS BUREAU;";

in line 21, strike the comma and substitute a colon; strike beginning with "**20%**" in line 21 down through "**BUREAU**" in line 22 and substitute:

"**1. 2.5% TO THE ARTS COUNCIL OF ANNE ARUNDEL COUNTY, INC.; AND**

2. 12.5% TO THE ANNAPOLIS AND ANNE ARUNDEL COUNTY CONFERENCE AND VISITORS BUREAU";

in line 24, strike the comma and substitute a colon; strike beginning with "**25%**" in line 24 down through "**BUREAU**" in line 25 and substitute:

"**1. 3% TO THE ARTS COUNCIL OF ANNE ARUNDEL COUNTY, INC.; AND**

2. 17% TO THE ANNAPOLIS AND ANNE ARUNDEL COUNTY CONFERENCE AND VISITORS BUREAU";

in lines 26 and 27, strike "**(3)**" and "**(2)**", respectively, and substitute "**(2)**" and "**(1)**", respectively; in line 30, strike "**ANNE ARUNDEL ECONOMIC DEVELOPMENT CORPORATION**" and substitute "**ARTS COUNCIL OF ANNE ARUNDEL COUNTY, INC.**".

AMENDMENT NO. 3

On page 4, after line 2, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That in fiscal years 2010 and 2011, from the county's share of any revenue from the hotel tax, Anne Arundel County shall distribute $260,000 to the Arts Council of Anne Arundel County, Inc.";

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

The preceding 3 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 1 (See Roll Call No. 1258)

AMENDED IN THE HOUSE

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

Senator Currie moved that the Senate concur in the House amendments.

SB0552/405966/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 552
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, strike "31" and substitute "30".

On page 3, in line 17, strike "31" and substitute "30".

AMENDMENT NO. 2

On page 2, in line 11, strike "all" and substitute "one–half of the"; in lines 20 and 26, in each instance, after "tax" insert ", including one–half of any interest,"; and in line 22, after "tax" insert ", plus one–half of any interest,".

AMENDMENT NO. 3

On page 3, in line 7, after "tax" insert "plus one–half of the interest"; in line 12, after "taxes" insert "plus one–half of any interest"; in line 15, after "for" insert "one–half of the".

AMENDMENT NO. 4

On page 4, in lines 6 and 8, in each instance, after "tax" insert ", plus one–half of any interest,"; in line 14, after "taxes" insert "plus one–half of any interest"; and in line 29, after "any" insert "interest charges or".

The preceding 4 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 44 Negative – 2 (See Roll Call No. 1259)

AMENDED IN THE HOUSE

Senate Bill 785 – Senators Robey and Madaleno

AN ACT concerning

Inheritance Tax – Exemption – Domestic Partners

Senator Currie moved that the Senate concur in the House amendment.

SB0785/815666/1

BY: Committee on Ways and Means

AMENDMENT TO SENATE BILL 785
(Third Reading File Bill)

On page 2, in line 4, strike "**OF THE SAME SEX**".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 27 Negative – 18 (See Roll Call No. 1260)

AMENDED IN THE HOUSE

Senate Bill 70 – Chair, Judicial Proceedings Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Child Support Enforcement – Medical Support for Children

Senator Frosh moved that the Senate concur in the House amendments.

SB0070/392316/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 70
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 3 down through "reasonable" in line 16 and substitute "requiring the court, in certain cases, to include in a certain support order a provision requiring one or both parents to include the child in the parent's health insurance coverage under certain circumstances; authorizing the court to include in a certain support order a provision requiring one or both parents to include the child in the parent's health insurance coverage at a certain point in the future under certain circumstances; requiring the court to order one or both parents to provide cash medical support in a certain amount under certain circumstances; authorizing the court to order one or both parents to provide cash medical support in a certain amount under certain circumstances; 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 pages 3 and 4, strike in their entirety the lines beginning with line 14 on page 3 through line 20 on page 4, inclusive, and substitute:

"(b) **[**The**]** **EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, THE** court may include in any support order a provision requiring either parent to include the child in the parent's health insurance coverage if:

(1) the parent can obtain health insurance coverage through an employer or any form of group health insurance coverage; and

(2) the child can be included at a reasonable cost to the parent in that health insurance coverage.

(C) (1) THIS SUBSECTION APPLIES ONLY TO A CHILD SUPPORT ORDER UNDER TITLE IV, PART D OF THE SOCIAL SECURITY ACT.

(2) (I) THE COURT SHALL INCLUDE IN ANY SUPPORT ORDER THAT IS ESTABLISHED OR MODIFIED A PROVISION REQUIRING ONE OR BOTH PARENTS TO INCLUDE THE CHILD IN THE PARENT'S HEALTH INSURANCE COVERAGE IF:

1. THE PARENT CAN OBTAIN HEALTH INSURANCE COVERAGE THROUGH AN EMPLOYER OR ANY FORM OF GROUP HEALTH INSURANCE COVERAGE;

2. THE CHILD CAN BE INCLUDED AT A REASONABLE COST TO THE PARENT IN THAT HEALTH INSURANCE COVERAGE; AND

3. THE HEALTH INSURANCE COVERAGE IS ACCESSIBLE TO THE CHILD.

(II) FOR PURPOSES OF SUBPARAGRAPH (I)2 OF THIS PARAGRAPH, THE COST OF HEALTH INSURANCE COVERAGE IS REASONABLE IF THE COST OF ADDING THE CHILD TO EXISTING HEALTH INSURANCE COVERAGE, OR THE DIFFERENCE BETWEEN SELF–ONLY AND FAMILY COVERAGE, DOES NOT EXCEED 5% OF THE ACTUAL INCOME OF THE PARENT ORDERED TO PAY FOR HEALTH INSURANCE COVERAGE.

(3) IF HEALTH INSURANCE COVERAGE AT A REASONABLE COST IS NOT AVAILABLE AT THE TIME A SUPPORT ORDER IS ESTABLISHED OR MODIFIED, THE COURT:

(I) MAY INCLUDE A PROVISION REQUIRING ONE OR BOTH PARENTS TO INCLUDE THE CHILD IN THE PARENT'S HEALTH INSURANCE COVERAGE AS DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION IF HEALTH INSURANCE COVERAGE AT A REASONABLE COST BECOMES AVAILABLE IN THE FUTURE; AND

(II) SHALL INCLUDE A PROVISION REQUIRING ONE OR BOTH PARENTS TO PROVIDE CASH MEDICAL SUPPORT IN AN AMOUNT NOT TO EXCEED 5% OF THE ACTUAL INCOME OF THE PARENT ORDERED TO PROVIDE CASH MEDICAL SUPPORT.

(4) IN ADDITION TO REQUIRING ONE OR BOTH PARENTS TO PROVIDE HEALTH INSURANCE COVERAGE, THE COURT MAY ORDER ONE OR BOTH PARENTS TO PROVIDE CASH MEDICAL SUPPORT IN AN AMOUNT NOT TO EXCEED 5% OF THE ACTUAL INCOME OF THE PARENT ORDERED TO PROVIDE CASH MEDICAL SUPPORT.

(5) CASH MEDICAL SUPPORT ORDERED UNDER THIS SUBSECTION SHALL BE ADDED TO THE BASIC CHILD SUPPORT OBLIGATION AND DIVIDED BY THE PARENTS IN PROPORTION TO THEIR ADJUSTED ACTUAL INCOMES.

(6) 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.

[(c)**]** **(D)** An order of a court requiring the provision of health insurance coverage for a child may be issued separate from or in conjunction with an earnings withholding order.".

On page 4, in line 21, strike "**(G)**" and substitute "**(E)**".

On page 5, in line 16, strike "**(H)**" and substitute "**(F)**"; and in line 28, strike "**(I)**" and substitute "**(G)**".

On page 6, in lines 4, 18, 29, and 32, strike "**(J)**", "**(K)**", "**(L)**", and "**(M)**", respectively, and substitute "**(H)**", "**(I)**", "**(J)**", and "**(K)**", respectively.

On page 7, in lines 1 and 6, strike "**(N)**" and "**(O)**", respectively, and substitute "**(L)**" and "**(M)**", respectively.

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1261)

CONCURRENCE CALENDAR #32

AMENDED IN THE HOUSE

Senate Bill 264 – The President (By Request – Administration) and Senators Kelley, Exum, Klausmeier, Conway, Gladden, Jones, King, Madaleno, Pinsky, Raskin, Robey, ~~and Rosapepe~~ Rosapepe, and Lenett

AN ACT concerning

State Employees – Collective Bargaining – Negotiations – "The Fair Share Act"

Senator Middleton moved that the Senate concur in the House amendments.

SB0264/344565/1

BY: Appropriations Committee

AMENDMENTS TO SENATE BILL 264
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike "who are members of certain religions" and substitute "whose religious beliefs are opposed to joining or financially supporting a certain labor organization"; in line 9, strike "may" and substitute "shall"; in line 10, after "organization" insert "and to furnish certain proof of payment"; and strike beginning with "requiring" in line 10 down through "organizations;" in line 11.

AMENDMENT NO. 2

On page 2, in line 4, strike "**(2)**" and substitute "**(3)**"; and strike in their entirety lines 7 through 31, inclusive, and substitute:

"**(2) AN EMPLOYEE WHOSE RELIGIOUS BELIEFS ARE OPPOSED TO JOINING OR FINANCIALLY SUPPORTING ANY COLLECTIVE BARGAINING ORGANIZATION IS:**

(I) NOT REQUIRED TO PAY A SERVICE FEE; AND

(II) REQUIRED TO PAY AN AMOUNT OF MONEY AS DETERMINED IN COLLECTIVE BARGAINING NEGOTIATIONS, NOT TO EXCEED ANY SERVICE FEE NEGOTIATED UNDER PARAGRAPH (1) OF THIS SUBSECTION, TO ANY CHARITABLE ORGANIZATION EXEMPT FROM TAXATION UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE AND TO FURNISH TO THE DEPARTMENT AND THE EXCLUSIVE REPRESENTATIVE WRITTEN PROOF OF SUCH PAYMENT.".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 32 Negative – 15 (See Roll Call No. 1262)

CONCURRENCE CALENDAR #26

AMENDED IN THE HOUSE

Senate Bill 425 – Senators Jacobs, Astle, Brochin, Colburn, DeGrange, Glassman, Harris, Klausmeier, Kramer, McFadden, Mooney, and Stone

AN ACT concerning

Criminal Procedure – Offender Registry – Retroactivity

Senator Frosh moved that the Senate concur in the House amendment.

SB0425/692513/1

BY: House Judiciary Committee

AMENDMENT TO SENATE BILL 425
(Third Reading File Bill)

On page 2, in line 12, after "**INCLUDE**" insert "**:**

(I) A PERSON CONVICTED ON OR AFTER JULY 1, 1997, OF AN OFFENSE COMMITTED BEFORE JULY 1, 1997, FOR WHICH REGISTRATION AS A SEXUALLY VIOLENT PREDATOR OR SEXUALLY VIOLENT OFFENDER IS REQUIRED UNDER THIS SUBTITLE; AND

(II)";

and strike beginning with the first "**SEXUALLY**" in line 25 down through "**SEX**" in line 26 and substitute "**CHILD SEXUAL**".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1263)

AMENDED IN THE HOUSE

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

Senator Frosh moved that the Senate concur in the House amendments.

SB0447/172614/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 447
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 3, after "Assembly;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 5, in line 5, after "2009." insert "It shall remain effective for a period of 5 years and, at the end of June 30, 2014, 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 concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1264)

AMENDED IN THE HOUSE

Senate Bill 626 – Senators Forehand and Garagiola

AN ACT concerning

Corporations – Corporate Documents, Fractional Shares, and Redemption of Stock

Senator Frosh moved that the Senate concur in the House amendments.

SB0626/753490/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 626
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Documents," insert "Distributions,"; in line 9, after "circumstances;" insert "authorizing a corporation to make distributions from certain net earnings under certain circumstances;"; in line 22, after "2–214(a)," insert "2–308,"; and in the same line, after "2–310.1," insert "2–311(a),".

AMENDMENT NO. 2

On page 3, after line 8, insert:

"2–308.

(a) Subject to the limitations of subsection (b) of this section, any surplus which arises from a reduction of stated capital becomes capital surplus and may be made the basis of:

(1) A distribution or payment to stockholders; and

(2) A reduction of the liability of stockholders whose shares of stock are not fully paid.

(b) [The] **EXCEPT AS PROVIDED IN § 2–311(A)(2) OF THIS SUBTITLE, THE** net assets of the corporation which remain after a distribution, payment, or reduction of liability shall be at least equal to the aggregate preferential amount payable in the event of voluntary liquidation to the holders of all stock having rights preferred to the rights of holders who received the distribution, payment, or whose liability was reduced.".

On page 4, after line 12, insert:

"2–311.

(a) **(1)** No distribution may be made if, after giving effect to the distribution:

[(1)] **(I)** The corporation would not be able to pay indebtedness of the corporation as the indebtedness becomes due in the usual course of business; or

[(2)] **(II)** [The] **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, THE** corporation's total assets would be less than the sum of the corporation's total liabilities plus, unless the charter permits otherwise, the amount that would be needed, if the corporation were to be dissolved at the time of the distribution, to satisfy the preferential rights upon dissolution of stockholders whose preferential rights on dissolution are superior to those receiving the distribution.

(2) A CORPORATION MAY MAKE A DISTRIBUTION FROM:

(I) THE NET EARNINGS OF THE CORPORATION FOR THE FISCAL YEAR IN WHICH THE DISTRIBUTION IS MADE;

(II) THE NET EARNINGS OF THE CORPORATION FOR THE PRECEDING FISCAL YEAR; OR

(III) THE SUM OF THE NET EARNINGS OF THE CORPORATION FOR THE PRECEDING EIGHT FISCAL QUARTERS.".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1265)

AMENDED IN THE HOUSE

Senate Bill 668 – Senators Raskin, Forehand, and Stone

AN ACT concerning

Vehicle Laws – Manufacturers, Distributors, and Factory Branches – Prohibited Acts

Senator Frosh moved that the Senate concur in the House amendments.

SB0668/650311/2

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 668
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike "certain factors under certain circumstances" and substitute "accurate information"; strike beginning with "prohibiting" in line 7 down through "circumstances" in line 9 and substitute "authorizing a dealer that claims that application of a performance standard or program is unfair or unreasonable to request a certain hearing under certain circumstances; establishing that a manufacturer, distributor, or factory branch has a certain burden of proof"; and in line 11, after "dealers" insert "of the same line make".

On page 2, in line 3, strike "or a proposed change in the executive management of a dealer's business" and substitute "; requiring a manufacturer, distributor, or factory branch to pay certain expenses when exercising a certain right of first refusal under certain circumstances"; strike beginning with "establishing" in line 17 down through "circumstances;" in line 18; in line 24, after "branch" insert ", or a manufacturer of motor homes,"; and in lines 24 and 25, strike "a dealer" and substitute "certain dealers".

AMENDMENT NO. 2

On page 3, in line 6, after "**DEALERS**" insert "**OF THE SAME LINE MAKE**".

AMENDMENT NO. 3

On page 4, strike beginning with "**, INCLUDING:**" in line 8 down through "**AREA**" in line 15; strike beginning with "**A**" in line 16 down through "**CONSUMER**" in line 20 and substitute "**A DEALER THAT CLAIMS THAT THE APPLICATION OF A PERFORMANCE STANDARD, SALES OBJECTIVE, OR PROGRAM FOR MEASURING DEALERSHIP PERFORMANCE IS UNFAIR OR UNREASONABLE DUE TO THE DEMOGRAPHIC CHARACTERISTICS OF THE POPULATION IN THE DEALER'S ASSIGNED MARKET AREA, INCLUDING CAR AND TRUCK PREFERENCES OF CONSUMERS, OR DUE TO THE GEOGRAPHIC CHARACTERISTICS THAT AFFECT CAR AND TRUCK SHOPPING PATTERNS IN THE DEALER'S ASSIGNED MARKETING AREA, MAY FILE A CLAIM IN A COURT OF COMPETENT JURISDICTION TO DETERMINE WHETHER THE APPLICATION OF THE PERFORMANCE STANDARD OR PROGRAM IS UNFAIR OR UNREASONABLE UNDER THIS PARAGRAPH**"; and after line 20, insert:

"**(III) A MANUFACTURER, DISTRIBUTOR, OR FACTORY BRANCH HAS THE BURDEN OF PROVING THAT THE PERFORMANCE STANDARD, SALES OBJECTIVE, OR PROGRAM FOR MEASURING DEALERSHIP PERFORMANCE IS FAIR AND REASONABLE UNDER THIS PARAGRAPH.**".

