Journal *of* Proceedings

of the

House of Delegates

of

Maryland

2009 Regular Session

Volume III

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Annapolis, Maryland
Legislative Day: March 23, 2009
Calendar Day: Thursday, March 26, 2009

The House met at 10:27 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Susan K. McComas of Harford County.

QUORUM CALL

The presiding officer announced a quorum call, showing 136 Members present.

(See Roll Call No. 476)

The Journal of March 22, 2009 was read and approved.

EXCUSES:
Del. Kipke – late – meeting with Governor
Del. Proctor – medical
Del. F. Turner – illness

THE COMMITTEE ON ECONOMIC MATTERS REPORT #14

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 155 – Delegates Kach and Boteler

AN ACT concerning

Physicians – Licensure – Liability Insurance Coverage

HB0155/843992/4

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 155
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Boteler" and substitute ", Boteler, Bromwell, Schuler, Barkley, Burns, Feldman, Haddaway, Harrison, Hecht, Impallaria, King, Krysiak, Manno, McHale, Minnick, Stifler, and Vaughn".

AMENDMENT NO. 2

On page 1, in line 2, strike "Insurance"; in line 3, after "physicians" insert "who perform certain services in the State in certain settings"; in the same line, after "certain" insert "minimum"; in line 4, after "insurance" insert "or provide certification of certain coverage"; in line 5, after "insurance" insert "or coverage; exempting certain licensed physicians from certain requirements; authorizing the Board to adopt certain regulations"; in line 6, strike "proof" and substitute "certification"; in the same line, after "insurance" insert "or coverage"; in the same line, strike "within a certain time" and substitute "as required by this Act; authorizing the Board to conduct certain audits for certain purposes"; strike beginning with "establishing" in line 6 down through "coverage" in line 7 and substitute "defining certain terms; providing for the construction of certain provisions of this Act"; and in line 8, strike "insurance" and substitute "coverage for certain services".

AMENDMENT NO. 3

On page 1, in line 23, after "**(A)**" insert "**(1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) "FREESTANDING AMBULATORY CARE FACILITY" HAS THE MEANING STATED IN § 19–3B–01 OF THE HEALTH – GENERAL ARTICLE.

(3) (I) "SURGICAL SERVICES" MEANS ANY INVASIVE PROCEDURE, WHETHER THERAPEUTIC OR DIAGNOSTIC, INVOLVING THE USE OF:

1. ANY CUTTING INSTRUMENT;

2. MICROSCOPIC, ENDOSCOPIC, ARTHROSCOPIC, OR LAPAROSCOPIC EQUIPMENT; OR

3. A LASER FOR THE REMOVAL OR REPAIR OF AN ORGAN OR OTHER TISSUE.

(II) "SURGICAL SERVICES" DOES NOT INCLUDE OUTPATIENT SERVICES THAT:

1. ARE LIMITED TO THE SKIN AND MUCOUS MEMBRANES;

2. DO NOT EXTEND DEEPER THAN THE SKIN AND MUCOUS MEMBRANES; AND

3. ARE PERFORMED WITH LOCAL OR TOPICAL ANESTHESIA.

(B) (1) THIS SECTION APPLIES TO A LICENSED PHYSICIAN WHO PERFORMS OUTPATIENT SURGICAL SERVICES IN THE STATE, WHETHER IN A FREESTANDING AMBULATORY CARE FACILITY, AN OFFICE, OR ANY OTHER NONHOSPITAL LOCATION.

(2) THIS SECTION MAY NOT BE CONSTRUED TO APPLY TO, OR TO PREVENT THE RENDERING OF, EMERGENCY MEDICAL SERVICES BY A LICENSED PHYSICIAN IN ACCORDANCE WITH § 5–603 OF THE COURTS ARTICLE.

(C)";

and in the same line, after "**PHYSICIAN**" insert "**SUBJECT TO THIS SECTION**".

On page 2, in lines 8 and 12, strike "**(B)**" and "**(C)**", respectively, and substitute "**(D)**" and "**(F)**", respectively; in line 8, strike "**(A)**" and substitute "**(C)**"; and in line 9, strike "**THE SECRETARY OF**".

AMENDMENT NO. 4

On page 1, in line 23, strike "**MAINTAIN**" and substitute "**:**

(1) (I) MAINTAIN".

On pages 1 and 2, strike beginning with the colon in line 24 on page 1 down through "**IN**" in line 1 on page 2 and substitute "**IN**".

On page 2, in lines 2 and 3, strike "**(I)**" and "**(II)**", respectively, and substitute "**1.**" and "**2.**", respectively; in line 3, after "**AGGREGATE;**" insert "**OR**

(II) PROVIDE PROOF THAT THE LICENSED PHYSICIAN IS COVERED BY THE FEDERAL TORT CLAIMS ACT OR THE MARYLAND TORT CLAIMS ACT;";

in line 4, strike "**WITH**" and substitute "**HAVE INSURANCE OR**"; in the same line, after "**COVERAGE**" insert "**DESCRIBED IN ITEM (1)(II) OF THIS SUBSECTION THAT IS**"; in line 6, strike "**IN ACCORDANCE**" and substitute "**COMPLY**"; in the same line, strike the first "**THE**" and substitute "**ANY**"; after line 11, insert:

"**(E) A LICENSED PHYSICIAN IS EXEMPT FROM THE REQUIREMENTS OF THIS SECTION IF THE LICENSED PHYSICIAN IS:**

(1) RETIRED FROM THE PRACTICE OF MEDICINE AND DOES NOT PROVIDE MEDICAL CARE OR TREATMENT TO PATIENTS; OR

(2) (I) ENGAGED IN MEDICAL RESEARCH THAT DOES NOT CONSTITUTE OR INVOLVE THE PROVISION OF MEDICAL CARE AND TREATMENT TO PATIENTS; AND

(II) DOES NOT PROVIDE MEDICAL CARE OR TREATMENT TO PATIENTS.";

and in line 12, strike "**SHALL**" and substitute "**MAY**".

On page 2 in line 8, on page 3 in line 31, and on page 4 in line 1, in each instance, after "**INSURANCE**" insert "**OR COVERAGE**".

AMENDMENT NO. 5

On page 3, in line 30, strike "**LICENSEE**" and substitute "**PHYSICIAN WHO IS SUBJECT TO § 14–312.1 OF THIS SUBTITLE**"; in the same line, strike "**THE SECRETARY OF**"; in line 31, strike "**PROOF OF**" and substitute "**CERTIFICATION THAT THE PHYSICIAN MAINTAINS THE**"; and in line 32, strike "**WITHIN 30 DAYS OF OBTAINING OR RENEWING THE INSURANCE**" and substitute "**:**

(I) ON THE PHYSICIAN'S APPLICATION FOR AN INITIAL LICENSE UNDER § 14–309 OF THIS SUBTITLE AND FOR RENEWAL OR

REINSTATEMENT OF A LICENSE UNDER THIS SECTION AND § 14–317 OF THIS SUBTITLE; AND

(II) AT ANY OTHER TIME ON REQUEST OF THE BOARD".