AMENDMENT NO. 4

On page 5, in line 21, after the second "**DEALERS**" insert "**OF THE SAME LINE MAKE**"; and strike beginning with "**A**" in line 22 down through "**(III)**" in line 27.

AMENDMENT NO. 5

On page 6, in line 18, strike "**DEALERS;**" and substitute "**DEALERS OF THE SAME LINE MAKE; AND**"; and strike beginning with "**THE**" in line 19 down through "**SOLD**" in line 25 and substitute "**ANY REBATE, CASH INCENTIVE, OR PROMOTION THAT IS BASED ON THE SALE OF AN INDIVIDUAL VEHICLE IS NOT INCREASED FOR MEETING A PERFORMANCE STANDARD UNLESS THE STANDARD IS REASONABLE CONSIDERING ALL EXISTING CIRCUMSTANCES**".

AMENDMENT NO. 6

On page 8, strike beginning with the colon in line 23 down through "**A**" in line 24 and substitute "**A**"; and strike beginning with the semicolon in line 26 down through "**BUSINESS**" in line 28 and substitute "**TO A PERSON WHO MEETS THE MANUFACTURER'S REASONABLE QUALIFICATIONS FOR OWNERSHIP AND IS:**

(I) A MEMBER OF THE DEALER'S IMMEDIATE FAMILY;

(II) A QUALIFIED MANAGER WITH AT LEAST 2 YEARS MANAGEMENT EXPERIENCE AT THE DEALER'S BUSINESS;

(III) AN EXISTING DEALER IN GOOD STANDING; OR

(IV) A BUSINESS ENTITY CONTROLLED BY A PERSON DESCRIBED IN ITEM (I), (II), OR (III) OF THIS PARAGRAPH.

(3) IF A MANUFACTURER EXERCISES A RIGHT OF FIRST REFUSAL IN THE EVENT OF A SALE OR TRANSFER OR PROPOSED SALE OR TRANSFER OF THE DEALER'S BUSINESS OR AN EQUITY INTEREST IN THE DEALER'S BUSINESS, THE MANUFACTURER SHALL PAY THE REASONABLE EXPENSES, INCLUDING CUSTOMARY ATTORNEY'S FEES, INCURRED BY THE PROSPECTIVE PURCHASER IN NEGOTIATING AND IMPLEMENTING THE CONTRACT FOR THE PROPOSED SALE OR TRANSFER, PROVIDED THAT THE DEALER HAS GIVEN THE MANUFACTURER AT LEAST 45 DAYS' NOTICE OF AN INTENT TO SELL OR TRANSFER".

AMENDMENT NO. 7

On page 9, strike beginning with the colon in line 3 down through "**A**" in line 4 and substitute "**A**"; strike beginning with the semicolon in line 6 down through

"**BUSINESS**" in line 8 and substitute "**TO A PERSON WHO MEETS THE DISTRIBUTOR'S REASONABLE QUALIFICATIONS FOR OWNERSHIP AND IS:**

(I) A MEMBER OF THE DEALER'S IMMEDIATE FAMILY;

(II) A QUALIFIED MANAGER WITH AT LEAST 2 YEARS MANAGEMENT EXPERIENCE AT THE DEALER'S BUSINESS;

(III) AN EXISTING DEALER IN GOOD STANDING; OR

(IV) A BUSINESS ENTITY CONTROLLED BY A PERSON DESCRIBED IN ITEM (I), (II), OR (III) OF THIS PARAGRAPH.

(3) IF A DISTRIBUTOR EXERCISES A RIGHT OF FIRST REFUSAL IN THE EVENT OF A SALE OR TRANSFER OR PROPOSED SALE OR TRANSFER OF THE DEALER'S BUSINESS OR AN EQUITY INTEREST IN THE DEALER'S BUSINESS, THE DISTRIBUTOR SHALL PAY THE REASONABLE EXPENSES, INCLUDING CUSTOMARY ATTORNEY'S FEES, INCURRED BY THE PROSPECTIVE PURCHASER IN NEGOTIATING AND IMPLEMENTING THE CONTRACT FOR THE PROPOSED SALE OR TRANSFER, PROVIDED THAT THE DEALER HAS GIVEN THE DISTRIBUTOR AT LEAST 45 DAYS' NOTICE OF AN INTENT TO SELL OR TRANSFER";

strike beginning with the colon in line 16 down through "**A**" in line 17 and substitute "**A**"; and strike beginning with "**; OR**" in line 19 down through "**BUSINESS**" in line 21 and substitute "**TO A PERSON WHO MEETS THE FACTORY BRANCH'S REASONABLE QUALIFICATIONS FOR OWNERSHIP AND IS:**

(I) A MEMBER OF THE DEALER'S IMMEDIATE FAMILY;

(II) A QUALIFIED MANAGER WITH AT LEAST 2 YEARS MANAGEMENT EXPERIENCE AT THE DEALER'S BUSINESS;

(III) AN EXISTING DEALER IN GOOD STANDING; OR

(IV) A BUSINESS ENTITY CONTROLLED BY A PERSON DESCRIBED IN ITEM (I), (II), OR (III) OF THIS PARAGRAPH.

(3) IF A FACTORY BRANCH EXERCISES A RIGHT OF FIRST REFUSAL IN THE EVENT OF A SALE OR TRANSFER OR PROPOSED SALE OR TRANSFER OF THE DEALER'S BUSINESS OR AN EQUITY INTEREST IN THE DEALER'S BUSINESS, THE FACTORY BRANCH SHALL PAY THE REASONABLE EXPENSES, INCLUDING CUSTOMARY ATTORNEY'S FEES, INCURRED BY THE PROSPECTIVE PURCHASER IN NEGOTIATING AND IMPLEMENTING THE CONTRACT FOR THE PROPOSED SALE OR TRANSFER, PROVIDED THAT THE DEALER HAS GIVEN THE FACTORY BRANCH AT LEAST 45 DAYS' NOTICE OF AN INTENT TO SELL OR TRANSFER".

AMENDMENT NO. 8

On page 11, in line 13, strike "**2**" and substitute "**6**"; in line 21, strike "**(1)**"; in line 28, strike "**HAD SPECIFIC KNOWLEDGE**" and substitute "**KNEW OR SHOULD HAVE KNOWN**"; and strike in their entirety lines 30 through 32, inclusive.

AMENDMENT NO. 9

On page 12, in line 14, before "**IF**" insert "**(A)**"; in lines 19 and 20, strike "**REQUESTED OR SUGGESTED**" and substitute "**REQUIRED**"; in line 20, after "**BRANCH**" insert "**WITHIN THE PREVIOUS 2 YEARS**"; in line 24, after "**NEW**" insert "**, UNDAMAGED**"; in line 25, strike "**OF THE CURRENT OR 1–YEAR PRIOR MODEL YEAR**" and substitute "**PURCHASED WITHIN 18 MONTHS OF THE DATE OF THE TERMINATION, SUSPENSION, REFUSAL TO RENEW, CLOSURE, OR REFUSAL TO SUPPLY,**"; in line 28, after the second "**DEALER**" insert "**ACQUISITION**"; and strike beginning with "**, AS**" in line 28 down through "**REPURCHASE,**" in line 30.

On page 13, after line 16, insert:

"**(B) (1) IF A MANUFACTURER OF MOTOR HOMES TERMINATES OR CANCELS A MOTOR HOME DEALER, THE MANUFACTURER SHALL REIMBURSE THE DEALER, LESS ANY ALLOWANCES, DISCOUNTS, OR REBATES PAID TO THE DEALER BY THE MANUFACTURER, FOR AT LEAST:**

(I) THE TOTAL NET INVENTORY INVOICE COSTS;

(II) ANY CHARGES BY THE MANUFACTURER FOR DISTRIBUTION DELIVERY; AND

(III) ANY INVENTORY RELATED TAXES PAID BY THE DEALER.

(2) THIS SUBSECTION ONLY APPLIES TO MOTOR HOMES IN INVENTORY THAT:

(I) ARE NEW AND UNTITLED;

(II) WERE ACQUIRED FROM THE MANUFACTURER WITHIN 18 MONTHS BEFORE THE EFFECTIVE DATE OF THE NOTICE OF TERMINATION OR CANCELLATION;

(III) HAVE NOT BEEN USED, OTHER THAN FOR DEMONSTRATION PURPOSES; AND

(IV) HAVE NOT BEEN ALTERED OR DAMAGED.".

AMENDMENT NO. 10

On page 13, in line 24, strike "October" and substitute "June".

The preceding 10 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1266)

MESSAGE TO THE SENATE

BILL: **HB 0004**
SPONSOR: Del Manno, et al
SUBJECT: Small Business Health Insurance Expansion Act

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Pendergrass, Chairman
Delegate Kullen, and
Delegate Kach.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **HB 0004**
SPONSOR: Del Manno, et al
SUBJECT: Small Business Health Insurance Expansion Act

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Pendergrass, Chair
Delegate Kullen
Delegate Kach

The Senate appoints:
Senator Middleton, Chairman
Senator Kelley
Senator Kittleman.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE TO THE SENATE

BILL: **HB 0023**
SPONSOR: Del Kullen, et al
SUBJECT: Junk Dealers and Scrap Metal Processors – Required Records

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Vaughn, Chairman
Delegate King, and
Delegate Manno.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **HB 0023**
SPONSOR: Del Kullen, et al
SUBJECT: Junk Dealers and Scrap Metal Processors – Required Records

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Vaughn, Chair
Delegate King

Delegate Manno

The Senate appoints:
Senator Astle, Chairman
Senator Della
Senator Glassman.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE TO THE SENATE

BILL: **HB 0265**
SPONSOR: Del G. Clagett, et al
SUBJECT: Emer Med Servs – Emer Med Servs Bd and Jt Oversight Com on Emer Med Servs

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Weldon, Chairman
Delegate Hammen, and
Delegate Costa.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **HB 0265**
SPONSOR: Del G. Clagett, et al
SUBJECT: Emer Med Servs – Emer Med Servs Bd and Jt Oversight Com on Emer Med Servs

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Weldon, Chair
Delegate Hammen
Delegate Costa

The Senate appoints:
Senator Garagiola, Chairman
Senator Astle
Senator Glassman.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

CONCURRENCE CALENDAR #28

AMENDED IN THE HOUSE

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

Senator Conway moved that the Senate concur in the House amendments.

SB0278/483594/1

BY: Economic Matters Committee and Environmental Matters Committee

AMENDMENTS TO SENATE BILL 278
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, after "regulations;" insert "requiring the Department to take certain actions as it develops and implements the plan in a certain manner;".

On page 2, in line 6, after "dates;" insert "requiring the Department to include certain agencies and entities in certain discussions regarding certain matters;".

AMENDMENT NO. 2

On page 8, in line 14, strike "**AND**"; after line 14, insert:

"**(6) CONSIDER WHETHER THE MEASURES WOULD RESULT IN AN INCREASE IN ELECTRICITY COSTS TO CONSUMERS IN THE STATE;**

(7) CONSIDER THE IMPACT OF THE PLAN ON THE ABILITY OF THE STATE TO:

(I) ATTRACT, EXPAND, AND RETAIN COMMERCIAL AVIATION SERVICES; AND

(II) CONSERVE, PROTECT, AND RETAIN AGRICULTURE; AND";

and in line 15, strike "**(6)**" and substitute "**(8)**".

On page 11, after line 22, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That during the process outlined in § 2–1205(a) of the Environment Article, as enacted by Section 3 of this Act, the Department of the Environment shall include the Department of Agriculture, the Maryland Farm Bureau, the Maryland Association of Soil Conservation Districts, the Delmarva Poultry Industry, the Maryland Dairy Industry Association, and the

Maryland Agricultural Commission in discussions on the role to be played by agriculture to reduce greenhouse gas emissions.";

in line 23, strike "4." and substitute "5."; in line 29, strike "5." and substitute "6."; and in line 34, strike "6." and substitute "7.".

On page 12, in line 3, strike "7." and substitute "8."; and in line 4, strike "6" and substitute "7".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 36 Negative – 9 (See Roll Call No. 1267)

AMENDED IN THE HOUSE

Senate Bill 330 – Senator Colburn

AN ACT concerning

Dorchester County – Board of Education – Benefits

Senator Conway moved that the Senate concur in the House amendments.

SB0330/985969/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 330
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "certain benefits to" and substitute "that"; in line 4, after "Education" insert "may be provided certain benefits"; in line 5, strike "established under this Act"; and in line 6, after "purposes;" insert "providing for the application of this Act;".

AMENDMENT NO. 2

On page 2, in lines 3 and 4, strike "**IS ENTITLED TO**" and substitute "**MAY BE PROVIDED**"; in line 4, strike "**TO**"; after line 11, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any member of the Dorchester County Board of Education elected before November 2010.";

and in line 12, strike "2." and substitute "3.".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 44 Negative – 1 (See Roll Call No. 1268)

AMENDED IN THE HOUSE

Senate Bill 721 – ~~Senator Pinsky~~ Senators Pinsky and Harris

AN ACT concerning

Private Wastewater Treatment Act of 2009

Senator Conway moved that the Senate concur in the House amendment.

SB0721/883528/2

BY: Delegate Haddaway

AMENDMENT TO SENATE BILL 721
(Third Reading File Bill)

On page 1, in line 16, strike "**SECTION,**" and substitute "**SECTION:**

(1)".

On page 2, in lines 1 and 3, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; and after line 3, insert:

"**(2) "INDIVIDUAL SEWERAGE SYSTEM" DOES NOT INCLUDE A SEPTIC TANK DISPOSAL SYSTEM.**".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1269)

AMENDED IN THE HOUSE

Senate Bill 958 – Senator Rosapepe

EMERGENCY BILL

AN ACT concerning

Construction Permits – Expiration Dates

Senator Conway moved that the Senate concur in the House amendment.

SB0958/340018/1

BY: Environmental Matters Committee

AMENDMENT TO SENATE BILL 958
(Third Reading File Bill)

On page 6, in line 19, after "That" insert ", except as otherwise provided in this Act,"; and in lines 28 and 29, strike ", except as otherwise provided in this Act,".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1270)

CONCURRENCE CALENDAR #30

AMENDED IN THE HOUSE

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

Senator Conway moved that the Senate concur in the House amendments.

SB0625/590611/2

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 625
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 13 down through "buildings;" in line 14; and on page 1, in line 17, strike "by a certain date" and substitute "; requiring certain modifications of the Standards to be implemented and enforced by a local jurisdiction no later than a certain period of time after the modifications are adopted; defining a certain term".

AMENDMENT NO. 2

On page 3, strike in their entirety lines 22 through 27, inclusive.

On page 4, in line 1, strike the brackets; and in the same line, strike "**(D)**".

On page 4, in line 17, strike "**120 DAYS**" and substitute "**6 MONTHS**".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1271)

AMENDED IN THE HOUSE

Senate Bill 666 – Senators Pinsky, Conway, Frosh, Harrington, Lenett, Madaleno, Raskin, ~~and Rosapepe~~ Rosapepe, and Harris

AN ACT concerning

Natural Resources – No Net Loss of Forest Policy – Forest Conservation Act

Senator Conway moved that the Senate concur in the House amendments.

SB0666/170411/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 666
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 7, strike "declaring the intent of the General Assembly;"; and in line 18, strike "5–1603(c)(3)" and substitute "5–1603(c)(3),".

On page 3, in lines 12 and 22, in each instance, strike "**FORESTS**" and substitute "**FOREST**".

On page 4, in lines 27 and 30, in each instance, strike the brackets; and in the same lines, strike "**(6)**" and "**(7)**", respectively.

On page 5, in lines 1 and 3, in each instance, strike the brackets; and in the same lines, strike "**(8)**" and "**(9)**", respectively.

AMENDMENT NO. 2

On page 6, strike beginning with "**TREES**" in line 26 down through "**CONSIDERED**" in line 30 and substitute "**THE FOLLOWING TREES, SHRUBS, PLANTS, AND SPECIFIC AREAS SHALL BE CONSIDERED**"; strike beginning with the semicolon in line 31 down through "**LEFT**" in line 32 and substitute "**, AND THEY SHALL BE LEFT**"; in line 34, after "**AUTHORITY**" insert a comma; and in line 35, after "**ALTERED**" insert "**:**

(I) 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; AND

(II) CONTIGUOUS FOREST THAT CONNECTS THE LARGEST UNDEVELOPED OR MOST VEGETATED TRACTS OF LAND WITHIN AND ADJACENT TO THE SITE".