On page 4, in line 1, strike "**PROOF**" and substitute "**CERTIFICATION OF MAINTENANCE**"; in line 2, strike "**THE SECRETARY OF**"; in the same line, strike "**WITHIN THE TIME**" and substitute "**AS**"; in the same line, after "**UNDER**" insert "**PARAGRAPH (I) OF**"; in line 3, strike "**SECTION**" and substitute "**SUBSECTION**"; and after line 4, insert:

"**(3) IN ACCORDANCE WITH GUIDELINES ADOPTED BY THE BOARD, THE BOARD MAY ENFORCE THIS SUBSECTION BY RANDOMLY AUDITING A PORTION OF THE LICENSEES SUBJECT TO § 14–312.1 OF THIS SUBTITLE TO DETERMINE COMPLIANCE WITH THAT SECTION.**

(4) IN ADDITION TO ANY OTHER AVAILABLE PENALTY, AN APPLICANT FOR AN INITIAL LICENSE OR FOR RENEWAL OR REINSTATEMENT OF A LICENSE WHO PROVIDES FALSE CERTIFICATION OF INSURANCE OR COVERAGE IF REQUIRED FOR THE APPLICANT UNDER § 14–312.1 OF THIS SUBTITLE SHALL BE SUBJECT TO DISCIPLINE BY THE BOARD UNDER §§ 14–404 AND 14–405.1 OF THIS TITLE.".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Morhaim moved to make the Bill a Special Order for Saturday.

The motion was adopted.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 1292 – Delegates Ali, Frick, Rudolph, Taylor, and Vaughn

AN ACT concerning

Consumer Protection – Blacklist Prevention

HB1292/893191/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1292
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Blacklist Prevention" and substitute "Consumer Credit Contracts – Prohibited Provisions"; and in lines 4, 6, and 12, in each instance, after "consumer" insert "credit".

AMENDMENT NO. 2

On page 2, in line 3, after "**CONSUMER**" insert "**CREDIT**"; in line 4, strike "**SALE, LEASE, OR**"; strike beginning with "**CONSUMER GOODS,**" in line 4 down through "**OR**" in line 5; and in lines 25 and 29, in each instance, after "**CONSUMER**" insert "**CREDIT**".

AMENDMENT NO. 3

On page 2, strike in their entirety lines 10 through 24, inclusive, and substitute:

"**(5) "PROHIBITED RISK FACTOR" MEANS THE IDENTITY OF:**

(I) A PERSON FROM WHOM A CONSUMER LAWFULLY OBTAINS CONSUMER CREDIT, CONSUMER GOODS, OR CONSUMER SERVICES; OR

(II) A PERSON WHO MAKES OR HOLDS A MORTGAGE LOAN ON A CONSUMER'S HOME.

(B) A PERSON MAY NOT INCLUDE OR ENFORCE A PROVISION IN A CONSUMER CREDIT CONTRACT, WITHOUT THE CONSUMER'S PRIOR WRITTEN CONSENT, THAT:

(1) TRIGGERS A DEFAULT UNDER THE CONSUMER CREDIT CONTRACT BASED ON A PROHIBITED RISK FACTOR; OR

(2) AUTHORIZES A PARTY TO THE CONSUMER CREDIT CONTRACT TO USE A PROHIBITED RISK FACTOR FOR THE PURPOSE OF:

(I) ACCELERATING A PAYMENT OWED UNDER THE CONSUMER CREDIT CONTRACT;

(II) INCREASING THE INTEREST RATE PAYABLE UNDER THE CONSUMER CREDIT CONTRACT;

(III) REDUCING THE CREDIT LIMIT AVAILABLE UNDER THE CONSUMER CREDIT CONTRACT; OR

(IV) ALTERING A TERM OF THE CONSUMER CREDIT CONTRACT IN ANY OTHER MANNER ADVERSE TO THE CONSUMER.";

and in line 27, strike "**IN A CONSUMER CONTRACT**".

On pages 2 and 3, strike in their entirety the lines beginning with line 33 on page 2 through line 2 on page 3, inclusive, and substitute "**IN CONNECTION WITH THE PROVISION OF CONSUMER CREDIT.**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters 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.

Delegate Davis, Chair, for the Committee on Economic Matters 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.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 1494 – Delegate Davis

AN ACT concerning

Telecommunications – Basic and Competitive Services – Agreement

HB1494/883096/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1494
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Davis" and substitute "Delegates Davis, Barkley, Braveboy, Burns, Feldman, Haddaway, Harrison, Hecht, Impallaria, Jameson, King, Kirk, Krysiak, Love, Mathias, Miller, Minnick, Stifler, Taylor, Vaughn, and Walkup".

AMENDMENT NO. 2

On page 1, in line 5, strike "requiring" and substitute "authorizing"; and strike beginning with "subject" in line 6 down through "Commission" in line 7 and substitute "jointly with the Public Service Commission and the Office of People's Counsel on or after a certain date".

AMENDMENT NO. 3

On page 3, in line 2, strike "**AT THE DIRECTION OF THE COMMISSION**" and substitute "**ON OR AFTER JULY 1, 2012**"; in the same line, after "**COMPANY**" insert "**, THE COMMISSION, AND THE OFFICE OF PEOPLE'S COUNSEL**"; in line 3, strike "**SHALL**" and substitute "**MAY JOINTLY**"; and in line 5, strike "**FOR ALL SERVICES**".

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 ENVIRONMENTAL MATTERS REPORT #9

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 135 – Cecil County Delegation

AN ACT concerning

Environment – Sewage Sludge Utilization – Zoning and Land Use Requirements

HB0135/220210/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 135
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "prohibiting" and substitute "authorizing"; strike beginning with "from" in line 4 down through "meets" in line 5 and substitute "to consider"; in the same line, after "county" insert "and municipal"; and strike beginning with "or" in line 6 down through "land" in line 8 and substitute "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".

On page 1, in line 9, strike "with" and substitute "without"; and after line 13, insert:

"BY adding to
Article – Environment
Section 9–234.2
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 2

On page 1, in line 18, strike "**(A)**".

On page 2, in line 5, strike "**(B) THE**" and substitute:

"**9–234.2.**

(A) BEFORE THE ISSUANCE OF A PERMIT FOR THE APPLICATION OF SEWAGE SLUDGE ON LAND, THE";

in the same line, after "**MAY**" insert "**CONSIDER**"; strike beginning with "**NOT**" in line 5 down through "**MEETS**" in line 6; in line 6, after "**ALL**" insert "**APPLICABLE**"; in line 7, strike "**OR ORDINANCES**"; in line 8, strike "**SITE IS LOCATED**" and substitute "**SEWAGE SLUDGE WILL BE APPLIED.**

(B) THE COUNTY OR MUNICIPALITY SHALL PROVIDE ANY APPLICABLE ZONING AND LAND USE INFORMATION TO THE DEPARTMENT WITHIN 45 DAYS AFTER RECEIVING A COPY OF THE APPLICATION FOR A PERMIT TO APPLY SEWAGE SLUDGE ON LAND UNDER § 9–234 OF THIS SUBTITLE";

and strike beginning with "**MAY**" in line 9 down through "**A**" in line 11 and substitute "**SHALL ADOPT REGULATIONS TO ESTABLISH A BUFFER FROM A SITE WHERE SEWAGE SLUDGE WILL BE APPLIED ON LAND ADJACENT TO A BOUNDARY OF A**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 955 – Delegate V. Clagett

AN ACT concerning

Maryland Horse Industry Board – Equine Activities

HB0955/350212/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 955
(First Reading File Bill)

On page 2, in line 25, strike "**ARTICLE**" and substitute "**SUBTITLE**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters 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.