AMENDMENT NO. 3

On page 7, in line 4, after "authority" insert a comma; strike beginning with "Contiguous" in line 10 down through "**(II)**" in line 12; in line 15, strike "**(III)**" and substitute "**(II)**"; and in line 18, strike "**(IV)**" and substitute "**(III)**".

AMENDMENT NO. 4

On page 11, strike beginning with "AND" in line 1 down through "3." in line 4.

The preceding 4 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 1272)

CONCURRENCE CALENDAR #31

AMENDED IN THE HOUSE

Senate Bill 262 – The President (By Request – Administration) (Task Force to Combat Driving Under the Influence of Drugs and Alcohol) ~~and Senator Forehand~~ and Senators Forehand, Jacobs, and Mooney

AN ACT concerning

Vehicle Laws – Repeated Drunk and Drugged Driving Offenses – Suspension of License

Senator Frosh moved that the Senate concur in the House amendments.

SB0262/922711/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 262
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "requiring" and substitute "authorizing"; in line 5, strike "driver's"; and strike beginning with "requiring" in line 8 down through "requirements" in line 14 and substitute "authorizing a person whose license is suspended under certain circumstances to participate in the Administration's Ignition Interlock System Program under certain circumstances; requiring the Administration to suspend for a certain period the license of a person who has been convicted of a certain drunk driving offense within a certain time after the person was convicted of a certain drugged driving offense; requiring the Administration to suspend for a certain period the license of a person who has been convicted of a certain drugged driving offense within a certain time after the person was convicted of a certain drunk driving offense; requiring a person whose license is suspended under certain circumstances to participate in the Administration's Ignition Interlock System Program under certain circumstances; altering certain provisions of the Maryland Vehicle Law concerning administrative penalties for certain subsequent drunk driving offenses to conform to certain changes in federal law incorporated in State law; providing for certain procedures".

AMENDMENT NO. 2

On page 1, strike in its entirety line 18 and substitute "Section 16–205(d) and (e) (2) through (12)"; and after line 20, insert:

"BY adding to
Article – Transportation
Section 16–205(e)(5) and (6)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 3

On pages 2 and 3, strike in their entirety the lines beginning with line 8 on page 2 through line 21 on page 3, inclusive, and substitute:

"(d) **(1)** Subject to subsection (d–1) **AND SUBSECTION (E)** of this section, the Administration may suspend for not more than **[**120 days**] 1 YEAR** the license of

any person who, within a [3–year] **5–YEAR** period, is convicted **OF ANY VIOLATION OF § 21–902 OF THIS ARTICLE AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF ANY VIOLATION UNDER § 21–902 OF THIS ARTICLE** [under 21–902(b) or (c) of this article of driving or attempting to drive a motor vehicle while impaired by alcohol or while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a motor vehicle safely and who was previously convicted of a violation under:

(1) § 21–902(a) of this article of driving or attempting to drive a motor vehicle while under the influence of alcohol or while under the influence of alcohol per se;

(2) § 21–902(b) of this article of driving or attempting to drive a motor vehicle while impaired by alcohol;

(3) § 21–902(c) of this article of driving or attempting to drive a motor vehicle while so far impaired by any drug, any combination of drugs, or a combination of one or more drugs and alcohol that the person cannot drive a motor vehicle safely; or

(4) § 21–902(d) of this article of driving or attempting to drive a motor vehicle while impaired by a controlled dangerous substance].

(2) IF REQUESTED BY THE PERSON, THE ADMINISTRATION MAY ISSUE A RESTRICTED LICENSE FOR THE PERIOD OF A SUSPENSION TO A PERSON WHO PARTICIPATES IN THE IGNITION INTERLOCK SYSTEM PROGRAM UNDER § 16–404.1 OF THIS TITLE.

(3) A SUSPENSION 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 THE VIOLATION OF § 21–902 OF THIS ARTICLE DESCRIBED IN THIS SUBSECTION.

(e) (2) Subject to the provisions of this subsection, the Administration shall suspend for 1 year the license of a person who is convicted of [a]**:**

(I) A violation of § 21–902(a) of this article more than once within a 5–year period**;**

(II) A VIOLATION OF § 21–902(A) OF THIS ARTICLE WITHIN A 5–YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21–902(D) OF THIS ARTICLE; OR

(III) A VIOLATION OF § 21–902(D) OF THIS ARTICLE WITHIN A 5–YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21–902(A) OF THIS ARTICLE.

(3) On receiving a record of a conviction of a person for a violation **DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION [**of § 21–902(a) of this article more than once within a 5–year period**]**, the Administration shall issue to the person a notice of suspension of the person's license that:

(i) States that the person's license shall be suspended for 1 year; **[**and**]**

(ii) **[**Advises the person of the right to request a hearing under this paragraph**] STATES THAT THE PERIOD OF THE FIRST 45 DAYS OF THE 1–YEAR PERIOD OF SUSPENSION IS NOT SUBJECT TO MODIFICATION BY THE ADMINISTRATION;**

(III) STATES A RESTRICTED LICENSE MAY BE ISSUED FOR THE REMAINDER OF THE 1–YEAR PERIOD OF SUSPENSION IF:

1. THE PERSON MAINTAINS AN IGNITION INTERLOCK SYSTEM ON A MOTOR VEHICLE OWNED OR OPERATED BY THE PERSON FOR THE REMAINDER OF THE 1–YEAR PERIOD OF SUSPENSION;

2. THE LICENSE IS RESTRICTED TO PROHIBIT THE PERSON FROM DRIVING A MOTOR VEHICLE THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM;

3. THE LICENSE IS RESTRICTED TO PERMIT THE PERSON TO DRIVE ONLY TO AND FROM WORK, SCHOOL, AN ALCOHOL

TREATMENT PROGRAM, OR AN IGNITION INTERLOCK SYSTEM SERVICE FACILITY, IF THE PERSON WAS CONVICTED OF A VIOLATION OF § 21–902(A) OF THIS ARTICLE MORE THAN ONCE WITHIN A 5–YEAR PERIOD; AND

4. THE LICENSE IS RESTRICTED TO PERMIT THE PERSON TO DRIVE ONLY TO AND FROM WORK, SCHOOL, AN ALCOHOL TREATMENT PROGRAM, A DRUG TREATMENT PROGRAM, OR AN IGNITION INTERLOCK SYSTEM SERVICE FACILITY, IF THE PERSON WAS CONVICTED OF:

A. A VIOLATION OF § 21–902(A) OF THIS ARTICLE WITHIN A 5–YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21–902(D) OF THIS ARTICLE; OR

B. A VIOLATION OF § 21–902(D) OF THIS ARTICLE WITHIN A 5–YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21–902(A) OF THIS ARTICLE;

(IV) ADVISES THE PERSON OF THE REQUIREMENTS UNDER PARAGRAPH (7) OF THIS SUBSECTION FOR A PERSON WHO DOES NOT PARTICIPATE IN THE IGNITION INTERLOCK SYSTEM PROGRAM IN ACCORDANCE WITH THIS PARAGRAPH DURING THE 1–YEAR PERIOD OF SUSPENSION;

(V) ADVISES THE PERSON OF THE RIGHT TO REQUEST A HEARING ON A SUSPENSION UNDER THIS PARAGRAPH; AND

(VI) ADVISES THE PERSON OF THE RIGHT, INSTEAD OF REQUESTING A HEARING ON A SUSPENSION UNDER THIS PARAGRAPH, TO BE SUBJECT TO A 1–YEAR PERIOD OF SUSPENSION, WITH THE PERIOD OF THE FIRST 45 DAYS OF THE SUSPENSION NOT SUBJECT TO MODIFICATION BY THE ADMINISTRATION, AND FOR THE REMAINDER OF THE 1–YEAR PERIOD OF SUSPENSION TO BE ISSUED A RESTRICTED LICENSE UNDER THIS PARAGRAPH IF THE FOLLOWING CONDITIONS ARE MET:

1. THE PERSON'S DRIVER'S LICENSE IS NOT CURRENTLY SUSPENDED, REVOKED, CANCELED, OR REFUSED;

2. THE VIOLATION DID NOT ARISE OUT OF CIRCUMSTANCES THAT INVOLVED A DEATH OF, OR SERIOUS PHYSICAL INJURY TO, ANOTHER PERSON;

3. THE PERSON SURRENDERS A VALID MARYLAND DRIVER'S LICENSE OR SIGNS A STATEMENT CERTIFYING THAT THE DRIVER'S LICENSE IS NO LONGER IN THE PERSON'S POSSESSION; AND

4. THE PERSON ELECTS IN WRITING, WITHIN THE SAME TIME LIMIT FOR REQUESTING A HEARING, TO MEET THE IGNITION INTERLOCK SYSTEM REQUIREMENTS UNDER THIS PARAGRAPH FOR THE REMAINDER OF THE 1–YEAR PERIOD OF SUSPENSION.

(4) After notice under paragraph (3) of this subsection, the Administration shall suspend a person's license under this subsection if:

(i) The person does not request a hearing;

(ii) After a hearing, the Administration finds that the person was convicted of**:**

1. **[**more**] MORE** than one violation of § 21–902(a) of this article within a 5–year period; **[**or**]**

2. A VIOLATION OF § 21–902(A) OF THIS ARTICLE WITHIN A 5–YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21–902(D) OF THIS ARTICLE; OR

3. A VIOLATION OF § 21–902(D) OF THIS ARTICLE WITHIN A 5–YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21–902(A) OF THIS ARTICLE; OR

(iii) The person fails to appear for a hearing requested by the person.

(5) THE ADMINISTRATION MAY MODIFY A SUSPENSION UNDER PARAGRAPH (4) OF THIS SUBSECTION TO:

(I) IMPOSE A SUSPENSION OF 45 DAYS;

(II) ORDER THE PERSON TO MAINTAIN, FOR THE REMAINDER OF THE 1–YEAR PERIOD OF SUSPENSION, AN IGNITION INTERLOCK SYSTEM ON A 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 PROHIBITS THE PERSON FROM DRIVING A MOTOR VEHICLE THAT IS NOT EQUIPPED WITH AN IGNITION INTERLOCK SYSTEM AND PERMITS THE PERSON TO DRIVE ONLY TO AND FROM:

1. WORK, SCHOOL, AN ALCOHOL TREATMENT PROGRAM, OR AN IGNITION INTERLOCK SYSTEM SERVICE FACILITY, IF THE PERSON WAS CONVICTED OF A VIOLATION OF § 21–902(A) OF THIS ARTICLE MORE THAN ONCE WITHIN A 5–YEAR PERIOD;

2. WORK, SCHOOL, AN ALCOHOL TREATMENT PROGRAM, A DRUG TREATMENT PROGRAM, OR AN IGNITION INTERLOCK SYSTEM SERVICE FACILITY, IF THE PERSON WAS CONVICTED OF:

A. A VIOLATION OF § 21–902(A) OF THIS ARTICLE WITHIN A 5–YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21–902(D) OF THIS ARTICLE; OR

B. A VIOLATION OF § 21–902(D) OF THIS ARTICLE WITHIN A 5–YEAR PERIOD AFTER THE PERSON WAS PREVIOUSLY CONVICTED OF A VIOLATION OF § 21–902(A) OF THIS ARTICLE.".

AMENDMENT NO. 4

On page 5, strike in their entirety lines 18 through 25, inclusive; and in line 16, after "§ 21–902(a)" insert "**OR (D)**".

The preceding 4 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 1273)

AMENDED IN THE HOUSE

Senate Bill 620 – Senators Simonaire, Greenip, Haines, Jacobs, Mooney, ~~and Stone~~ Stone, and Forehand

AN ACT concerning

~~Crimes of Violence – Voided Revised Sentences~~
Criminal Procedure – Violation of Crime Victim Rights – Subsequent Proceedings

Senator Frosh moved that the Senate concur in the House amendments.

SB0620/842615/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 620
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Violation" in line 3 down through "Proceedings" in line 4 and substitute "Hearing on Motion for Revision, Modification, or Reduction of Sentence or Disposition – Appearance of Victim or Victim's Representative"; and strike beginning with "providing" in line 12 down through "sentencing" in line 24 and substitute "requiring a prosecuting attorney, at a hearing on a motion for a revision, modification, or reduction of a sentence or disposition in a certain court at which a certain victim or victim's representative fails to appear, to make a certain statement that proceeding without the appearance of the victim or the victim's representative is justified; authorizing a court to postpone a certain hearing under certain circumstances; and generally relating to the appearance of victims or victims' representatives at hearings on motions for revision, modification, or reduction of sentence or disposition".

On page 2, in line 3, strike "11–503" and substitute "11–403"; and strike line 5 in its entirety and substitute "(2008 Replacement Volume)".

AMENDMENT NO. 2

On pages 5 through 7, strike in their entirety the lines beginning with line 4 on page 5 through line 4 on page 7, inclusive, and substitute:

"11–403.

(a) In this section, "sentencing or disposition hearing" means a hearing at which the imposition of a sentence, disposition in a juvenile court proceeding, or alteration of a sentence or disposition in a juvenile court proceeding is considered.

(b) In the sentencing or disposition hearing the court:

(1) if practicable, shall allow the victim or the victim's representative to address the court under oath before the imposition of sentence or other disposition:

(i) at the request of the prosecuting attorney; or

(ii) if the victim has filed a notification request form under § 11–104 of this title; and

(2) may allow the victim or the victim's representative to address the court under oath before the imposition of sentence or other disposition at the request of the victim or the victim's representative.

(c) (1) If the victim or the victim's representative is allowed to address the court, the defendant or child respondent may cross–examine the victim or the victim's representative.

(2) The cross–examination is limited to the factual statements made to the court.

(d) (1) A victim or the victim's representative has the right not to address the court at the sentencing or disposition hearing.

(2) A person may not attempt to coerce a victim or the victim's representative to address the court at the sentencing or disposition hearing.

(E) (1) IF THE VICTIM OR THE VICTIM'S REPRESENTATIVE FAILS TO APPEAR AT A HEARING ON A MOTION FOR A REVISION, MODIFICATION, OR REDUCTION OF A SENTENCE OR DISPOSITION IN CIRCUIT COURT OR JUVENILE COURT, THE PROSECUTING ATTORNEY SHALL STATE ON THE RECORD THAT PROCEEDING WITHOUT THE APPEARANCE OF THE VICTIM OR THE VICTIM'S REPRESENTATIVE IS JUSTIFIED BECAUSE:

(I) THE VICTIM OR VICTIM'S REPRESENTATIVE WAS CONTACTED BY THE PROSECUTING ATTORNEY AND WAIVED THE RIGHT TO ATTEND THE HEARING;

(II) EFFORTS WERE MADE TO CONTACT THE VICTIM OR THE VICTIM'S REPRESENTATIVE AND, TO THE BEST KNOWLEDGE AND BELIEF OF THE PROSECUTING ATTORNEY, THE VICTIM OR VICTIM'S REPRESENTATIVE CANNOT BE LOCATED; OR

(III) THE VICTIM OR VICTIM'S REPRESENTATIVE HAS NOT FILED A NOTIFICATION REQUEST FORM UNDER § 11–104 OF THIS TITLE.

(2) IF THE COURT IS NOT SATISFIED BY THE STATEMENT THAT PROCEEDING WITHOUT THE APPEARANCE OF THE VICTIM OR THE VICTIM'S REPRESENTATIVE IS JUSTIFIED, OR, IF NO STATEMENT IS MADE, THE COURT MAY POSTPONE THE HEARING.

[(e)**] (F)** A victim or victim's representative who has been denied a right provided under this section may file an application for leave to appeal in the manner provided under § 11–103 of this title.";

and on page 7, in line 5, strike "3." and substitute "2.".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 41 Negative – 0 (See Roll Call No. 1274)

CONCURRENCE CALENDAR #33

AMENDED IN THE HOUSE

Senate Bill 86 – Chair, Finance Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Title Insurance Producers – Regulation and Requirements

Senator Middleton moved that the Senate concur in the House amendment.

SB0086/863092/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 86
(Third Reading File Bill)

On page 2, in line 15, strike "**ANOTHER PERSON**" and substitute "**A LICENSED TITLE INSURANCE PRODUCER**".

The preceding amendment was read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 39 Negative – 0 (See Roll Call No. 1275)

AMENDED IN THE HOUSE

Senate Bill 209 – ~~Senator Stone~~ Senators Stone, Garagiola, Glassman, Klausmeier, and Middleton

AN ACT concerning

State Highway Administration – Snow Removal – Use of Farm Trucks

Senator Middleton moved that the Senate concur in the House amendments.