Delegate McIntosh, Chair, for the Committee on Environmental Matters 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.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

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

HB1141/950716/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 1141
(First Reading File Bill)

On page 1, in line 6, after "signs" insert "; and generally relating to the authority of municipal corporations in Montgomery County to regulate commercial signs".

On page 2, in line 2, strike "October" and substitute "June".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

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

MC/PG 115–09

HB1144/960812/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1144
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 and 3 and substitute "Bicycle and Pedestrian Advisory Committee – Membership"; strike beginning with "requiring" in line 5 down through "Commission;" in line 12; in line 13, before "Commission" insert "Maryland–National Capital Park and Planning"; and strike in their entirety lines 15 through 30, inclusive, and substitute "and generally relating to the membership of the Bicycle and Pedestrian Advisory Committee.".

On page 2, strike in their entirety lines 1 through 5, inclusive; in line 8, strike "2–604(b)(5),"; strike beginning with ", 8–204(c)," in line 8 down through "(e)" in line 9; and strike in their entirety lines 17 through 21, inclusive.

AMENDMENT NO. 2

On pages 2 through 4, strike in their entirety the lines beginning with line 24 on page 2 through line 4 on page 4, inclusive.

On page 4, strike in their entirety lines 6 through 11, inclusive.

On pages 5 through 8, strike in their entirety the lines beginning with line 21 on page 5 through line 8 on page 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.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 1221 – Washington County Delegation

AN ACT concerning

Washington County – Roads and Transportation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

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

HB1413/960911/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1413
(First Reading File Bill)

AMENDMENT NO. 1

In line 4, strike "repealing a certain limitation on" and substitute "altering".

AMENDMENT NO. 2

In line 21, after "requirement" insert "**OF AT LEAST 12 HOURS**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters 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.

Delegate McIntosh, Chair, for the Committee on Environmental Matters 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.

THE COMMITTEE ON JUDICIARY REPORT #7

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 311 – The Speaker (By Request – Administration) and Delegates Barnes, Feldman, Frick, and Lee

AN ACT concerning

Public Safety – Department of State Police – Investigations Affecting First Amendment Rights

HB0311/342812/5

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 311
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Lee" and substitute "Lee, Hixson, Rosenberg, Hucker, Mizeur, Ali, Anderson, Barkley, Barve, Benson, Bobo, Braveboy, Bronrott, Cane, Dumais, Gaines, Gilchrist, Gutierrez, Healey, Hecht, Hubbard, Ivey, Kaiser, Lafferty, Manno, McIntosh, Montgomery, Murphy, Nathan–Pulliam, Pena–Melnyk, Ramirez, Reznik, Rice, Smigiel, Stukes, Taylor, Valderrama, Waldstreicher, and Weldon"; strike lines 2 and 3 in their entirety and substitute "Freedom of Association and Assembly Protection Act of 2009"; strike beginning with "requiring" in line 4 down through "circumstances" in line 7 and substitute "prohibiting a law enforcement agency from conducting a covert investigation of a certain person, group, or organization unless a certain chief or designee makes a written finding at a certain time that the covert investigation is justified for certain reasons; establishing that membership or participation in a certain group or organization does not alone establish reasonable, articulable suspicion of criminal activity"; strike beginning with "the" in line 7 down through "Police" in line 8 and substitute "a law enforcement agency"; in lines 9, 10, 11, 14, 15, and 16, in each instance, strike "the Department" and substitute "a law enforcement agency"; strike beginning with "the" in line 12 down through "Department" in line 13 and substitute "a law enforcement agency"; in line 13, after "collecting" insert "or maintaining"; in the same line, after "circumstances;" insert "requiring that information maintained in a criminal intelligence file be evaluated for the reliability of the source of the information and the validity and accuracy of the information;"; in line 15, after "manner;" insert "establishing that a certain provision may not be interpreted to diminish the rights of a person requesting certain information;"; in line 17, strike "providing for the construction of this Act;" and substitute "requiring the Department of State Police to adopt certain regulations on or before a certain date; requiring certain law enforcement agencies to adopt certain policies on or before a certain date;

requiring the Department to report to certain committees of the General Assembly on certain matters on or before a certain date;"; in line 19, strike "the Department of State Police" and substitute "law enforcement agencies"; and in line 22, strike "2–314" and substitute "3–701".

AMENDMENT NO. 2

On page 2, in line 1, strike "**2–314**" and substitute "**3–701**"; after line 3, insert:

"**(2) "CHIEF" MEANS THE HEAD OF A LAW ENFORCEMENT AGENCY.**";

in line 4, strike "**(2)**" and substitute "**(3) (I)**"; in line 5, after "**ORGANIZATION**" insert "**IN A MANNER THAT CONCEALS THE IDENTITY OF THE LAW ENFORCEMENT AGENCY OR THE IDENTITY OF AN OFFICER OR AGENT OF THE LAW ENFORCEMENT AGENCY**"; after line 5, insert:

"**(II) "COVERT INVESTIGATION" DOES NOT INCLUDE THE USE OF PLAINCLOTHES OFFICERS OR EMPLOYEES FOR CROWD CONTROL AND PUBLIC SAFETY PURPOSES AT PUBLIC EVENTS.**

(4) "DEPARTMENT" MEANS THE DEPARTMENT OF STATE POLICE.";

in line 6, strike "**(3)**" and substitute "**(5)**"; after line 11, insert:

"**(6) "LAW ENFORCEMENT AGENCY" MEANS A POLICE DEPARTMENT OF THE STATE, A COUNTY, A MUNICIPAL CORPORATION, OR A PUBLIC OR PRIVATE INSTITUTION OF HIGHER EDUCATION.**

(7) "LEGITIMATE LAW ENFORCEMENT OBJECTIVE" MEANS THE DETECTION, INVESTIGATION, DETERRENCE, OR PREVENTION OF CRIME, OR THE APPREHENSION AND PROSECUTION OF A SUSPECTED CRIMINAL.".

AMENDMENT NO. 3

On page 2, strike beginning with the second "**THE**" in line 12 down through "**DEPARTMENT**" in line 13 and substitute "**A LAW ENFORCEMENT AGENCY**"; in line 14, after "**ACTIVITIES**" insert "**AND THE RIGHTS OF INDIVIDUALS, GROUPS, AND**

ORGANIZATIONS ENGAGED IN FIRST AMENDMENT ACTIVITIES"; in line 17, strike "**A**" and substitute "**(1) A LAW ENFORCEMENT AGENCY MAY NOT CONDUCT A**"; in line 18, strike "**SHALL BE**" and substitute "**UNLESS THE CHIEF OR THE CHIEF'S DESIGNEE MAKES A WRITTEN FINDING IN ADVANCE OR AS SOON AS IS PRACTICABLE AFTERWARDS THAT THE COVERT INVESTIGATION IS JUSTIFIED BECAUSE**"; in line 19, strike "**(1)**" and substitute "**(I) IT IS**"; in the same line, after "**REASONABLE**" insert "**, ARTICULABLE**"; in line 22, strike "**(2) SHALL BE CONDUCTED ONLY IF**" and substitute "**(II)**"; in line 23, strike "**EQUIVALENT**" and substitute "**SATISFACTORY**"; after line 23, insert:

"**(2) MEMBERSHIP OR PARTICIPATION IN A GROUP OR ORGANIZATION ENGAGED IN FIRST AMENDMENT ACTIVITIES DOES NOT ALONE ESTABLISH REASONABLE, ARTICULABLE SUSPICION OF CRIMINAL ACTIVITY.**";

in line 24, strike "**THE DEPARTMENT**" and substitute "**A LAW ENFORCEMENT AGENCY**".