SB0209/910019/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 209
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after "of" insert "prohibiting a person from making a certain claim for a refund of motor fuel tax for motor fuel used to operate a farm truck under certain provisions of this Act;"; in line 6, after "truck;" insert "prohibiting the owner of a farm truck from allowing the farm truck to be used to assist in snow removal outside of the county in which the farm truck is registered;"; and after line 11, insert:

"BY repealing and reenacting, with amendments,
Article – Tax – General
Section 13–901(f)(1)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY adding to
Article – Tax – General
Section 13–901(f)(3)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Tax – General
Section 13–1030
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 2

On page 2, after line 2, insert:

"Article – Tax – General

13–901.

(f) (1) [A] **EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, A** claim for refund of motor fuel tax may be filed by a claimant who pays the tax on:

(i) aviation fuel, as defined in § 9–101 of this article, that is:

1. dispensed to aircraft by an aircraft manufacturing company located in the State; or

2. used:

A. by a person who engages in agricultural activities; and

B. in an aircraft that is used for agricultural purposes at least 70% of the time that the aircraft is used; or

(ii) motor fuel, as defined in § 9–101 of this article, that:

1. is used to operate:

A. a bus that is used only in the operation of a transportation system of a political subdivision of the State to transport the public on regular schedules between fixed termini, as defined in Title 11 of the Transportation Article;

B. farm equipment that is used for an agricultural purpose and is not registered to operate on a public highway;

C. fire or rescue apparatus or vehicles by a volunteer fire company or nonprofit volunteer rescue company incorporated in the State;

D. an internal combustion engine that is installed permanently at a fixed location; or

E. a vehicle that is owned and used by a Maryland chapter of the American Red Cross or a bona fide unit of a national veterans' organization;

2. is bought by:

A. the United States or a unit of the United States government;

B. the Department of General Services for use by State agencies; or

C. a person who is required to pay a tax on the same fuel to another state;

3. except for any operation of a motor vehicle on a public highway in the State, is used for a commercial purpose, including:

A. the operation of a vessel used only for commercial purposes;

B. commercial cleaning; or

C. commercial dyeing;

4. is used in any of the following vehicles that have pumping or other equipment mechanically or hydraulically driven by the engine that propels the vehicle:

A. a concrete mixing motor vehicle or concrete pump truck;

B. a motor fuel delivery vehicle;

C. a solid waste compacting vehicle;

D. a well–drilling vehicle; or

E. farm equipment registered as a vehicle for highway use that is designed or adapted solely and used exclusively for bulk farm spreading of agriculture liming materials, chemicals, or fertilizer;

5. is used by a system of transportation based in the State, in a vehicle that is used to provide transportation to elderly or low income individuals, or individuals with disabilities, if the system is operated by a nonprofit organization for purposes relating to the charge for which the nonprofit organization was established and the nonprofit organization:

A. is exempt for federal income tax purposes under § 501(c) of the Internal Revenue Code;

B. is funded to provide transportation to elderly or low income individuals, or individuals with disabilities;

C. receives part of its operating funding from the Maryland Department of Transportation or the Maryland Department of Health and Mental Hygiene;

D. has stated in its charter or bylaws that operating transportation services for elderly or low income individuals, or individuals with disabilities, is one of the purposes for which it was established; and

E. is actively operating a system of transportation for elderly or low income individuals, or individuals with disabilities; or

6. is lost as a result of fire, collision, or other casualty, except for loss in ordinary transportation and storage.

(3) A PERSON MAY NOT MAKE A CLAIM FOR A REFUND OF MOTOR FUEL TAX UNDER PARAGRAPH (1)(II)1B OF THIS SUBSECTION FOR MOTOR FUEL USED TO OPERATE A FARM TRUCK UNDER THE PROVISIONS OF § 8–602(C) OF THE TRANSPORTATION ARTICLE.

13–1030.

(a) A person who makes or assists another person to make a false claim for refund of motor fuel tax is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding $1,000 or imprisonment in the county jail not exceeding 6 months or both.

(b) A person who fraudulently obtains or assists another person to fraudulently obtain a refund of motor fuel tax is guilty of a misdemeanor and, on conviction, is subject to a fine not exceeding $1,000 or imprisonment in the county jail not exceeding 6 months or both.".

AMENDMENT NO. 3

On page 3, in line 4, after "**(4)**" insert "**THE OWNER OF A FARM TRUCK MAY NOT ALLOW THE FARM TRUCK TO BE USED UNDER THIS SUBSECTION TO ASSIST IN SNOW REMOVAL OUTSIDE OF THE COUNTY IN WHICH THE FARM TRUCK IS REGISTERED.**

(5)";

and in lines 6 and 16, strike "**(5)**" and "**(6)**", respectively, and substitute "**(6)**" and "**(7)**", respectively.

The preceding 3 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 43 Negative – 0 (See Roll Call No. 1276)

CONCURRENCE CALENDAR #35

AMENDED IN THE HOUSE

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

Senator Frosh moved that the Senate concur in the House amendments.

SB0219/202715/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 219
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "a" in line 4 down through "circumstances;" in line 10 and substitute "the clerk of the juvenile court to report to the Motor Vehicle Administration an adjudication of a child as delinquent or a finding that the child has committed a delinquent act without an adjudication of the child as delinquent for a violation relating to leaving the scene of an accident or fleeing or eluding a police officer;"; and strike beginning with "providing" in line 18 down through "suspension;" in line 19.

On page 2, in line 3, strike "Administration receives satisfactory evidence of the commission" and substitute "individual is convicted"; strike beginning with "establishing" in line 4 down through "violation;" in line 7; in line 10, strike the first comma and substitute "and"; in the same line, strike ", and 3–8A–19(e)(2)"; and in line 15, strike "3–8A–19(e)(1) and".

AMENDMENT NO. 2

On pages 3 and 4, strike in their entirety the lines beginning with line 5 on page 3 through line 17 on page 4, inclusive.

AMENDMENT NO. 3

On page 6, in line 21, strike the second opening bracket; in line 22, strike "**] BE CONSECUTIVE TO**"; in line 26, strike the bracket; in line 29, strike the bracket; and strike beginning with "**THE**" in line 30 down through "**(6)**" in line 33.

On page 9, strike beginning with "**THE**" in line 5 down through "**(3)**" in line 8; and strike beginning with "**THE**" in line 26 down through "**(3)**" in line 29.

On page 10, strike in their entirety lines 1 through 6, inclusive.

AMENDMENT NO. 4

On page 9, strike beginning with "**ADMINISTRATION**" in line 20 down through "**COMMITTED**" in line 21 and substitute "**INDIVIDUAL IS CONVICTED OF**".

The preceding 4 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 1277)

MESSAGE TO THE SENATE

BILL: **HB 0498**
SPONSOR: Del Feldman
SUBJECT: Professional Service Corporations – Corporate Names – Approval by Professional Organizations

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Feldman, Chairman
Delegate Barkley, and
Delegate Stifler.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **HB 0498**
SPONSOR: Del Feldman
SUBJECT: Professional Service Corporations – Corporate Names – Approval by Professional Organizations

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Feldman, Chair
Delegate Barkley
Delegate Stifler

The Senate appoints:
Senator Forehand, Chairman
Senator Raskin
Senator Jacobs.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 299** SPONSOR: **The Speaker**

SUBJECT: **Criminal Law – Alcoholic Beverages – Underage Individuals – Prohibitions and Penalties**

THIRD READING CALENDAR HOUSE NO. **11** SENATE NO. **12**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the attached Judicial Proceedings Committee Amendment (HB0299/478776/1) be adopted.

(2) That the attached Senator Zirkin Amendments (HB0299/733429/1) be adopted.

(3) That the attached Conference Committee Amendment (HB0299/243220/1) be adopted.

HB0299/478776/1

BY: Judicial Proceedings Committee

AMENDMENT TO HOUSE BILL 299
(Third Reading File Bill)

On page 9, in line 28, strike "**IMPRISONMENT NOT EXCEEDING 30 DAYS OR**"; in lines 29 and 31, in each instance, strike "**OR BOTH**"; and in line 30, strike "**IMPRISONMENT NOT EXCEEDING 60 DAYS OR**".

HB0299/733429/1

BY: Senator Zirkin

AMENDMENTS TO HOUSE BILL 299
(Third 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 28, after "**(B)**" insert "**(1)**"; in the same line, after "**SECTION,**" insert "**AND SUBJECT TO SUBSECTION (B)(2) OF THIS SECTION,**".

AMENDMENT NO. 3

On page 3, in line 6, after "**(B)**" insert "**(1)**"; in line 8, strike "**(1)**"; in the same line, after "**(I)**" insert "**1.**"; in lines 11, 16, and 19, strike "**(II)**", "**(III)**", and "**(2)**", respectively, and substitute "**2.**", "**3.**", and "**(II)**", respectively; after line 20, 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.**".

HB0299/243220/1

BY: Conference Committee

AMENDMENT TO HOUSE BILL 299, AS AMENDED

In the Senator Zirkin Amendment (HB0299/733429/1), in lines 5 and 6 of Amendment No. 3, in each instance, strike "**(A)(1) OR (2)**" and substitute "**(A)(2)**".

Senate Members:	House Members:
Chair, **Norman R. Stone, Jr.**	Chair, **Kathleen M. Dumais**
Larry E. Haines	**Jeff Waldstreicher**
Jennie M. Forehand	**J.B. Jennings**

Read in the Senate: Read in the House of Delegates:

Amendment Office Delivers Report to: (X) Chief Clerk
( ) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 1278)

The Bill was then sent to the House of Delegates.

CONCURRENCE CALENDAR #34

AMENDED IN THE HOUSE

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~~, Dyson, Jacobs, and Mooney

AN ACT concerning

Criminal Law – Alcoholic Beverages – Underage Individuals – Prohibitions and Penalties

Senator Frosh moved that the Senate not concur in the House amendments.

SB0261/452719/1

BY: House Judiciary Committee

AMENDMENTS TO SENATE BILL 261
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 6 down through "offense;" in line 8.

AMENDMENT NO. 2

On page 2, in line 30, strike "**(B)(1)**" and substitute "**(B)**"; and in line 31, strike "**AND SUBJECT TO SUBSECTION (B)(2) OF THIS SECTION,**".

On page 3, in line 7, strike "**(1)**"; in line 9, strike "**(I)**"; in the same line, strike "**1.**" and substitute "**(1) (I)**"; in lines 12, 17, and 20, strike "**2.**", "**3.**", and "**(II)**", respectively, and substitute "**(II)**", "**(III)**", and "**(2)**", respectively; and strike in their entirety lines 22 through 25, inclusive.

On page 10, in line 4, after "**(1)**" insert "**IMPRISONMENT NOT EXCEEDING 30 DAYS OR**"; in the same line, after "**$2,500**" insert "**OR BOTH**"; in line 5, after "**(2)**" insert "**IMPRISONMENT NOT EXCEEDING 60 DAYS OR**"; and in the same line, after "**$5,000**" insert "**OR BOTH**".

The preceding 2 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 0261**

SPONSOR: The Pres (Admin) (Drnk Drvng TF)
SUBJECT: Criminal Law – Alcoholic Beverages – Underage Individuals – Prohibitions and Penalties

The Senate refuses to concur in the House amendments and respectfully requests the House recede from its position.

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints:

Senator Stone, Chairman
Senator Haines
Senator Forehand.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

AMENDED IN THE HOUSE

Senate Bill 1063 – ~~Senator Pugh~~ Senators Pugh, Glassman, and Middleton

~~EMERGENCY BILL~~

AN ACT concerning

Joint ~~Emergency Medical Services~~ Oversight Committee on Emergency Medical Services

Senator Middleton moved that the Senate not concur in the House amendments.

SB1063/896487/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 1063
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before "Joint" insert "Emergency Medical Services – Emergency Medical Services Board and"; in line 4, after "of" insert "altering the membership of the State Emergency Medical Services Board by increasing the number of members who are from the public at large and by adding one member who is a Director of Operations who is a helicopter pilot employed by the Department of State Police within the Aviation Command;"; in line 10, after "of" insert "certain provisions of"; in the same line, after "to" insert "emergency medical services, the State Emergency Medical Services Board, and"; and after line 12, insert:

"BY repealing and reenacting, with amendments,
Article – Education
Section 13–505
Annotated Code of Maryland
(2008 Replacement Volume)".

AMENDMENT NO. 2

On page 1, after line 19, insert:

"Article – Education

13–505.

(a) (1) The EMS Board consists of **[**11**]** **13** members appointed by the Governor.

(2) Of the **[**11**]** **13** members:

(i) One shall be the Secretary of Health and Mental Hygiene or the Secretary's designee;

(ii) One shall be a representative of the University of Maryland, Baltimore, nominated by the Board of Regents;

(iii) One shall be the chairperson of the Advisory Council;

(iv) One shall be a physician knowledgeable in the delivery of emergency medical services;

(v) One shall be a physician experienced in the clinical care of trauma patients;

(vi) One shall be a nurse experienced in the clinical care of emergency patients;

(vii) One shall be a career firefighter, emergency medical technician, or rescue squad person knowledgeable in the delivery of emergency medical services;

(viii) One shall be a volunteer firefighter, emergency medical technician, or rescue squad person knowledgeable in the delivery of emergency medical services;

(ix) One shall be a hospital administrator knowledgeable in the management and delivery of emergency medical services; **[**and**]**

(X) ONE SHALL BE A DIRECTOR OF OPERATIONS WHO IS A HELICOPTER PILOT EMPLOYED BY THE DEPARTMENT OF STATE POLICE WITHIN THE AVIATION COMMAND; AND

[(x)**] (XI)** **[**Two**] THREE** shall be from the public at large, one of whom shall reside in a county with a population of less than 175,000.

(b) (1) Each appointed member shall have demonstrated interest or experience in the delivery of emergency medical services.

(2) In appointing members to the EMS Board, the Governor shall take into consideration the five emergency medical service regions of the State to assure a geographic balance in the Board's membership.

(3) In appointing members to the EMS Board, the Governor shall take into consideration persons:

(i) Recommended by the Advisory Council; or

(ii) Recommended by any statewide organization or association which is interested and involved in the delivery of emergency medical services.

(4) Except as authorized under this section, the Governor may not appoint to the EMS Board any other person who is:

(i) A member of the Board of Regents;

(ii) A member of the Board of Directors of the Medical System Corporation; or

(iii) An officer or full–time employee of the Medical System Corporation or the University.

(c) (1) The term of an appointed member is 4 years.

(2) At the end of a term, an appointed member continues to serve until a successor is appointed and qualifies.

(3) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(d) Annually, from among the members of the EMS Board:

(1) The Governor shall appoint a chairperson; and

(2) The chairperson shall appoint a vice chairperson.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:".

AMENDMENT NO. 3

On page 2, in lines 6 and 7, in each instance, strike "**EIGHT**" and substitute "**12**"; and strike in their entirety lines 8 through 20, inclusive, and substitute:

"**(I) SIX SHALL BE MEMBERS OF THE SENATE OF MARYLAND, APPOINTED BY THE PRESIDENT OF THE SENATE; AND**

(II) SIX SHALL BE MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE.".

AMENDMENT NO. 4

On page 5, in line 19, strike "2." and substitute "3."; in line 23, strike "It" and substitute "Section 2 of this Act"; and in line 26, after the comma insert "Section 2 of".

The preceding 4 amendments were read and not concurred in.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **SB 1063**
SPONSOR: Sen Pugh, et al
SUBJECT: Joint Oversight Committee on Emergency Medical Services

The Senate refuses to concur in the House amendments and respectfully requests the House recede from its position.

Should the House prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the Senate appoints:

Senator Garagiola, Chairman
Senator Astle
Senator Glassman.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 79** SPONSOR: **Ch., Finance Committee**

SUBJECT: **Health Insurance – Reform**

THIRD READING CALENDAR HOUSE NO. **26** SENATE NO. **53**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

That the Health and Government Operations Committee Amendments (SB0079/106487/1) be rejected.

Senate Members:	House Members:
Chair, **Rob Garagiola**	Chair, **Shane E. Pendergrass**
Delores G. Kelley	**Shawn Z. Tarrant**
E. J. Pipkin	**Donald B. Elliott**

Read in the Senate: Read in the House of Delegates:

Amendment Office Delivers Report to: ( ) Chief Clerk
(X) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 1279)

The Bill was then sent to the House of Delegates.

YEAS AND NAYS

SENATE BILLS PASSED IN THE HOUSE

NUMBER	SPONSOR	CONTENT
SB 16	Sen. Conway	Baltimore City and Prince George's Co – Org of Parents and Teachers – Matching Fund
SB 119	The President	Maryland Horse Racing Act – Sunset Extension and Program Evaluation
SB 163 (Emergency Bill)	Chair, EHE Com.	Program Open Space – Use of Funds – Indoor or Outdoor Recreational Facilities

SB 164	Chair, EHE Com.	Natural Resources – Recreational Fishing Licenses – Penalties
SB 169	Chair, EHE Com.	Department of Natural Resources – Antiquated Fish and Fisheries Laws – Repeal
SB 217	Sen. Simonaire	Natural Resources – Tree Services – Advertising
SB 235	Sen. King	Education – MDK12 Digital Library
SB 343	Sen. Edwards	Allegany County – Video Lottery Construction – Local Impact Grants – Rocky Gap Construction Costs
SB 481	Sen. Pipkin	Health Insurance – Dental Provider Panels – Provider Contracts
SB 497	Sen. Frosh	Circuit Court Judgeships – Workforce Planning – Counties of Greatest Identified Need
SB 518	Sen. Miller	Calvert County – Alcoholic Beverages
SB 549	Sen. Dyson	Sustainable Forestry Act of 2009
SB 621	Sen. King	Sales and Use and Property Tax – Exemptions – Solar Energy Equipment and Property
SB 868	Sen. Brinkley	Frederick County – Tip Jars and Punchboards – Licensed Distributors
SB 940	Sen. Kittleman	Education – Commission on Civic Literacy – Membership
SB 952	Sen. Middleton	Maryland Medical Assistance Program – Substance Abuse Services
SB 1027	Sen. Dyson	Real Property – Conservation Easements – Disclosure
SJ 2	Sen. Middleton	The Jim McKay Maryland Million

Endorsed as having been read the third time and passed by yeas and nays in the House of Delegates.

MESSAGE FROM THE HOUSE OF DELEGATES

FIRST READING OF HOUSE BILLS

House Bill 222 – Allegany County Delegation

AN ACT concerning

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

FOR the purpose of authorizing local impact grants from proceeds of certain video lottery terminals to be used in Allegany County for certain purposes and to pay down certain debt incurred by the county in the construction and related costs for the golf course, lodge, and other improvements in Rocky Gap State Park; and generally relating to video lottery gaming and local impact grants from gaming proceeds in Allegany County.

BY repealing and reenacting, without amendments,
Article – State Government
Section 9–1A–02(b)(1)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–1A–31(b)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

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

House Joint Resolution 1 – Delegates Rosenberg and Hixson

A House Joint Resolution concerning

The Jim McKay Maryland Million

FOR the purpose of urging the Maryland Million LTD to rename the day of racing known as the Maryland Million in memory of Jim McKay, rename a certain trophy in memory of Jim McKay, and continue to sponsor Maryland Million races annually at Laurel Park, except under certain circumstances; and generally relating to the dedication of the Maryland Million to the memory of Jim McKay.

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

THE COMMITTEE ON FINANCE REPORT #44

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

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Della moved, duly seconded, to put **House Bill 500** on Third Reading on the same day in compliance with the Constitution.

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 500** on Third Reading and Final Passage.

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

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 43 Negative – 3 (See Roll Call No. 1280)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON FINANCE REPORT #43

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

House Bill 706 – ~~Delegate Pena-Melnyk~~ Delegates Pena–Melnyk, Hammen, Benson, Costa, Elliott, Hubbard, Kipke, Kullen, McDonough, Montgomery,

Morhaim, Nathan–Pulliam, Oaks, Pendergrass, Reznik, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Electronic Health Records – Regulation and Reimbursement

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Garagiola moved, duly seconded, to put **House Bill 706** on Third Reading on the same day in compliance with the Constitution.

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 706** on Third Reading and Final Passage.

House Bill 706 – ~~Delegate Pena–Melnyk~~ Delegates Pena–Melnyk, Hammen, Benson, Costa, Elliott, Hubbard, Kipke, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pendergrass, Reznik, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Electronic Health Records – Regulation and Reimbursement

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 42 Negative – 4 (See Roll Call No. 1281)

The Bill was then sent to the House of Delegates.

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

House Bill 899 – Delegates Kelly, Beitzel, Myers, and Schuler

AN ACT concerning

Workers' Compensation – Death Benefits for Partially Dependent Individuals – Payment

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Exum moved, duly seconded, to put **House Bill 899** on Third Reading on the same day in compliance with the Constitution.

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 899** on Third Reading and Final Passage.

House Bill 899 – Delegates Kelly, Beitzel, Myers, and Schuler

AN ACT concerning

Workers' Compensation – Death Benefits for Partially Dependent Individuals – Payment

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1282)

The Bill was then sent to the House of Delegates.

Senator Middleton, Chair, for the Committee on Finance and Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 1099 – Delegates Ramirez, Anderson, Barnes, Carter, Dumais, Kramer, McConkey, Rosenberg, Schuler, Simmons, Smigiel, Valderrama, ~~and Vallario~~ Vallario, Nathan–Pulliam, and Tarrant

AN ACT concerning

Mental Health – Local Correctional Facilities – Incarcerated Individuals with Mental Illness

HB1099/667476/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 1099
(Third Reading File Bill)

On page 1, in line 4, strike "requiring" and substitute "authorizing"; and in line 8, strike "creating a certain exception;".

On page 2, strike beginning with "**THIS**" in line 1 down through "**(B)**" in line 2 and substitute "**(1)**"; in line 3, strike "**SHALL**" and substitute "**MAY**"; in line 4, strike "**60**" and substitute "**120**"; after line 6, insert:

"**(2) THE MANAGING OFFICIAL MAY PROVIDE THE MEDICATION SUPPLY DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION TO PRE–TRIAL INMATES, POST–TRIAL INMATES, OR BOTH.**";

and in lines 7, 12, and 18, strike "**(C)**", "**(D)**", and "**(E)**", respectively, and substitute "**(B)**", "**(C)**", and "**(D)**", respectively.

The preceding amendment was read only.

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

The motion was adopted.

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

House Bill 1453 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Unemployment Insurance – Exemption from Covered Employment – Home Workers

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton moved, duly seconded, to put **House Bill 1453** on Third Reading on the same day in compliance with the Constitution.

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 1453** on Third Reading and Final Passage.

House Bill 1453 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Unemployment Insurance – Exemption from Covered Employment – Home Workers

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1283)

The Bill was then sent to the House of Delegates.

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

House Bill 1475 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Maryland Veterans Behavioral Health – Expansion

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Astle moved, duly seconded, to put **House Bill 1475** on Third Reading on the same day in compliance with the Constitution.

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 1475** on Third Reading and Final Passage.

House Bill 1475 – Chair, Health and Government Operations Committee (By Request – Departmental – Health and Mental Hygiene)

AN ACT concerning

Maryland Veterans Behavioral Health – Expansion

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1284)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON FINANCE REPORT #42

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

House Bill 268 – Delegates Rosenberg, Oaks, Haynes, ~~and James~~ James, Barkley, Bronrott, Hecht, Krysiak, Mathias, Manno, McHale, Robinson, and Taylor

AN ACT concerning

Welfare to Work – Job Skills Enhancement Program – Green Jobs

HB0268/837174/2

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 268
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 3, strike "defining" and substitute "requiring the Secretary of Budget and Management, in consultation with the Secretary of Human Resources, to issue certain reports to certain legislative committees on or before certain dates; defining".

AMENDMENT NO. 2

On page 4, in line 4, strike "**ON OR BEFORE NOVEMBER 1 OF EACH YEAR AND IN**" and substitute "**IN**"; in line 8, strike "**, ON**"; in line 9, after "**(I)**" insert "**ON OR BEFORE JANUARY 1, 2010, ON**"; in line 12, after "**(II)**" insert "**ON OR BEFORE NOVEMBER 1 OF EACH YEAR, ON**"; and in the same line, strike "**CURRENT AND FORMER**".

On page 8, in line 31, strike "**(B)(2)**" and substitute "**(C)(2)**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Kelley moved, duly seconded, to put **House Bill 268** on Third Reading on the same day in compliance with the Constitution.

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 268** on Third Reading and Final Passage.

House Bill 268 – Delegates Rosenberg, Oaks, Haynes, ~~and James~~ James, Barkley, Bronrott, Hecht, Krysiak, Mathias, Manno, McHale, Robinson, and Taylor

AN ACT concerning

Welfare to Work – Job Skills Enhancement Program – Green Jobs

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 44 Negative – 1 (See Roll Call No. 1285)

The Bill was then sent to the House of Delegates.

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

House Bill 292 – The Speaker (By Request – Administration) and Delegates Jones, Manno, Montgomery, and Taylor

AN ACT concerning

Financial Institutions – Mortgage Lenders and Mortgage Loan Originators

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton moved, duly seconded, to put **House Bill 292** on Third Reading on the same day in compliance with the Constitution.

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 292** on Third Reading and Final Passage.

House Bill 292 – The Speaker (By Request – Administration) and Delegates Jones, Manno, Montgomery, and Taylor

AN ACT concerning

Financial Institutions – Mortgage Lenders and Mortgage Loan Originators

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1286)

The Bill was then sent to the House of Delegates.

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

House Bill 503 – Delegates Kipke, Ali, Barkley, Benson, Cardin, Carr, Costa, Donoghue, Eckardt, Elliott, Elmore, Frush, George, Haddaway, Howard, Hubbard, Kach, Krebs, Kullen, Myers, Olszewski, Pena–Melnyk, Reznik, Riley, Robinson, Schuh, Shewell, Sophocleus, Sossi, Stocksdale, Taylor, F. Turner, Waldstreicher, ~~and Weldon~~ Weldon, Hammen, Bromwell, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Tarrant, V. Turner, and Manno

AN ACT concerning

Health – Maryland Commission on Autism

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Klausmeier moved, duly seconded, to put **House Bill 503** on Third Reading on the same day in compliance with the Constitution.

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 503** on Third Reading and Final Passage.

House Bill 503 – Delegates Kipke, Ali, Barkley, Benson, Cardin, Carr, Costa, Donoghue, Eckardt, Elliott, Elmore, Frush, George, Haddaway, Howard, Hubbard, Kach, Krebs, Kullen, Myers, Olszewski, Pena–Melnyk, Reznik, Riley, Robinson, Schuh, Shewell, Sophocleus, Sossi, Stocksdale, Taylor, F. Turner, Waldstreicher, ~~and Weldon~~ Weldon, Hammen, Bromwell, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Tarrant, V. Turner, and Manno

AN ACT concerning

Health – Maryland Commission on Autism

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 44 Negative – 0 (See Roll Call No. 1287)

The Bill was then sent to the House of Delegates.

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

House Bill 1436 – Delegate Krysiak

AN ACT concerning

Workers' Compensation Commission – Authority – Employer Compliance

HB1436/507377/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1436
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 21 down through "positions;" in line 23 and substitute "stating the intent of the General Assembly that the Governor provide certain funding for a certain purpose;".

AMENDMENT NO. 2

On page 8, strike beginning with "the" in line 9 down through "functions" in line 16 and substitute "it is the intent of the General Assembly that the Governor provide funding in the budget beginning in fiscal year 2011 for the Workers' Compensation Commission to carry out the requirements of this Act".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB1436/253821/1

BY: Senator Edwards

AMENDMENT TO HOUSE BILL 1436
(Third Reading File Bill)

On page 3, in line 3, strike "**BUSINESS**" and substitute "**WORKERS' COMPENSATION**".

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

Affirmative – 28 Negative – 16 (See Roll Call No. 1288)

Read the second time and ordered prepared for Third Reading.

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 266** SPONSOR: **The President**

SUBJECT: **Freedom of Association and Assembly Protection Act of 2009**

THIRD READING CALENDAR HOUSE NO. **23** SENATE NO. **48**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the House Judiciary Committee Amendments (SB0266/612216/1) be rejected.

(2) That the attached Conference Committee Amendments (SB0266/203926/1) be adopted.

SB0266/203926/1

BY: Conference Committee

AMENDMENTS TO SENATE BILL 266
(Third Reading File Bill)

AMENDMENT NO. 1

On page 3, in line 6, strike "**(I)**"; strike beginning with "**LAW**" in line 6 down through "**SHERIFFS**" in line 9, and substitute "**POLICE OR SHERIFF'S DEPARTMENT**

OF THE STATE, A COUNTY, A MUNICIPAL CORPORATION, OR A PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION"; and in line 15, strike "**INDIVIDUALS**" and substitute "**PERSONS**".

AMENDMENT NO. 2

On page 4, strike beginning with "**INDIVIDUALS**" in line 18 down through "**INVESTIGATION**" in line 19 and substitute "**A PERSON, GROUP, OR ORGANIZATION IF:**

(1) THE INFORMATION IS NOT RELEVANT TO A CRIMINAL INVESTIGATION; OR

(2) THE LAW ENFORCEMENT AGENCY DOES NOT HAVE A REASONABLE ARTICULABLE SUSPICION THAT THE PERSON, GROUP, OR ORGANIZATION ADVOCATES, SUPPORTS, OR ENCOURAGES THE VIOLATION OF ANY FEDERAL, STATE, OR LOCAL CRIMINAL LAW THAT PROHIBITS ACTS OF TERRORISM, RACKETEERING ACTIVITY, AS DEFINED IN 18 U.S.C. § 1961, VIOLENCE, EXTORTION, DESTRUCTION OF PROPERTY, INTIMIDATION, HARASSMENT, OBSTRUCTION OF JUSTICE, OR FRAUD";

and in line 28, strike "**AN INDIVIDUAL**" and substitute "**A PERSON**".

AMENDMENT NO. 3

On page 5, in lines 23, 29, and 33, in each instance, strike "**INDIVIDUALS**" and substitute "**PERSONS**".

AMENDMENT NO. 4

On page 6, in line 7, strike "(i)"; in the same line, strike "each individual" and substitute "all persons"; in the same line, strike "has" and substitute "have"; in line 8, strike "has" and substitute "have"; in line 11, strike "(ii)"; in the same line, strike "the individuals described in item (i) of this item" and substitute "those persons"; in line 13, strike "(iii)"; in the same line, strike the first "the" and substitute "those"; and strike beginning with "relating" in line 13 down through the second "item" in line 14.

Senate Members:	House Members:
Chair, **Jamie Raskin**	Chair, **Kathleen M. Dumais**

Jennie M. Forehand **Kriselda Valderrama**

Alexander X. Mooney **William J. Frank**

Read in the Senate: Read in the House of Delegates:

Amendment Office Delivers Report to: ( ) Chief Clerk
(X) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 1289)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 1179** SPONSOR: **Delegate Cardin**

SUBJECT: **Election Law – Early Voting**

THIRD READING CALENDAR HOUSE NO. **48** SENATE NO. **20**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That Amendment No. 4 of the Education, Health, and Environmental Affairs Committee Amendments (HB1179/284638/1) be adopted.

(2) That Amendment Nos. 1, 2, 3, and 5 of the Education, Health, and Environmental Affairs Committee Amendments (HB1179/284638/1) be rejected.

(3) That Senator Kittleman's Floor Amendment (HB1179/743729/1) be rejected.

(4) That the attached Conference Committee Report (HB1179/313620/2) be adopted.

HB1179/284638/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENTS TO HOUSE BILL 1179
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, after "voting;" insert "expressing the intent of the General Assembly with regard to the consideration of certain factors by the State Board and the local boards when selecting early voting centers;".

On pages 1 and 2, strike beginning with "repealing" in line 17 on page 1 through "elections;" in line 1 on page 2.

On page 2, in line 21, strike "10–101,"; in the same line, strike ", 10–310(a), and 15–103" and substitute "and 10–310(a)"; and in line 26, before "10–203" insert "10–101 and".

AMENDMENT NO. 2

On page 4, in lines 26 and 27, strike "**SUBPARAGRAPHS (III) AND (IV)**" and substitute "subparagraph (iii)".

On page 5, strike in their entirety lines 6 through 15, inclusive.

AMENDMENT NO. 3

On page 8, in line 22, strike "**THE**" and substitute "**NO LATER THAN 6 MONTHS BEFORE A PRIMARY ELECTION, THE**"; in line 25, after the second "**VOTING**" insert "**AS FOLLOWS**"; strike in their entirety lines 26 through 28, inclusive, and substitute:

"**(1) BEGINNING ON THE SECOND SATURDAY BEFORE A PRIMARY OR GENERAL ELECTION THROUGH THE THURSDAY BEFORE THE ELECTIONS; AND**"; in line 29, after "**(2)**" insert "**(I)**"; and in the same line, after "**8 P.M.**" insert "**ON THE SATURDAY AND THE MONDAY THROUGH THE THURSDAY DURING THE EARLY VOTING PERIOD; AND**

(II) DURING THE HOURS BETWEEN 12 NOON AND 6 P.M. ON THE SUNDAY DURING THE EARLY VOTING PERIOD.".