On page 3, in lines 1, 10, 14, and 27, in each instance, strike "**THE DEPARTMENT**" and substitute "**A LAW ENFORCEMENT AGENCY**"; in line 7, strike "**LOGISTICAL**" and substitute "**LOGICAL**"; in the same line, strike "**AND**" and substitute "**OR**"; in line 8, strike "**PURPOSE**" and substitute "**OBJECTIVE**"; in line 10, after "**COLLECT**" insert "**OR MAINTAIN**"; strike beginning with "**BASED**" in line 10 down through "**INTELLIGENCE**" in line 13 and substitute "**SOLELY ABOUT THE POLITICAL BELIEFS, IDEOLOGIES, AND ASSOCIATIONS OF AN INDIVIDUAL, GROUP, OR ORGANIZATION THAT:**

(I) IS NOT RELEVANT TO A CRIMINAL INVESTIGATION; OR

(II) IS WITHOUT REASONABLE ARTICULABLE SUSPICION THAT THE INDIVIDUAL, GROUP, OR ORGANIZATION ADVOCATES, SUPPORTS, OR ENCOURAGES THE VIOLATION OF ANY FEDERAL, STATE, OR LOCAL CRIMINAL LAW THAT PROHIBITS ACTS OF TERRORISM, RACKETEERING, VIOLENCE, EXTORTION, DESTRUCTION OF PROPERTY, INTIMIDATION, HARASSMENT, OBSTRUCTION OF JUSTICE, OR FRAUD";

after line 13, insert:

"**(H) INFORMATION MAINTAINED IN A CRIMINAL INTELLIGENCE FILE SHALL BE EVALUATED FOR THE RELIABILITY OF THE SOURCE OF THE INFORMATION AND THE VALIDITY AND ACCURACY OF THE INFORMATION.**";

in line 14, strike "**(H)**" and substitute "**(I)**"; in lines 17 and 22, in each instance, strike "**THE DEPARTMENT**" and substitute "**A LAW ENFORCEMENT AGENCY**"; in line 22, strike "**(I)**" and substitute "**(J) (1)**"; in line 24, strike "**PURPOSES**" and substitute "**OBJECTIVES**"; in lines 19, 20, and 26, in each instance, strike "**DEPARTMENT**" and substitute "**LAW ENFORCEMENT AGENCY**"; after line 26, insert:

"**(2) THIS SUBSECTION MAY NOT BE INTERPRETED TO DIMINISH THE RIGHTS OF A PERSON REQUESTING INFORMATION UNDER THE MARYLAND PUBLIC INFORMATION ACT.**";

and in line 27, strike "**(J)**" and substitute "**(K)**".

AMENDMENT NO. 4

On page 3, strike in their entirety lines 30 through 36, inclusive, and substitute:

"**(L) ON OR BEFORE JANUARY 1, 2010, THE DEPARTMENT SHALL ADOPT REGULATIONS GOVERNING:**

(1) THE CONDUCT BY THE DEPARTMENT OF COVERT INVESTIGATIONS OF PERSONS, GROUPS, OR ORGANIZATIONS ENGAGED IN FIRST AMENDMENT ACTIVITIES; AND

(2) EACH DEPARTMENTAL COLLECTION, DISSEMINATION, RETENTION, DATABASE INCLUSION, PURGING, AND AUDITING OF INTELLIGENCE INFORMATION RELATING TO PERSONS, GROUPS, OR ORGANIZATIONS ENGAGED IN FIRST AMENDMENT ACTIVITIES.

(M) ON OR BEFORE JANUARY 1, 2010, EACH LAW ENFORCEMENT AGENCY OTHER THAN THE DEPARTMENT SHALL ADOPT A WRITTEN, PUBLICLY AVAILABLE POLICY GOVERNING:

(1) THE CONDUCT BY THE AGENCY OF COVERT INVESTIGATIONS OF PERSONS, GROUPS, OR ORGANIZATIONS ENGAGED IN FIRST AMENDMENT ACTIVITIES; AND

(2) EACH AGENCY COLLECTION, DISSEMINATION, RETENTION, DATABASE INCLUSION, PURGING, AND AUDITING OF INTELLIGENCE INFORMATION RELATING TO PERSONS, GROUPS, OR ORGANIZATIONS ENGAGED IN FIRST AMENDMENT ACTIVITIES.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2010, the Department of State Police shall report to the Senate Judicial Proceedings Committee and the House Judiciary Committee, in accordance with § 2–1246 of the State Government Article, on the status of the Department's efforts to:

(1) revise or discontinue use of the Case Explorer database in connection with the Department's intelligence–gathering activities; and

(2) contact all individuals 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 individuals an opportunity to review and obtain copies of the relevant database entries; and subsequently purge those entries.".

On page 4, in line 1, strike "2" and substitute "3".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0311/703320/1

BY: Delegate Rosenberg

AMENDMENT TO HOUSE BILL 311, AS AMENDED

On page 4 of the House Judiciary Committee Amendments (HB0311/342812/5), in line 5 of Amendment No. 3, after "**RACKETEERING**" insert "**ACTIVITY, AS DEFINED IN 18 U.S.C. § 1961**".

The preceding amendment was read and adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

House Bill 534 – Delegate Simmons

AN ACT concerning

Child Pornography – Matter Reflecting Belief That a Minor Is Depicted in a Certain Manner

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 539 – Delegates Branch, Bronrott, Griffith, Jones, and Sossi

AN ACT concerning

Public Safety – Electronic Control Devices – Requirements

HB0539/742615/2

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 539
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike ", possessed, or used"; in line 6, strike "the electronic control device meets"; in the same line, after "requirements" insert "are met"; in line 8, after "Act;" insert "providing for the construction of this Act;"; strike beginning with "requiring" in line 9 down through "date;" in line 14; in line 14, strike "a certain term" and substitute "certain terms; providing for the application of this Act"; and on pages 1

and 2, strike in their entirety the lines beginning with line 21 on page 1 through line 2 on page 2, inclusive.

AMENDMENT NO. 2

On page 2, strike line 7 in its entirety and substitute "**(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) "ELECTRONIC CONTROL DEVICE" MEANS A"; strike in their entirety lines 11 and 12 and substitute "**(3) "CRIME OF VIOLENCE" HAS THE MEANING STATED IN § 14–101 OF THIS ARTICLE.**"; in line 16, strike "**FELONY;**" and substitute "**CRIME OF VIOLENCE OR A VIOLATION OF § 5–602, § 5–603, § 5–604, § 5–605, § 5–606, § 5–613, OR § 5–614 OF THIS ARTICLE; AND**"; in line 18, strike "**; AND**" and substitute a period; strike lines 19 through 21 in their entirety; strike beginning with the first comma in line 22 down through "**USED**" in line 23; strike beginning with "**THE**" in line 24 down through "**AND**" in line 26 and substitute "**AN INSTRUCTIONAL MANUAL OR AUDIO OR AUDIOVISUAL INSTRUCTIONS ARE PROVIDED TO THE PURCHASER;**"; strike beginning with "**THE**" in line 27 down through the first "**THE**" in line 28 and substitute "**THE MANUFACTURER MAINTAINS A RECORD OF THE ORIGINAL**"; in line 29, after "**DEVICE**" insert "**; AND**

(3) THE SELLER HAS OBTAINED A STATE AND FEDERAL CRIMINAL HISTORY RECORDS CHECK REGARDING THE PURCHASER";

and on page 3, in line 8, strike "**FELONY**" and substitute "**CRIME OF VIOLENCE**".