AMENDMENT NO. 4

On pages 10 and 11, strike in their entirety the lines beginning with line 9 on page 10 through line 12 on page 11, inclusive.

AMENDMENT NO. 5

On page 11, after line 12, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that in selecting early voting centers under this Act, the State Board of Elections, in collaboration with the local boards of elections, shall give due consideration to the voting patterns, demographics, and political party affiliation of the voters in each county.".

HB1179/313620/2

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 1179
(Third Reading File Bill)

AMENDMENT NO. 1

On pages 1 and 2, strike beginning with "repealing" in line 17 on page 1 down through "elections;" in line 1 on page 2.

On page 2, in line 21, strike ", 10–310(a), and 15–103" and substitute "and 10–310(a)".

AMENDMENT NO. 2

On page 8, in line 22, strike "**THE**" and substitute "**NO LATER THAN 6 MONTHS BEFORE A PRIMARY ELECTION, THE**"; in line 25, after the second "**VOTING**" insert "**AS FOLLOWS**"; and strike in their entirety lines 26 through 29, inclusive, and substitute:

"**(1) FOR THE 2010 GUBERNATORIAL PRIMARY AND GENERAL ELECTIONS:**

(I) BEGINNING THE SECOND FRIDAY BEFORE A PRIMARY OR GENERAL ELECTION THROUGH THE THURSDAY BEFORE THE ELECTIONS, BUT EXCLUDING SUNDAY; AND

(II) DURING THE HOURS BETWEEN 10 A.M. AND 8 P.M.; AND

(2) FOR THE 2012 PRESIDENTIAL PRIMARY AND GENERAL ELECTIONS:

(I) BEGINNING THE SECOND SATURDAY BEFORE A PRIMARY OR GENERAL ELECTION THROUGH THE THURSDAY BEFORE THE ELECTIONS; AND

(II) 1. DURING THE HOURS BETWEEN 10 A.M. AND 8 P.M. ON THE SATURDAY AND THE MONDAY THROUGH THE THURSDAY DURING THE EARLY VOTING PERIOD; AND

2. DURING THE HOURS BETWEEN 12 NOON AND 6 P.M. ON THE SUNDAY DURING THE EARLY VOTING PERIOD.".

On page 11, in line 13, strike "5." and substitute "4.".

Senate Members:	House Members:
Chair, **Roy P. Dyson**	Chair, **Justin D. Ross**
Joan Carter Conway	**Jon S. Cardin**
Richard F. Colburn	**D. Page Elmore**

Read in the Senate: Read in the House of Delegates:

Amendment Office Delivers Report to: (X) Chief Clerk
( ) Secretary, Senate

Conference Committee Report read only.

Senator Kasemeyer moved, duly seconded, to limit the debate on **House Bill 1179**.

PURSUANT TO THE PROVISIONS OF SENATE RULE 77(B), DEBATE ON **HOUSE BILL 1179** SHALL BE LIMITED TO 20 MINUTES IN THE AGGREGATE FOR CONSIDERATION OF THE ADOPTION OF THE CONFERENCE COMMITTEE REPORT AND THIRD READING AND FINAL PASSAGE, ON ALL SUBSEQUENT QUESTIONS AND MOTIONS SO RELATED TO SUCH READING AND OTHER ACTIONS. THE PRESIDENT SHALL ALLOCATE THE 20 MINUTES AGGREGATE TIME AMONG THOSE SENATORS DESIRING TO SPEAK THEREON, PROVIDED THAT NOT MORE THAN 10 MINUTES SHALL BE ALLOCATED FOR THE PROPONENTS AND NOT MORE THAN 10 MINUTES SHALL BE ALLOCATED FOR THE OPPONENTS OF SUCH BILL.

The motion was adopted by a roll call vote as follows:

Affirmative – 33 Negative – 14 (See Roll Call No. 1290)

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 30 Negative – 16 (See Roll Call No. 1291)

The Bill was then sent to the House of Delegates.

MESSAGE TO THE SENATE

BILL: **SB 0686**
SPONSOR: Sen Robey, et al
SUBJECT: High Performance Bldgs Act – Modifs and Applicability to Community College Capital Projs

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Robey, Chair
Senator V. Jones
Senator Stoltzfus

The House appoints:

Delegate Proctor, Chairman
Delegate Bohanan, and
Delegate Bronrott.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

CONCURRENCE CALENDAR #36

AMENDED IN THE HOUSE

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

Senator Conway moved that the Senate concur in the House amendments.

SB0689/135765/2

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 689
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 18, after "information;" insert "requiring the Department to submit a certain report to the Governor and the General Assembly on or before a certain date;"; and in line 24, after "circumstances;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 6, after line 9, insert:

"(3) On or before March 1, 2010, the Department shall report on its progress toward identifying examinations and implementing a credit–by–examination process for the State–approved high school courses English 12 and Algebra II to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.";

in line 10, strike "(3)" and substitute "(4)"; and in line 32, after "2009." insert "It shall remain effective for a period of 3 years and, at the end of June 30, 2012, 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 concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1292)

AMENDED IN THE HOUSE

Senate Bill 1049 – Senator Muse

AN ACT concerning

~~Domestic Violence~~ Education – Tween/Teen Dating Violence ~~Education and Awareness~~

Senator Conway moved that the Senate concur in the House amendments.

SB1049/295168/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 1049
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, strike the second "certain" and substitute "the county boards"; and in line 7, strike "courses in order to educate students about dating violence".

AMENDMENT NO. 2

On page 2, strike beginning with "**COURSES**" in line 16 down through "**VIOLENCE**" in line 18.

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1293)

THE COMMITTEE ON FINANCE REPORT #42

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

House Bill 1534 – ~~Delegate Pendergrass~~ Delegates Pendergrass, Hammen, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Krebs, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Nonprofit Health Service Plans – Hearing and Order – Impact of Law by Another State

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton moved, duly seconded, to put **House Bill 1534** on Third Reading on the same day in compliance with the Constitution.

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 1534** on Third Reading and Final Passage.

House Bill 1534 – ~~Delegate Pendergrass~~ Delegates Pendergrass, Hammen, Benson, Bromwell, Costa, Donoghue, Elliott, Hubbard, Kach, Kipke, Krebs, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Nonprofit Health Service Plans – Hearing and Order – Impact of Law by Another State

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1294)

The Bill was then sent to the House of Delegates.

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

House Bill 1573 – ~~Delegate Kipke~~ Delegates Kipke, Mathias, Hecht, Impallaria, Jameson, Miller, Minnick, and Vaughn

AN ACT concerning

Business Regulation – Soda Fountain License – Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Astle moved, duly seconded, to put **House Bill 1573** on Third Reading on the same day in compliance with the Constitution.

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 1573** on Third Reading and Final Passage.

House Bill 1573 – ~~Delegate Kipke~~ Delegates Kipke, Mathias, Hecht, Impallaria, Jameson, Miller, Minnick, and Vaughn

AN ACT concerning

Business Regulation – Soda Fountain License – Repeal

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 46 Negative – 0 (See Roll Call No. 1295)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON FINANCE REPORT #45

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

House Bill 735 – Delegates Jones ~~and Bronrott~~, G. Clagett, Bronrott, Aumann, Bates, DeBoy, Stocksdale, Bohanan, Gaines, Sophocleus, and Guzzone

AN ACT concerning

State Personnel – At–Will Employment – Reforms and Reports

HB0735/257270/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 735
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 8 down through "information" in line 9 and substitute "altering the information that the Secretary of Budget and Management must provide"; in line 10, strike "on certain"; in the same line, strike "positions" and substitute "; providing for the application of certain provisions of law"; in line 16, after "appointments;" insert "establishing that certain staff members in the Office of the Attorney General are special appointments who may not be determined to be political special appointments under certain provisions of State personnel law;"; and in line 23, after "recruitment;" insert "requiring the Secretary of Budget and Management to determine position categories for special appointments in the Department of Business and Economic Development;".

On page 2, in line 13, after "dates;" insert "providing that certain at–will positions that are encumbered on a certain date shall remain at–will positions until they are vacant;"; and in line 17, strike "6–405(a)" and substitute "6–405".

On page 3, after line 23, insert:

"BY repealing and reenacting with amendments,
Article – State Government
Section 6–105(a)
(2004 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 2

On page 3, after line 26, insert:

"Preamble

WHEREAS, It is the intent of the General Assembly to provide additional merit system protections to State employees while allowing State agencies to maintain recruitment flexibility; and

WHEREAS, The General Assembly recognizes that a streamlined and efficient hiring process is essential for the State to effectively compete with the private sector for highly qualified applicants; now, therefore,".

AMENDMENT NO. 3

On page 5, in line 11, after "(a)" insert "**THIS SECTION DOES NOT APPLY TO THE UNIVERSITY SYSTEM OF MARYLAND.**

(B)".

On page 6, in line 8, strike "(b)" and substitute "**(C)**".

AMENDMENT NO. 4

On page 9, after line 2, insert:

"(b) **[**A**] EXCEPT AS PROVIDED UNDER § 6–105(A) OF THE STATE GOVERNMENT ARTICLE, A** position that is a special appointment may be filled with regard to political affiliation, belief, or opinion if the Secretary determines that the position:

(1) relates to political interests or concerns so as to warrant that political affiliation be a requirement for the position; and

(2) (i) requires the provision of meaningful direct or indirect input into the policy–making process; or

(ii) provides access to confidential information and:

1. requires substantial intervention or collaboration in the formulation of public policy; or

2. requires the provision of direct advice or the rendering of direct services to an appointing authority.”.

On page 17, after line 10, insert:

“6–105.

(a) (1) The Attorney General may employ a staff in accordance with the State budget.

(2) Staff members appointed under this subsection:

(i) **NOTWITHSTANDING ANY OTHER LAW, AND EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION,** are deemed special appointments within the meaning of **[**§ 6–405**] § 6–405(A)** of the State Personnel and Pensions Article; **[**and**]**

(II) MAY NOT BE DETERMINED TO BE SPECIAL APPOINTMENTS UNDER § 6–405(B) OF THE STATE PERSONNEL AND PENSIONS ARTICLE; AND

[(ii)**] (III)** serve at the pleasure of the Attorney General.

(3) THE FOLLOWING POSITIONS ARE SPECIAL APPOINTMENTS UNDER § 6–405(B) OF THE STATE PERSONNEL AND PENSIONS ARTICLE:

(I) DEPUTY ATTORNEY GENERAL;

(II) SPECIAL ASSISTANT TO THE ATTORNEY GENERAL;

(III) EXECUTIVE COUNSEL TO THE ATTORNEY GENERAL;

(IV) DIRECTOR OR CHIEF OF A DIVISION OR UNIT IN THE OFFICE; AND

(V) PRINCIPAL COUNSEL TO A STATE UNIT.

[(3)**]** **(4)** (i) Staff appointed under this subsection is entitled to compensation as provided in the State budget.

(ii) Unless the State budget provides otherwise, the salary of a Deputy Attorney General, assistant Attorney General, or special attorney appointed under this subsection is payable from the funds of the Office.

[(4)**]** **(5)** Staff is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.".

AMENDMENT NO. 5

On page 9, in line 21, after "**(III)**" insert "**1.**"; and after line 22, insert:

"**2. THE REGULATIONS ADOPTED UNDER THIS SUBPARAGRAPH SHALL PROVIDE, AT A MINIMUM, THAT FOR POSITIONS DESIGNATED AS SPECIAL APPOINTMENTS ON JANUARY 1, 2009, AN APPOINTING AUTHORITY SHALL RETAIN THE SAME RECRUITMENT AUTHORITY THAT THE APPOINTING AUTHORITY POSSESSED ON JANUARY 1, 2009.**".

On page 10, in line 9, after "recruitment;" insert "or"; and strike beginning with "**; OR**" in line 12 down through "**SUBTITLE**" in line 14.

AMENDMENT NO. 6

On page 12, in line 14, after "(c)**]**" insert "**(A)**"; and after line 15, insert:

"**(B) THE SECRETARY OF BUDGET AND MANAGEMENT SHALL DETERMINE POSITION CATEGORIES FOR SPECIAL APPOINTMENTS IN THE DEPARTMENT.**".

AMENDMENT NO. 7

On page 19, after line 3, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That an at–will position in the executive service or management service or that is designated as a special appointment that is encumbered on the effective date of this Act and the status of which would change as a result of Section 1 of this Act shall remain an at–will position until the position becomes vacant.";

and in line 4, strike "3." and substitute "4.".

The preceding 7 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Middleton moved, duly seconded, to put **House Bill 735** on Third Reading on the same day in compliance with the Constitution.

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 735** on Third Reading and Final Passage.

House Bill 735 – Delegates Jones ~~and Bronrott~~, G. Clagett, Bronrott, Aumann, Bates, DeBoy, Stocksdale, Bohanan, Gaines, Sophocleus, and Guzzone

AN ACT concerning

State Personnel – At–Will Employment – Reforms and Reports

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 43 Negative – 4 (See Roll Call No. 1296)

The Bill was then sent to the House of Delegates.

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 387** SPONSOR: **Delegate Ivey**

SUBJECT: **Vehicle Laws – Lawful Status in the United States – Material Compliance with Federal Requirements**

THIRD READING CALENDAR HOUSE NO. **55** SENATE NO. **20**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the Judicial Proceedings Committee Amendments (HB0387/448478/1) be rejected.

(2) That the attached Conference Committee Amendments (HB0387/183127/2) be adopted.

HB0387/183127/2

BY: Conference Committee

AMENDMENTS TO HOUSE BILL 387
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 18, strike "a"; in line 20, strike "or" and substitute ", temporary moped operators' permits, or"; in line 23, strike "driver's license" and substitute "license to drive"; strike beginning with "authorizing" in line 24 down through "purposes;" in line 28; and in line 28, strike "a certain fee" and substitute "certain fees".

AMENDMENT NO. 2

On page 4, in line 7, after "**APPLICANT**" insert "**HAS LAWFUL STATUS IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY**"; and strike beginning with "**:**" in line 7 down through "**STATES**" in line 26.

On page 5, in line 15, after "**HAS**" insert "**TEMPORARY LAWFUL STATUS IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE SECRETARY OF THE UNITED STATES DEPARTMENT OF HOMELAND SECURITY**"; and strike beginning with "**:**" in line 15 down through "**STATES**" in line 25.

AMENDMENT NO. 3

On page 6 in lines 28, 29, 30, and 31, on page 9 in lines 15, 16, 17, and 18, on page 10 in lines 14, 15, 16, and 17, on page 12 in lines 30, 31, and 32, and on page 13 in line 1, in each instance, after "**A**" insert "**CURRENT**".

On page 6 in line 23, on page 9 in line 10, on page 10 in line 9, on page 12 in line 25, and on page 15 in line 27, in each instance, after "**A**" insert "**VALID**".

AMENDMENT NO. 4

On page 7, strike beginning with "**AS**" in line 2 down through "**SECURITY**" in line 4.

On page 9, strike beginning with "**AS**" in line 21 down through "**SECURITY**" in line 22.

On page 10, strike beginning with "**AS**" in line 20 down through "**SECURITY**" in line 22.

On page 13, strike beginning with "**AS**" in line 4 down through "**SECURITY**" in line 5.

AMENDMENT NO. 5

On page 14 in line 19, on page 15 in lines 5 and 11, and on page 18 in line 14, in each instance, after "**OF**" insert "**THE UNITED STATES DEPARTMENT OF**".

AMENDMENT NO. 6

On page 15, in line 17, after "**;**" insert "**OR**"; strike in their entirety lines 18 through 21, inclusive; in line 22, strike "**(III)**" and substitute "**(II)**"; and after line 35, insert:

"**(2) THE ADMINISTRATION MAY NOT ISSUE OR RENEW AN IDENTIFICATION CARD, MOPED OPERATOR'S PERMIT, OR LICENSE TO DRIVE UNDER SUBSECTION (A)(1)(II) OF THIS SECTION ON OR AFTER JULY 1, 2015.**

(3) AN IDENTIFICATION CARD, MOPED OPERATOR'S PERMIT, OR LICENSE TO DRIVE ISSUED OR RENEWED UNDER SUBSECTION (A)(1)(II) OF THIS SECTION ON OR AFTER JULY 1, 2010, SHALL EXPIRE ON JULY 1, 2015.".