AMENDMENT NO. 3

On page 3, after line 10, insert:

"**(F) THIS SECTION DOES NOT PROHIBIT A LOCAL GOVERNMENT FROM ADOPTING A RESTRICTION OR REQUIREMENT CONCERNING THE POSSESSION OF AN ELECTRONIC CONTROL DEVICE THAT IS MORE STRINGENT THAN THE REQUIREMENTS OF THIS SECTION.**".

AMENDMENT NO. 4

On pages 3 through 6, strike in their entirety the lines beginning with line 11 on page 3 through line 28 on page 6, inclusive, and substitute:

"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 electronic control device sold or purchased before the effective date of this Act.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary 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.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

House Bill 1382 – Chair, Judiciary Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Juvenile Law – Juvenile Records – Disclosure

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 1400 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Criminal Procedure – Sexual Offenders – Homeless Registrants, Supervision, and Penalties

HB1400/732811/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1400
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike the first comma and substitute "and"; strike beginning with the second comma in line 2 down through "Penalties" in line 3; in line 8, strike "that" and substitute "where"; and strike beginning with "providing" in line 18 down through "unit;" in line 19.

On page 2, in line 16, after "circumstances;" insert "providing that the imposition or adjustment of certain special conditions shall be considered a certain postsentencing court proceeding;"; and strike beginning with "establishing" in line 18 down through "supervision;" in line 20.

AMENDMENT NO. 2

On page 9, in line 3, strike "**AND**" and substitute "**OR**".

On page 11, in line 5, strike "**THAT**" and substitute "**WHERE**".

On page 12, in line 26, strike "**WEEK**" and substitute "**MONTH**".

On page 13, strike beginning with "**A**" in line 16 down through "**(5)**" in line 19; and in line 24, strike "**(6)**" and substitute "**(5)**".

AMENDMENT NO. 3

On page 23, in line 4, after "life" insert "**, UNLESS A PETITION FOR DISCHARGE UNDER § 11–724(B) OF THIS SUBTITLE IS GRANTED**".

On page 24, in line 14, strike "**SCORE**"; after line 14, insert:

"**(4) THE IMPOSITION OR ADJUSTMENT OF THE SPECIAL CONDITIONS IMPOSED ON A REGISTRANT SHALL BE CONSIDERED A POSTSENTENCING COURT PROCEEDING UNDER § 11–503(A) OF THIS TITLE.**".

On page 25, strike beginning with "**(A)**" in line 1 down through "**(C)**" in line 14 and substitute "**(A)**".

On page 26, in line 3, strike "(d)" and substitute "**(B)**"; in line 4, strike "and adjudicate"; in the same line, after "from" insert "**A REGISTRANT ON**"; in line 5, strike "from a registrant" and substitute "**AND MAKE A RECOMMENDATION TO THE COURT REGARDING THE PETITION**"; in line 16, strike "discharge" and substitute "**RECOMMEND TO THE COURT THE DISCHARGE OF**"; and in line 23, strike "**(6)**" and substitute "**(C)**".

AMENDMENT NO. 4

On page 31, in line 24, strike "**AND ADJUDICATE**"; and in line 25, after "**SUPERVISION**" insert "**AND MAKE A RECOMMENDATION TO THE SENTENCING COURT TO EITHER APPROVE OR DENY THE REGISTRANT'S PETITION**".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #8

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 87 – Delegate Anderson (By Request – Baltimore City Administration)

AN ACT concerning

Criminal Procedure – No Good Time for Gun Crime

HB0087/152618/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 87
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute "Crimes – Violation of Restriction Against Possession of Regulated Firearm – Penalties"; strike beginning with "decreasing" in line 3 down through "eligibility" in line 8 and substitute "increasing the penalty for a second or subsequent offense of violating the restriction against possession of a certain regulated firearm by a person who was previously convicted of a certain crime; requiring the State to provide a certain notice before a certain time if the State intends to seek a certain sentence; and generally relating to the possession of regulated firearms"; strike lines 9 through 13 in their entirety; and in line 14, strike "without" and substitute "with".

On pages 1 and 2, strike in their entirety the lines beginning with line 21 on page 1 through line 33 on page 2, inclusive.

AMENDMENT NO. 2

On page 4, in line 2, after "to" insert "**:**

(I) FOR A FIRST OFFENSE,";

strike beginning with ", no" in line 2 down through "suspended" in line 3 and substitute "**; AND**

(II) FOR A SECOND OR SUBSEQUENT OFFENSE, IMPRISONMENT FOR NOT LESS THAN 5 YEARS AND NOT EXCEEDING 8 YEARS.

(3) A COURT MAY NOT SUSPEND THE 5–YEAR MINIMUM SENTENCE REQUIRED BY PARAGRAPH (2) OF THIS SUBSECTION";

in lines 4 and 6, strike "(3)" and "(4)", respectively, and substitute "**(4)**" and "**(5)**", respectively; in line 4, strike "paragraph (1) of"; and after line 6, insert:

"**(6) IF THE STATE INTENDS TO SEEK A SENTENCE OF IMPRISONMENT FOR MORE THAN 5 YEARS UNDER PARAGRAPH (2)(II) OF THIS SUBSECTION, THE STATE SHALL NOTIFY THE PERSON IN WRITING OF THE STATE'S INTENTION AT LEAST 30 DAYS BEFORE TRIAL.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate O'Donnell moved to make the Bill a Special Order for Friday.

The motion was adopted.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

House Bill 388 – Delegate Simmons

AN ACT concerning

Criminal Law – Narcotic Drugs – Enhanced Penalties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 501 – Delegates Kelly, Dwyer, Kramer, McComas, and Smigiel

AN ACT concerning

Criminal Law – Theft of Rental Property

HB0501/792919/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 501
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Theft" and substitute "Fraudulent Conversion"; strike beginning with "prohibiting" in line 3 down through "corrections;" in line 10 and substitute "clarifying that the prohibition against fraudulent conversion of rental property applies to a written contract or written lease for a leased or rented good or thing of value whether or not the contract or lease contains an option to purchase the good or thing of value if the contract or lease meets certain requirements; providing that a prosecution under the prohibition against fraudulent conversion of rental property does not preclude prosecution for theft; requiring a conviction for fraudulent conversion of rental property to merge for sentencing purposes into a conviction for theft under certain circumstances;"; in line 10, strike "theft" and substitute "fraudulent conversion"; and in line 14, strike "7–104" and substitute "8–407".

AMENDMENT NO. 2

On pages 1 through 5, strike in their entirety the lines beginning with line 20 on page 1 through line 18 on page 5 and substitute:

"8–407.

(a) This section applies to a **WRITTEN CONTRACT OR** written lease **[**notwithstanding that**]** **FOR A LEASED OR RENTED GOOD OR THING OF VALUE WHETHER OR NOT** the **CONTRACT OR** lease contains an option to purchase the good or thing of value if the lease:

(1) does not exceed a period of 6 months; and

(2) is not for nominal consideration.

(b) A person may not fraudulently convert to the person's own use a good or thing of value received under a written contract or written lease entered into for the purpose of renting or leasing things for valuable consideration.

(c) The failure to return the good or thing of value to the possession of, or account for the good or thing of value with, the person who delivered the good or thing

of value at the time or in the manner described in the written contract or written lease is prima facie evidence of intent to fraudulently convert the good or thing of value.

(d) (1) A person may not be prosecuted under this section if within 10 days after a written demand for the return of the good or thing of value is mailed by certified United States mail, return receipt requested, to the person who received the good or thing of value at the last address known to the person who delivered the good or thing of value, the person returns the good or thing of value to the possession of, or accounts for the good or thing of value with, the person who delivered the good or thing of value.

(2) A prosecution may not be started until 10 days after a written demand described in paragraph (1) of this subsection is mailed.

(e) A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 60 days or a fine not exceeding $1,000 or both.

(f) A person who violates this section shall restore the good or thing of value converted to the person's own use or pay the full value to the owner or the person who delivered the good or thing of value.

(G) (1) A PROSECUTION UNDER THIS SECTION DOES NOT PRECLUDE PROSECUTION FOR THEFT UNDER § 7–104 OF THIS ARTICLE.

(2) IF A PERSON IS CONVICTED UNDER § 7–104 OF THIS ARTICLE AND THIS SECTION FOR THE SAME ACT OR TRANSACTION, THE CONVICTION UNDER THIS SECTION SHALL MERGE FOR SENTENCING PURPOSES INTO THE CONVICTION UNDER § 7–104 OF THIS ARTICLE.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

House Bill 560 – Delegates Kramer, Manno, Ramirez, Reznik, Simmons, and Valderrama

AN ACT concerning

Hate Crimes – Prohibitions and Protected Classes – Age, Gender, and Disability

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

House Bill 565 – Delegates Kramer, Kelly, Ramirez, Reznik, Shank, and Smigiel

AN ACT concerning

Criminal Procedure – State Commission on Criminal Sentencing Policy – Reconsideration of Sentence

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

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

HB0635/242814/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 635
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Issuance" in line 2 down through "Employability" in line 3 and substitute "Criminal Conviction"; strike beginning with "requiring" in line 4 down through "offender;" in line 6; strike beginning with "provide" in line 7 down through "ex–offenders" in line 8 and substitute "remove barriers to their ability"; and strike beginning with "requiring" in line 9 down through "an" in line 29.

On page 2, strike beginning with "offender" in line 1 down through "circumstances;" in line 23 and substitute "prohibiting certain departments of State government from denying an occupational license or certificate to a certain applicant solely on the basis that the applicant has previously been convicted of a crime, with certain exceptions; requiring certain departments to consider certain factors when making a certain determination; providing that this Act does not apply to certain persons;"; in line 23, after "defining" insert "a"; in the same line, strike "terms" and substitute "term"; strike beginning with "and" in line 24 down through "employability" in line 25; strike in their entirety lines 26 through 35, inclusive; and strike beginning with "6–301" in line 38 down through "Employability"" in line 39 and substitute "1–209".

AMENDMENT NO. 2

On pages 3 and 4, strike in their entirety the lines beginning with line 1 on page 3 through line 28 on page 4, inclusive.

AMENDMENT NO. 3

On page 5, strike lines 1 and 2 and substitute "**1–209.**"; strike in their entirety lines 3 through 7, inclusive; strike line 8 in its entirety and substitute "**(A) (1) IN THIS SECTION, "DEPARTMENT" MEANS:**"; in line 14, after "**REGULATION;**" insert "**OR**"; strike beginning with the semicolon in line 16 down through "**POLICE**" in line 17; and strike in their entirety lines 20 through 26, inclusive, and substitute:

"**(B) THIS SECTION DOES NOT APPLY TO A PERSON WHO WAS PREVIOUSLY CONVICTED OF A CRIME OF VIOLENCE, AS DEFINED IN § 14–101 OF THE CRIMINAL LAW ARTICLE.**".

AMENDMENT NO. 4

On page 6, in line 1, before "**IT**" insert "**(C)**"; strike beginning with "**, TOWARD**" in line 2 down through "**MAY**" in line 3 and substitute "**REMOVE BARRIERS TO THEIR ABILITY TO**"; and strike in their entirety lines 5 through 30, inclusive.

AMENDMENT NO. 5

On pages 7 through 9, strike in their entirety the lines beginning with line 1 on page 7 through line 16 on page 9, inclusive, and substitute:

"**(D) A DEPARTMENT MAY NOT DENY AN OCCUPATIONAL LICENSE OR CERTIFICATE TO AN APPLICANT SOLELY ON THE BASIS THAT THE APPLICANT HAS PREVIOUSLY BEEN CONVICTED OF A CRIME, UNLESS THE DEPARTMENT DETERMINES THAT:**".

AMENDMENT NO. 6

On page 9, strike beginning with "**ONE**" in line 17 down through "**OF**" in line 18; in line 18, strike "**ELIGIBLE OFFENDER'S**" and substitute "**APPLICANT'S**"; in the same line, strike "**CONVICTIONS**" and substitute "**CONVICTION**"; in line 23, strike "**(C)**" and substitute "**(E)**"; in the same line, strike "**(B)**" and substitute "**(D)**"; in line 24, strike "**, BOARD, OR COMMISSION**"; in line 25, strike "**§ 6–302**" and substitute "**SUBSECTION (C)**"; in line 26, strike "**SUBTITLE**" and substitute "**SECTION**"; in lines 29 and 30, in each instance, strike "**ELIGIBLE OFFENDER'S**" and substitute "**APPLICANT'S**"; and in line 30, strike "**CONVICTIONS HAVE**" and substitute "**CONVICTION HAS**".

AMENDMENT NO. 7

On page 10, in lines 1, 5, and 9, in each instance, strike "**ELIGIBLE OFFENDER**" and substitute "**APPLICANT**"; in lines 2 and 3, in each instance, strike "**LAST**"; in line 4, strike "**ANY PREVIOUS OFFENSES**" and substitute "**THE OFFENSE**"; strike in their entirety lines 6 through 8, inclusive; in line 9, strike "**(7)**" and substitute "**(6)**"; in line 10, strike "**ELIGIBLE OFFENDER'S**" and substitute "**APPLICANT'S**"; strike beginning with "**ELIGIBLE**" in line 10 down through "**OFFENDER'S**" in line 11 and substitute "**APPLICANT'S**"; in line 12, strike "**(8)**" and substitute "**(7)**"; in lines 12 and 13, strike "**, BOARD, OR COMMISSION**"; and strike in their entirety lines 15 through 18, inclusive.

The preceding 7 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

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

AN ACT concerning

Task Force on Prisoner Reentry

HB0637/122410/2

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 637
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; and in line 11, after "date;" insert "making this Act an emergency measure;".