On page 16, in line 1, strike "**(2)**" and substitute "**(4)**".

AMENDMENT NO. 7

On page 17, strike in their entirety lines 14 through 29, inclusive; in lines 30 and 35, strike "**(H) (1)**" and "**(I)**", respectively, and substitute "**(G)**" and "**(H)**", respectively; and strike in their entirety lines 33 and 34.

AMENDMENT NO. 8

On page 21, in line 18, after "of" insert "the United States Department of".

AMENDMENT NO. 9

On page 7 in line 13, on page 11 in line 13, and on page 13 in line 12, in each instance, strike "**8**" and substitute "**5**".

Senate Members:	House Members:
Chair, **Brian E. Frosh**	Chair, **Kathleen M. Dumais**
James Brochin	**Samuel I. Rosenberg**
Larry E. Haines	**Curt Anderson**

Read in the Senate: Read in the House of Delegates:

Amendment Office Delivers Report to: (X) Chief Clerk
( ) Secretary, Senate

Conference Committee Report read only.

Senator Kasemeyer moved, duly seconded, to limit the debate on **House Bill 387**.

PURSUANT TO THE PROVISIONS OF SENATE RULE 77(B), DEBATE ON **HOUSE BILL 387** SHALL BE LIMITED TO 20 MINUTES IN THE AGGREGATE FOR CONSIDERATION OF THE ADOPTION OF THE CONFERENCE COMMITTEE REPORT AND THIRD READING AND FINAL PASSAGE, ON ALL SUBSEQUENT QUESTIONS AND MOTIONS SO RELATED TO SUCH READING AND OTHER ACTIONS. THE PRESIDENT SHALL ALLOCATE THE 20 MINUTES AGGREGATE TIME AMONG THOSE SENATORS DESIRING TO SPEAK THEREON, PROVIDED THAT NOT MORE THAN 10 MINUTES SHALL BE ALLOCATED FOR THE PROPONENTS AND NOT MORE THAN 10 MINUTES SHALL BE ALLOCATED FOR THE OPPONENTS OF SUCH BILL.

The motion was adopted by a roll call vote as follows:

Affirmative – 33 Negative – 13 (See Roll Call No. 1297)

Conference Committee Report read and adopted by a roll call vote as follows:

Affirmative – 31 Negative – 16 (See Roll Call No. 1298)

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 30 Negative – 16 (See Roll Call No. 1299)

The Bill was then sent to the House of Delegates.

MESSAGE TO THE SENATE

BILL: **HB 0561**
SPONSOR: Del Kramer, et al
SUBJECT: Crim Procedure – Sentencing or Disposition Hearing – Appearance of Victim or Victim's Representative

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates refuses to concur in the Senate amendments and respectfully requests the Senate recede from its position.

Should the Senate prefer a Conference Committee to confer on the disagreeing votes of the two Houses, the House appoints

Delegate Waldstreicher, Chairman
Delegate Schuler, and
Delegate Smigiel.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

By the Majority Leader:
Ladies and Gentlemen of the House of Delegates:

BILL: **HB 0561**
SPONSOR: Del Kramer, et al

SUBJECT: Crim Procedure – Sentencing or Disposition Hearing – Appearance of Victim or Victim's Representative

The Senate does not recede in the Senate amendments and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The House has appointed:
Delegate Waldstreicher, Chair
Delegate Schuler
Delegate Smigiel

The Senate appoints:
Senator Stone, Chairman
Senator Simonaire
Senator Forehand.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and adopted.

MESSAGE TO THE SENATE

BILL: **SB 0032**
SPONSOR: Sens DeGrange and Astle
SUBJECT: Junk Dealers and Scrap Metal Processors – Required Records

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Astle, Chair
Senator Della
Senator Glassman

The House appoints:
Delegate Vaughn, Chairman
Delegate King, and
Delegate Manno.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

MESSAGE TO THE SENATE

BILL: **SB 0406**
SPONSOR: Sen Conway, et al
SUBJECT: Prevailing Wage Rates – Public Works Contracts – Payment of Liquidated Damages

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Middleton, Chair
Senator Klausmeier
Senator Pugh

The House appoints:
Delegate Braveboy, Chairman
Delegate Vaughn, and
Delegate Taylor.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #27

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

House Bill 146 – Harford County Delegation

AN ACT concerning

Harford County – Gaming

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Edwards moved, duly seconded, to put **House Bill 146** on Third Reading on the same day in compliance with the Constitution.

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 146** on Third Reading and Final Passage.

House Bill 146 – Harford County Delegation

AN ACT concerning

Harford County – Gaming

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 45 Negative – 1 (See Roll Call No. 1300)

The Bill was then sent to the House of Delegates.

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

House Bill 686 – Calvert County Delegation

AN ACT concerning

Calvert County – Sheriff – ~~Pension~~ Compensation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie moved, duly seconded, to put **House Bill 686** on Third Reading on the same day in compliance with the Constitution.

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 686** on Third Reading and Final Passage.

House Bill 686 – Calvert County Delegation

AN ACT concerning

Calvert County – Sheriff – ~~Pension~~ Compensation

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 47 Negative – 0 (See Roll Call No. 1301)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #59

CONSENT CALENDAR #59

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

BILL NO.	REPORT	SPONSOR	CONTENT
HB 963	FAV	Prince George's County Delegation	Prince George's Co – Alc Bevs – Public Consumption and Open Containers – Penalties PG 326–09
HB 1221	FAV	Washington County Delegation	Washington County – Roads and Transportation
HB 1512	FAV	Frederick County Delegation	Frederick County – Multivenue Wine License
HB 1522	FAV	Dels Mathias and Conway	Worcester County – Liquor Control Board – Borrowing Limit

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Conway moved, duly seconded, to put **the bills** on Third Reading on the same day in compliance with the Constitution.

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **the bills** on Third Reading and Final Passage.

All of the above listed bills on the Second Reading Consent Calendar No. 59 were read the third time and passed by yeas and nays as follows:

Affirmative – 45 Negative – 0 (See Roll Call No. 1302)

The Bills were then sent to the House of Delegates.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #60

CONSENT CALENDAR #60

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

BILL NO.	REPORT	SPONSOR	CONTENT
HB 1460 (Emergency Bill)	FAV	Del Hubbard	State Board of Chiropractic and Massage Therapy Examiners – Terms of Members

Senator Conway moved, duly seconded, to put **House Bill 1460** on Third Reading on the same day in compliance with the Constitution.

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 1460** on Third Reading and Final Passage.

The above listed bill on the Second Reading Consent Calendar No. 60 was read the third time and passed by yeas and nays as follows:

Affirmative – 46 Negative – 0 (See Roll Call No. 1303)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #37

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably with amendments:

House Bill 130 – Delegates Pena–Melnyk, Frush, Barnes, Griffith, Holmes, Howard, Ivey, Levi, Malone, Nathan–Pulliam, Niemann, Ramirez, Reznik,

Rice, Ross, Tarrant, F. Turner, Valderrama, Waldstreicher, Walker, and Weldon

AN ACT concerning

State Highway Administration – Unauthorized Signs on Highway Rights–of–Way

HB0130/958979/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 130
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, strike "a violation" and substitute "certain violations".

AMENDMENT NO. 2

On page 4, in line 17, after "**SIGN**" insert "**, OTHER THAN A SIGN THAT ADVERTISES A CANDIDATE OR THE SUPPORT OR DEFEAT OF ANY PROPOSITION,**".

The preceding 2 amendments were read only.

Senator Exum moved, duly seconded, to make the Bill and Amendments a Special Order for later.

The motion was adopted.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 846 – Delegates Conway and Mathias

AN ACT concerning

Worcester County – Motorcycle Dealers – Sunday Operations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh moved, duly seconded, to put **House Bill 846** on Third Reading on the same day in compliance with the Constitution.

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 846** on Third Reading and Final Passage.

House Bill 846 – Delegates Conway and Mathias

AN ACT concerning

Worcester County – Motorcycle Dealers – Sunday Operations

STATUS OF BILL: BILL ON 3RD READING

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

Affirmative – 42 Negative – 1 (See Roll Call No. 1304)

The Bill was then sent to the House of Delegates.

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 1140 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Montgomery County – Planning Board – Enforcement Powers
MC/PG 109–09

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Senator Frosh moved, duly seconded, to put **House Bill 1140** on Third Reading on the same day in compliance with the Constitution.

The motion was rejected.

THE COMMITTEE ON EDUCATION, HEALTH, AND ENVIRONMENTAL AFFAIRS REPORT #58

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

House Bill 970 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Winery Special Event Permits – Farmers' Markets
PG 310–09

HB0970/964837/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 970
(Third Reading File Bill)

On page 2, in line 7, strike "No" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, NO**"; in line 31, strike "**A**" and substitute "**1. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, A**"; in the same line, after "**ISSUED**" insert "**, IN ADDITION TO THE WINERY SPECIAL EVENT PERMITS SPECIFIED IN PARAGRAPH (1)(I) OF THIS SUBSECTION,**"; and in line 32, strike "**12**" and substitute "**27**".

On page 3, after line 2, insert:

"**2. A SINGLE CLASS 4 MARYLAND LIMITED WINERY MAY NOT BE ISSUED MORE THAN 9 WINERY SPECIAL EVENT PERMITS UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH.**";

and in line 13, strike "July" and substitute "June".

The preceding amendment was read only.

Senator Exum moved, duly seconded, to make the Bill and Amendment a Special Order for later.

The motion was adopted.

THE COMMITTEE ON BUDGET AND TAXATION REPORT #28

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

House Bill 1348 – Delegate Frush

AN ACT concerning

Judges' Retirement System – Reemployment of Retirees

HB1348/749535/1

BY: Budget and Taxation Committee

AMENDMENT TO HOUSE BILL 1348
(Third Reading File Bill)

On page 2, in line 30, strike "**A**" and substitute "**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A** "; and after line 35, insert:

"**(2) THIS SUBSECTION DOES NOT APPLY TO A RETIREE WHO IS TEMPORARILY ASSIGNED TO SIT IN A COURT OF THIS STATE UNDER THE AUTHORITY OF ARTICLE IV, § 3A OF THE MARYLAND CONSTITUTION.**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Senator Currie moved, duly seconded, to put **House Bill 1348** on Third Reading on the same day in compliance with the Constitution.

Two–thirds of the Senators elected having voted in the affirmative by yeas and nays to put **House Bill 1348** on Third Reading and Final Passage.

House Bill 1348 – Delegate Frush

AN ACT concerning

Judges' Retirement System – Reemployment of Retirees

STATUS OF BILL: BILL ON 3RD READING.

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

Affirmative – 45 Negative – 0 (See Roll Call No. 1305)

The Bill was then sent to the House of Delegates.

THE COMMITTEE ON FINANCE REPORT #46

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

House Bill 1448 – Chair, Judiciary Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Child Support Enforcement Privatization Program and Performance Incentive Model Office

HB1448/657978/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1448
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "City" insert "and Queen Anne's County"; in line 15, strike "certain dates" and substitute "a certain date; authorizing the Secretary to submit certain legislation; requiring the Secretary to designate certain funds under certain circumstances".

AMENDMENT NO. 2

On page 2, in line 19, after "**CITY**" insert "**AND QUEEN ANNE'S COUNTY**"; and in line 22, after "**CITY**" insert "**AND QUEEN ANNE'S COUNTY**".

On page 3, in line 2, after "**CITY**" insert "**AND QUEEN ANNE'S COUNTY**".

On page 6, in line 23, strike "That, on" and substitute "That:

(a) On";

in line 24, strike "and December 21, 2011,"; in the same line, after "shall" insert "contract with an independent entity to"; in line 25, strike "in Baltimore City"; in line 26, strike "other"; and after line 28, insert:

"(b) (1) The Secretary may submit proposed legislation along with the evaluation required under subsection (a) of this section.

(2) If, based on the evaluation required under subsection (a) of this section, the Secretary transfers child support enforcement services to the State, the Secretary shall designate funds to accomplish the transfer in the Fiscal Year 2011 budget.".

The preceding 2 amendments were read only.

Senator Harris moved, duly seconded, to make the Bill and Amendments a Special Order for later.

The motion was adopted.

THE COMMITTEE ON JUDICIAL PROCEEDINGS REPORT #38

Senator Frosh, Chair, for the Committee on Judicial Proceedings reported favorably:

House Bill 1261 – Delegates Mathias, Cane, Conway, ~~and Rudolph~~ Rudolph, Haddaway, and Eckardt

AN ACT concerning

Criminal Law – Salvinorin A and Salvia Divinorum – ~~Controlled Dangerous Substances~~ Distribution to and Possession by Individual Under 21 Years of Age

Senator Frosh moved, duly seconded, to make the Bill and Report a Special Order for later.

The motion was adopted.

CONCURRENCE CALENDAR #37

AMENDED IN THE HOUSE

Senate Bill 637 – Senators Garagiola, Astle, DeGrange, Glassman, Kelley, King, Kittleman, and Klausmeier

AN ACT concerning

Health Insurance – Small Group Market Regulation – Modifications

Senator Middleton moved that the Senate concur in the House amendment.

SB0637/336484/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 637
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 2, after "of" insert "and requirements for".

AMENDMENT NO. 2

On page 7, strike in their entirety lines 13 and 14.

On page 8, after line 7 insert:

"**THE PROVISIONS OF § 15–508 OF THIS TITLE APPLY TO A POLICY OR CERTIFICATE ISSUED TO A SMALL EMPLOYER.**".

AMENDMENT NO. 3

On page 10, in line 19, strike "**(I)**"; and strike in their entirety lines 22 through 25, inclusive.

On page 11, in line 1, strike "**(1)(I)**" and substitute "(1)"; and in the same line, after "subsection" insert "**AND THE EFFECT OF THE ADJUSTMENT TO THE COMMUNITY RATE FOR HEALTH STATUS AUTHORIZED UNDER SUBSECTION (F) OF THIS SECTION**".

The preceding 3 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 43 Negative – 0 (See Roll Call No. 1306)

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 145** SPONSOR: **Ch., Jud. Proceed.**

SUBJECT: **Courts – Violation of Probation or Suspension of Sentence – Notice or Warrant**

THIRD READING CALENDAR HOUSE NO. **12** SENATE NO. **23**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

That the attached House Judiciary Committee Amendment (SB0145/922517/1) be adopted.

SB0145/922517/1

BY: House Judiciary Committee

AMENDMENT TO SENATE BILL 145
(Third Reading File Bill)

On page 2, strike beginning with "During" in line 3 down through "may" in line 8 and substitute "**ON RECEIPT OF WRITTEN CHARGES, FILED UNDER OATH, THAT A PROBATIONER OR DEFENDANT VIOLATED A CONDITION OF PROBATION DURING THE PERIOD OF PROBATION, THE DISTRICT COURT MAY, DURING THE PERIOD OF PROBATION OR WITHIN 30 DAYS AFTER THE VIOLATION, WHICHEVER IS LATER,**".

Senate Members:	House Members:
Chair, **Lisa A. Gladden**	Chair, **Susan C. Lee**
Norman R. Stone, Jr.	**Jill P. Carter**
James Brochin	**Michael D. Smigiel, Sr.**

Read in the Senate:	Read in the House of Delegates:
Amendment Office Delivers Report to:	( ) Chief Clerk (X) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 1307)

The Bill was then sent to the House of Delegates.

SPECIAL ORDERS

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

House Bill 635 – Delegates Levi, Anderson, Barnes, Burns, Carr, Carter, Conaway, Dumais, Gutierrez, Healey, Reznik, Riley, Robinson, Ross, Schuler, F. Turner, and Valderrama

AN ACT concerning

Criminal Procedure – Occupational Licenses or Certificates – ~~Issuance of a Certificate of Employability~~ Criminal Conviction

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

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

The motion was rejected by a roll call vote as follows:

Affirmative – 7 Negative – 35 (See Roll Call No. 1308)

Senator Kasemeyer moved, duly seconded, to limit the debate on **House Bill 635**.