AMENDMENT NO. 2

On page 2, in line 17, strike "**17**"; in line 29, strike "**AND**"; after line 29, insert:

"**(6) TWO MEMBERS OF THE PUBLIC WHO REPRESENT EMPLOYER ORGANIZATIONS, APPOINTED BY THE GOVERNOR;**

(7) TWO MEMBERS OF THE PUBLIC WHO REPRESENT ORGANIZED LABOR, APPOINTED BY THE GOVERNOR;

(8) UP TO FOUR MEMBERS, APPOINTED BY THE GOVERNOR, WHO REPRESENT LOCAL REENTRY TASK FORCES THAT HAVE REVIEWED OR ARE IN THE PROCESS OF REVIEWING LOCAL POLICIES AND PRACTICES RELATING TO THE EMPLOYMENT OF EX–OFFENDERS, INCLUDING ONE FROM PRINCE GEORGE'S COUNTY AND ONE FROM BALTIMORE CITY; AND";

in line 30, strike "**(6)**" and substitute "**(9)**"; and in the same line, strike "**SEVEN**".

On page 3, in line 12, strike "**AND**"; and in line 14, after "**DESIGNEE**" insert "**; AND**

(VIII) THE ADMINISTRATOR OF THE MOTOR VEHICLE ADMINISTRATION, OR THE ADMINISTRATOR'S DESIGNEE; AND

(IX) ONE MEMBER FROM THE GOVERNOR'S WORKFORCE INVESTMENT BOARD, APPOINTED BY THE GOVERNOR".

AMENDMENT NO. 3

On page 4, strike in their entirety lines 23 through 26, inclusive, and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. It shall remain effective through June 30, 2012, 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 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

House Bill 938 – Delegates Levi, Vallario, Haynes, Rice, and Vaughn

AN ACT concerning

Correctional Services – Inmate Earnings – Compensation for Victims of Crime

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 1030 – Delegates Shank, Frank, Kelly, Kramer, Myers, Sossi, and Valderrama

AN ACT concerning

Criminal Procedure – Offender Registry – Retroactivity

HB1030/722818/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1030
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "on" in line 5 down through the first "date" in line 6; in line 6, after "committed" insert "on or"; and in the same line, strike "date;" and substitute "date and who was released on or after a certain date or who was under certain custody or supervision on a certain date;".

AMENDMENT NO. 2

On page 1, strike beginning with "registrant" in line 24 down through "2001" in line 25 and substitute "**SEXUALLY VIOLENT PREDATOR OR A SEXUALLY VIOLENT OFFENDER:**

(1) CONVICTED OF AN OFFENSE COMMITTED ON OR BEFORE JULY 1, 1997; AND

(2) (I) WHO WAS RELEASED ON OR AFTER JULY 1, 1997 FOR A CRIME REQUIRING REGISTRATION UNDER THIS SUBTITLE; OR

(II) WHO WAS UNDER THE CUSTODY OR SUPERVISION OF A SUPERVISING AUTHORITY ON OCTOBER 1, 2001".

AMENDMENT NO. 3

On page 2, in line 2, after "who" insert "**:**

(1)";

strike beginning with ", and" in line 3 down through "2001" in line 4, and substitute "**; AND**

(2) (I) WHO WAS RELEASED ON OR AFTER OCTOBER 1, 1995, FOR A CRIME REQUIRING REGISTRATION UNDER THIS SUBTITLE; OR

(II) WHO WAS UNDER THE CUSTODY OR SUPERVISION OF A SUPERVISING AUTHORITY ON OCTOBER 1, 2001";

and strike in their entirety lines 5 through 18, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

House Bill 1115 – Delegates Frank, Dwyer, and McConkey

AN ACT concerning

Courts – Legislative Continuances and Time Extensions – Parties to Proceedings

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 1261 – Delegates Mathias, Cane, Conway, and Rudolph

AN ACT concerning

Criminal Law – Salvinorin A and Salvia Divinorum – Controlled Dangerous Substances

HB1261/812410/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1261

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Rudolph" and substitute "Rudolph, Haddaway, and Eckardt"; strike beginning with "Controlled" in line 2 down through "Substances" in line 3 and substitute "Distribution to and Possession by Individual Under 21 Years of Age"; strike beginning with "establishing" in line 4 down through "divinorum" in line 14 and substitute "prohibiting a person from distributing Salvia divinorum to an individual under the age of 21 years; providing that it is a defense in a certain prosecution that the defendant examined a certain license or identification that positively identified a certain purchaser or recipient as at least a certain age; establishing penalties for a certain violation of this Act; providing that certain separate incidents are separate violations for a certain purpose; prohibiting an individual under the age of 21 years from possessing Salvia divinorum; establishing that a person who violates this Act shall be issued a certain citation; authorizing certain individuals to issue certain citations under certain circumstances; requiring the District Court to prescribe a certain form of citation; requiring the jurisdiction that issues a certain citation to forward a copy of the citation and a request for trial to the District Court having a certain venue; requiring the District Court to schedule a certain trial and summon a certain defendant to appear; providing that a willful failure to respond to a certain summons is contempt of court; establishing that a violation of a certain provision of this Act is a Code violation and a civil offense; providing that a minor is subject to certain procedures and dispositions; providing that an individual who is under the age of 21 years but not a minor is subject to certain provisions of this Act; establishing that an adjudication of a certain Code violation is not a criminal conviction for any purpose and does not impose certain disabilities; establishing certain procedures for a certain Code violation proceeding; establishing certain penalties for a certain violation of this Act; prohibiting the Chief Judge of the District Court from establishing a certain schedule for the prepayment of fines; authorizing a court to direct the payment of a certain fine be suspended or deferred; establishing that the willful failure to pay a certain fine is criminal contempt of court; providing that a certain defendant is liable for certain costs; establishing that a certain defendant has certain rights to appeal or file certain motions; authorizing the State's Attorney to prosecute a certain violation in a certain manner; authorizing a certain intake officer to refer a certain child to a substance abuse education or rehabilitation program under certain circumstances; requiring a certain intake officer to forward a certain citation to the State's Attorney if a certain child fails to comply with a substance abuse education or rehabilitation program referral; establishing that a violation of a certain provision of this Act is a violation for certain purposes;

authorizing a certain law enforcement officer to issue a citation to a child for a violation of a certain provision of this Act under certain circumstances; requiring the Attorney General to submit a certain report to certain committees on or before a certain date; defining a certain term; making conforming changes; and generally relating to Salvia divinorum";

and strike in their entirety lines 15 through 24, inclusive, and substitute:

"BY adding to
Article – Criminal Law
Section 10–130 through 10–133 to be under the new part "Part IV. Salvia Divinorum"
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–01(dd), 3–8A–10(k), and 3–8A–33(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 2

On pages 2 through 6, strike in their entirety the lines beginning with line 1 on page 2 through line 25 on page 6, inclusive, and substitute:

"**10–128. RESERVED.**

10–129. RESERVED.

PART IV. SALVIA DIVINORUM.

10–130.

IN THIS PART, "SALVIA DIVINORUM" INCLUDES SALVINORIN A AND ANY MATERIAL, COMPOUND, MIXTURE, PREPARATION, OR PRODUCT THAT CONTAINS SALVIA DIVINORUM OR SALVINORIN A.

10–131.

(A) A PERSON MAY NOT DISTRIBUTE SALVIA DIVINORUM TO AN INDIVIDUAL UNDER THE AGE OF 21 YEARS.