PURSUANT TO THE PROVISIONS OF SENATE RULE 77(B), DEBATE ON **HOUSE BILL 635** SHALL BE LIMITED TO 4 MINUTES IN THE AGGREGATE FOR CONSIDERATION OF THE ADOPTION OF THE CONFERENCE COMMITTEE REPORT AND THIRD READING AND FINAL PASSAGE, ON ALL SUBSEQUENT QUESTIONS AND MOTIONS SO RELATED TO SUCH READING AND OTHER ACTIONS. THE PRESIDENT SHALL ALLOCATE THE 4 MINUTES AGGREGATE TIME AMONG THOSE SENATORS DESIRING TO SPEAK THEREON, PROVIDED

THAT NOT MORE THAN 2 MINUTES SHALL BE ALLOCATED FOR THE PROPONENTS AND NOT MORE THAN 2 MINUTES SHALL BE ALLOCATED FOR THE OPPONENTS OF SUCH BILL.

The motion was adopted by a roll call vote as follows:

Affirmative – 32 Negative – 8 (See Roll Call No. 1309)

FLOOR AMENDMENT

HB0635/163120/1

BY: Senator Harris

AMENDMENT TO HOUSE BILL 635
(Third Reading File Bill)

On page 5, strike in its entirety line 18; and in lines 19, 20, and 22, strike "**(IV)**", "**(V)**", and "**(VI)**", respectively, and substitute "**(III)**", "**(IV)**", and "**(V)**", respectively.

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

Affirmative – 12 Negative – 34 (See Roll Call No. 1310)

FLOOR AMENDMENT

HB0635/133427/1

BY: Senator Harris

AMENDMENTS TO HOUSE BILL 635
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "of" insert "certain".

AMENDMENT NO. 2

On page 6, in line 8, after "**TO**" insert "**:**

(1)";

and in line 10, after "**ARTICLE**" insert "**; OR**

(2) THE REMOVAL OF BARRIERS TO THE ABILITY OF A PERSON PREVIOUSLY CONVICTED OF A DRUG OFFENSE UNDER TITLE 5 OF THE CRIMINAL LAW ARTICLE TO DEMONSTRATE FITNESS FOR AN OCCUPATIONAL LICENSE OR A CERTIFICATION ISSUED BY THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE.".

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

Affirmative – 12 Negative – 34 (See Roll Call No. 1311)

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

Affirmative – 42 Negative – 3 (See Roll Call No. 1312)

The Bill was then sent to the House of Delegates.

CONCURRENCE CALENDAR

AMENDED IN THE HOUSE

Senate Bill 964 – Senators Colburn and Pipkin

AN ACT concerning

Caroline County Board of Education – Election and Appointment of Members – Referendum

Senator Conway moved that the Senate concur in the House amendments.

SB0964/675567/1

BY: Committee on Ways and Means

AMENDMENTS TO SENATE BILL 964
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 8, strike "the".

AMENDMENT NO. 2

On page 9, after line 3, insert:

"**(I) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, EACH APPOINTED MEMBER SERVES FOR A TERM OF 4 YEARS BEGINNING ON THE FIRST MONDAY IN DECEMBER 2012.**

(2) THE INITIAL TERMS OF THE APPOINTED MEMBERS ARE STAGGERED AS FOLLOWS:

(I) ONE APPOINTED MEMBER SHALL SERVE FOR A TERM OF 6 YEARS; AND

(II) ONE APPOINTED MEMBER SHALL SERVE FOR A TERM OF 4 YEARS.

(3) IN THE EVENT OF A VACANCY OF AN APPOINTED MEMBER DUE TO DEATH, RESIGNATION, DISQUALIFICATION, OR REMOVAL, THE GOVERNOR SHALL APPOINT ANOTHER INDIVIDUAL TO COMPLETE THE TERM OF THE VACATING APPOINTED MEMBER.".

On page 11, in line 5, strike "Elected by the Voters of Caroline County" and substitute "Elected in Part by the Voters of Caroline County (3 members) and Appointed in Part by the Governor (2 members)"; and strike beginning with "Elected" in line 8 down through "County" in line 9 and substitute "Elected in Part by the Voters of Caroline County (3 members) and Appointed in Part by the Governor (2 members)".

The preceding 2 amendments were read and concurred in.

The Bill, as amended, was placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 44 Negative – 0 (See Roll Call No. 1313)

MESSAGE TO THE SENATE

BILL: **SB 1063**
SPONSOR: Sen Pugh, et al
SUBJECT: Joint Oversight Committee on Emergency Medical Services

By the Majority Leader:
Ladies and Gentlemen of the Senate:

The House of Delegates does not recede in the House Amendments to the Senate Bill and agrees to a Conference Committee to confer on the disagreeing votes of the two Houses.

The Senate has appointed:
Senator Garagiola, Chair
Senator Astle
Senator Glassman

The House appoints:
Delegate Weldon, Chairman
Delegate Hammen, and
Delegate Costa.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and ordered journalized.

CONFERENCE COMMITTEE REPORT

BILL NO.: **HB 498** SPONSOR: **Delegate Feldman**

SUBJECT: **Professional Service Corporations – Corporate Names – Approval by Professional Organizations**

THIRD READING CALENDAR HOUSE NO. **3** SENATE NO. **32**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

That the attached Judicial Proceedings Committee Amendments (HB0498/348475/1) be adopted.

HB0498/348475/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 498
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "a" in line 4 down through "change" in line 9 and substitute "the name of a professional corporation be approved by the appropriate licensing unit under certain circumstances"; in line 11, strike "without" and substitute "with"; and in line 16, strike "with" and substitute "without".

AMENDMENT NO. 2

On page 2, in line 3, before "The" insert "**(A) THIS SECTION DOES NOT APPLY TO A PROFESSIONAL CORPORATION IN WHICH A MAJORITY OF STOCKHOLDERS ARE PHYSICIANS LICENSED BY THE STATE BOARD OF PHYSICIANS.**

(B)";

in line 23, strike the brackets; strike beginning with "**EXCEPT**" in line 23 down through "**ON**" in line 24; and strike in their entirety lines 31 through 33, inclusive.

Senate Members:	House Members:
Chair, **Jennie M. Forehand**	Chair, **Brian J. Feldman**
Jamie Raskin	**Charles Barkley**
Nancy Jacobs	**Donna Stifler**

Read in the Senate: Read in the House of Delegates:

Amendment Office Delivers Report to: (X) Chief Clerk
( ) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1314)

The Bill was then sent to the House of Delegates.

SPECIAL ORDERS

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

House Bill 1099 – Delegates Ramirez, Anderson, Barnes, Carter, Dumais, Kramer, McConkey, Rosenberg, Schuler, Simmons, Smigiel, Valderrama, ~~and Vallario~~ Vallario, Nathan–Pulliam, and Tarrant

AN ACT concerning

Mental Health – Local Correctional Facilities – Incarcerated Individuals with Mental Illness

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

HB1099/667476/1

BY: Finance Committee

AMENDMENT TO HOUSE BILL 1099
(Third Reading File Bill)

On page 1, in line 4, strike "requiring" and substitute "authorizing"; and in line 8, strike "creating a certain exception;".

On page 2, strike beginning with "**THIS**" in line 1 down through "**(B)**" in line 2 and substitute "**(1)**"; in line 3, strike "**SHALL**" and substitute "**MAY**"; in line 4, strike "**60**" and substitute "**120**"; after line 6, insert:

"**(2) THE MANAGING OFFICIAL MAY PROVIDE THE MEDICATION SUPPLY DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION TO PRE–TRIAL INMATES, POST–TRIAL INMATES, OR BOTH.**";

and in lines 7, 12, and 18, strike "**(C)**", "**(D)**", and "**(E)**", respectively, and substitute "**(B)**", "**(C)**", and "**(D)**", respectively.

The preceding amendment was read only.

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

The motion was adopted.

House Bill 1261 – Delegates Mathias, Cane, Conway, ~~and Rudolph~~ Rudolph, Haddaway, and Eckardt

AN ACT concerning

Criminal Law – Salvinorin A and Salvia Divinorum – ~~Controlled Dangerous Substances~~ Distribution to and Possession by Individual Under 21 Years of Age

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

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

The motion was adopted.

House Bill 1140 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Montgomery County – Planning Board – Enforcement Powers
MC/PG 109–09

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

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

The motion was adopted.

House Bill 970 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Winery Special Event Permits – Farmers' Markets
PG 310–09

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

HB0970/964837/1

BY: Education, Health, and Environmental Affairs Committee

AMENDMENT TO HOUSE BILL 970
(Third Reading File Bill)

On page 2, in line 7, strike "No" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, NO**"; in line 31, strike "**A**" and substitute "**1. SUBJECT TO SUBSUBPARAGRAPH 2 OF THIS SUBPARAGRAPH, A**"; in the same line, after "**ISSUED**" insert "**, IN ADDITION TO THE WINERY SPECIAL EVENT PERMITS SPECIFIED IN PARAGRAPH (1)(I) OF THIS SUBSECTION,**"; and in line 32, strike "**12**" and substitute "**27**".

On page 3, after line 2, insert:

"**2. A SINGLE CLASS 4 MARYLAND LIMITED WINERY MAY NOT BE ISSUED MORE THAN 9 WINERY SPECIAL EVENT PERMITS UNDER SUBSUBPARAGRAPH 1 OF THIS SUBPARAGRAPH.**";

and in line 13, strike "July" and substitute "June".

The preceding amendment was read only.

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

The motion was adopted.

House Bill 130 – Delegates Pena–Melnyk, Frush, Barnes, Griffith, Holmes, Howard, Ivey, Levi, Malone, Nathan–Pulliam, Niemann, Ramirez, Reznik, Rice, Ross, Tarrant, F. Turner, Valderrama, Waldstreicher, Walker, and Weldon

AN ACT concerning

State Highway Administration – Unauthorized Signs on Highway Rights–of–Way

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

HB0130/958979/1

BY: Judicial Proceedings Committee

AMENDMENTS TO HOUSE BILL 130
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, strike "a violation" and substitute "certain violations".

AMENDMENT NO. 2

On page 4, in line 17, after "**SIGN**" insert "**, OTHER THAN A SIGN THAT ADVERTISES A CANDIDATE OR THE SUPPORT OR DEFEAT OF ANY PROPOSITION,**".

The preceding 2 amendments were read only.

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

The motion was adopted.

House Bill 1448 – Chair, Judiciary Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Child Support Enforcement Privatization Program and Performance Incentive Model Office

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

HB1448/657978/1

BY: Finance Committee

AMENDMENTS TO HOUSE BILL 1448
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "City" insert "and Queen Anne's County"; in line 15, strike "certain dates" and substitute "a certain date; authorizing the Secretary to submit certain legislation; requiring the Secretary to designate certain funds under certain circumstances".

AMENDMENT NO. 2

On page 2, in line 19, after "**CITY**" insert "**AND QUEEN ANNE'S COUNTY**"; and in line 22, after "**CITY**" insert "**AND QUEEN ANNE'S COUNTY**".

On page 3, in line 2, after "**CITY**" insert "**AND QUEEN ANNE'S COUNTY**".

On page 6, in line 23, strike "That, on" and substitute "That:

(a) On";

in line 24, strike "and December 21, 2011,"; in the same line, after "shall" insert "contract with an independent entity to"; in line 25, strike "in Baltimore City"; in line 26, strike "other"; and after line 28, insert:

"(b) (1) The Secretary may submit proposed legislation along with the evaluation required under subsection (a) of this section.

(2) If, based on the evaluation required under subsection (a) of this section, the Secretary transfers child support enforcement services to the State, the

Secretary shall designate funds to accomplish the transfer in the Fiscal Year 2011 budget.”.

The preceding 2 amendments were read only.

Senator Exum moved, duly seconded, to make the Bill and Amendments a Special Order for the end of today’s business.

The motion was adopted.

CONFERENCE COMMITTEE REPORT

BILL NO.: **SB 32** SPONSOR: **Senator DeGrange**

SUBJECT: **Junk Dealers and Scrap Metal Processors – Required Records**

THIRD READING CALENDAR HOUSE NO. **38** SENATE NO. **53**

Hon. Thomas V. Mike Miller, Jr., President of the Senate
Hon. Michael E. Busch, Speaker of the House of Delegates

Your Conference Committee on the Disagreeing votes of the two Houses has met and, after full and free conference, recommends:

(1) That the Economic Matters Committee Amendments (SB0032/493091/1) be rejected.

(2) That the attached Conference Committee Amendments (SB0032/653222/1).

Senate Members:	House Members:
Chair, **John C. Astle**	Chair, **Michael L. Vaughn**
George W. Della, Jr.	**James J. King**
Barry Glassman	**Roger Manno**

Read in the Senate: Read in the House of Delegates:

Amendment Office Delivers Report to: ( ) Chief Clerk
(X) Secretary, Senate

Conference Committee Report read and adopted.

Bill placed on Third Reading and passed finally by yeas and nays as follows:

Affirmative – 47 Negative – 0 (See Roll Call No. 1315)

The Bill was then sent to the House of Delegates.

SPECIAL ORDERS

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

House Bill 1411 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Department of Labor, Licensing, and Regulation – Maryland Real Estate Commission – Continuing Education

STATUS OF BILL: BILL IS ON THIRD READING FOR FINAL PASSAGE.

Senator Exum moved, duly seconded, to make the Bill a Special Order for later.

The motion was adopted.

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #43

House Bill 784 – Delegates James, Gaines, and Riley

AN ACT concerning

Consolidated Transportation Program – Traffic Congestion ~~Reporting~~

Senator Pipkin moved, duly seconded, to make the Bill a Special Order for later.

The motion was adopted.

House Bill 1061 – Delegates Mizeur, Barkley, Bobo, Bronrott, Carr, Dumais, Glenn, Healey, Hecht, Manno, and Rosenberg

AN ACT concerning

Earned Income Credit Information Act

Senator Kittleman moved, duly seconded, to make the Bill a Special Order for later.

The motion was rejected by a roll call vote as follows:

Affirmative – 16 Negative – 31 (See Roll Call No. 1316)

FLOOR AMENDMENT

HB1061/863421/1

BY: Senator Kittleman

AMENDMENTS TO HOUSE BILL 1061
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "make available" and substitute "mail".

AMENDMENT NO. 2

On page 3, in line 2, strike "**MAKE**" and substitute "**MAIL**"; and in line 3, strike "**AVAILABLE TO EMPLOYERS**" and substitute "**TO ALL EMPLOYERS IN THE STATE**".

The preceding 2 amendments were read only.

SUMMARY REPORT OF THE SENATE EXECUTIVE NOMINATIONS COMMITTEE

(See Exhibit O of Appendix III)

REPORT ON THE STATE OPERATING BUDGET (HOUSE BILL 100) AND THE STATE CAPITAL BUDGET (HOUSE BILL 102) AND RELATED RECOMMENDATIONS BY THE CHAIRMEN OF THE SENATE BUDGET AND TAXATION COMMITTEE AND THE HOUSE APPROPRIATIONS COMMITTEE – JOINT CHAIRMEN'S REPORT

(See Exhibit P of Appendix III)

MESSAGE TO THE SENATE

APRIL 13, 2009

BY THE MAJORITY LEADER:

LADIES AND GENTLEMEN OF THE SENATE:

WE PROPOSE WITH YOUR CONCURRENCE, THAT WHEN THE GENERAL ASSEMBLY ADJOURNS APRIL 13, 2009 AT TWELVE O'CLOCK MIDNIGHT, IT STANDS ADJOURNED SINE DIE.

WE FURTHER PROPOSE THE APPOINTMENT OF A JOINT COMMITTEE, TWO ON THE PART OF THE SENATE AND TWO ON THE PART OF THE HOUSE, TO WAIT UPON HIS EXCELLENCY, THE GOVERNOR OF MARYLAND, TO INFORM HIM THAT THE GENERAL ASSEMBLY WILL ADJOURN APRIL 13, 2009, AT TWELVE O'CLOCK SINE DIE, IN ACCORDANCE WITH THE PROVISIONS OF THE CONSTITUTION AND TO INQUIRE IF HE HAS ANY FURTHER COMMUNICATIONS TO MAKE TO THE GENERAL ASSEMBLY.

WE HAVE APPOINTED ON THE PART OF THE HOUSE, DELEGATES BARVE AND O'DONNELL.

BY ORDER,
MARY MONAHAN
CHIEF CLERK

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

April 13, 2009

By the Majority Leader:

Ladies and Gentlemen of the House of Delegates:

We have received your message proposing that when the General Assembly adjourns, April 13, 2009, at Twelve o'clock Midnight, it stands adjourned Sine Die.

The Senate concurs therein.

We agree to the Joint Committee to wait upon his Excellency, the Honorable Martin O'Malley, Governor of Maryland. The Senate appoints Senators Kasemeyer and Brinkley.

By Order,
William B.C. Addison, Jr.
Secretary

Read and adopted.

At 12:00 A.M. on motion of Senator Kasemeyer the Senate adjourned Sine Die.