(B) IN A PROSECUTION FOR A VIOLATION OF THIS SECTION, IT IS A DEFENSE THAT THE DEFENDANT EXAMINED THE PURCHASER'S OR RECIPIENT'S DRIVER'S LICENSE OR OTHER VALID IDENTIFICATION ISSUED BY AN EMPLOYER, GOVERNMENT UNIT, OR INSTITUTION OF HIGHER EDUCATION THAT POSITIVELY IDENTIFIED THE PURCHASER OR RECIPIENT AS AT LEAST 21 YEARS OF AGE.

(C) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING:

(1) $300 FOR A FIRST VIOLATION;

(2) $1,000 FOR A SECOND VIOLATION OCCURRING WITHIN 2 YEARS AFTER THE FIRST VIOLATION; AND

(3) $3,000 FOR EACH SUBSEQUENT VIOLATION OCCURRING WITHIN 2 YEARS AFTER THE PRECEDING VIOLATION.

(D) FOR PURPOSES OF THIS SECTION, EACH SEPARATE INCIDENT AT A DIFFERENT TIME AND OCCASION IS A SEPARATE VIOLATION.

10–132.

AN INDIVIDUAL UNDER THE AGE OF 21 YEARS MAY NOT POSSESS SALVIA DIVINORUM.

10–133.

(A) A PERSON WHO VIOLATES § 10–132 OF THIS PART SHALL BE ISSUED A CITATION UNDER THIS SECTION.

(B) A CITATION FOR A VIOLATION OF § 10–132 OF THIS PART MAY BE ISSUED BY:

(1) A POLICE OFFICER AUTHORIZED TO MAKE ARRESTS; AND

(2) IN STATE FORESTRY RESERVATIONS, STATE PARKS, HISTORIC MONUMENTS, AND RECREATION AREAS, A FOREST OR PARK WARDEN UNDER § 5–206(A) OF THE NATURAL RESOURCES ARTICLE.

(C) A PERSON AUTHORIZED UNDER THIS SECTION TO ISSUE A CITATION SHALL ISSUE IT IF THE PERSON HAS PROBABLE CAUSE TO BELIEVE THAT THE PERSON CHARGED IS COMMITTING OR HAS COMMITTED A VIOLATION OF § 10–132 OF THIS PART.

(D) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE FORM OF CITATION ISSUED TO AN ADULT FOR A VIOLATION OF § 10–132 OF THIS PART SHALL BE AS PRESCRIBED BY THE DISTRICT COURT AND SHALL BE UNIFORM THROUGHOUT THE STATE.

(2) THE CITATION ISSUED TO AN ADULT SHALL CONTAIN:

(I) THE NAME AND ADDRESS OF THE PERSON CHARGED;

(II) THE STATUTE ALLEGEDLY VIOLATED;

(III) THE LOCATION, DATE, AND TIME THAT THE VIOLATION OCCURRED;

(IV) THE FINE THAT MAY BE IMPOSED;

(V) A NOTICE STATING THAT PREPAYMENT OF THE FINE IS NOT ALLOWED;

(VI) A NOTICE THAT THE DISTRICT COURT SHALL PROMPTLY SEND THE PERSON CHARGED A SUMMONS TO APPEAR FOR TRIAL;

(VII) THE SIGNATURE OF THE PERSON ISSUING THE CITATION; AND

(VIII) A SPACE FOR THE PERSON CHARGED TO SIGN THE CITATION.

(3) THE FORM OF CITATION ISSUED TO A MINOR SHALL:

(I) BE PRESCRIBED BY THE STATE COURT ADMINISTRATOR;

(II) BE UNIFORM THROUGHOUT THE STATE; AND

(III) CONTAIN THE INFORMATION LISTED IN § 3–8A–33(B) OF THE COURTS ARTICLE.

(E) (1) THE ISSUING JURISDICTION SHALL FORWARD A COPY OF THE CITATION AND A REQUEST FOR TRIAL TO THE DISTRICT COURT IN THE DISTRICT HAVING VENUE.

(2) THE DISTRICT COURT SHALL PROMPTLY SCHEDULE THE CASE FOR TRIAL AND SUMMON THE DEFENDANT TO APPEAR.

(3) WILLFUL FAILURE OF THE DEFENDANT TO RESPOND TO A SUMMONS DESCRIBED IN PARAGRAPH (2) OF THIS SUBSECTION IS CONTEMPT OF COURT.

(F) (1) FOR PURPOSES OF THIS SECTION, A VIOLATION OF § 10–132 OF THIS PART IS A CODE VIOLATION AND IS A CIVIL OFFENSE.

(2) A PERSON CHARGED WHO IS UNDER THE AGE OF 18 YEARS SHALL BE SUBJECT TO THE PROCEDURES AND DISPOSITIONS PROVIDED IN TITLE 3, SUBTITLE 8A OF THE COURTS ARTICLE.

(3) A PERSON CHARGED WHO IS AT LEAST 18 YEARS OLD SHALL BE SUBJECT TO THE PROVISIONS OF THIS SECTION.

(4) ADJUDICATION OF A CODE VIOLATION UNDER § 10–132 OF THIS PART IS NOT A CRIMINAL CONVICTION FOR ANY PURPOSE, AND DOES NOT IMPOSE ANY OF THE CIVIL DISABILITIES ORDINARILY IMPOSED BY A CRIMINAL CONVICTION.

(G) IN ANY PROCEEDING FOR A CODE VIOLATION UNDER § 10–132 OF THIS PART:

(1) THE STATE HAS THE BURDEN TO PROVE THE GUILT OF THE DEFENDANT TO THE SAME EXTENT AS IS REQUIRED BY LAW IN THE TRIAL OF CRIMINAL CAUSES;

(2) THE COURT SHALL APPLY THE EVIDENTIARY STANDARDS AS PRESCRIBED BY LAW OR RULE FOR THE TRIAL OF CRIMINAL CAUSES;

(3) THE COURT SHALL ENSURE THAT THE DEFENDANT HAS RECEIVED A COPY OF THE CHARGES AGAINST THE DEFENDANT AND THAT THE DEFENDANT UNDERSTANDS THOSE CHARGES;

(4) THE DEFENDANT IS ENTITLED TO CROSS–EXAMINE ALL WITNESSES WHO APPEAR AGAINST THE DEFENDANT, TO PRODUCE EVIDENCE OR WITNESSES ON BEHALF OF THE DEFENDANT, OR TO TESTIFY ON THE DEFENDANT'S OWN BEHALF, IF THE DEFENDANT CHOOSES TO DO SO;

(5) THE DEFENDANT IS ENTITLED TO BE REPRESENTED BY COUNSEL OF THE DEFENDANT'S CHOICE AND AT THE EXPENSE OF THE DEFENDANT; AND

(6) THE DEFENDANT MAY ENTER A PLEA OF GUILTY OR NOT GUILTY, AND THE VERDICT OF THE COURT IN THE CASE SHALL BE:

(I) GUILTY OF A CODE VIOLATION;

(II) NOT GUILTY OF A CODE VIOLATION; OR

(III) PROBATION BEFORE JUDGMENT, IMPOSED BY THE COURT IN THE SAME MANNER AND TO THE SAME EXTENT AS IS ALLOWED BY LAW IN THE TRIAL OF A CRIMINAL CASE.

(H) (1) IF THE DISTRICT COURT FINDS THAT A PERSON HAS COMMITTED A CODE VIOLATION, THE COURT SHALL REQUIRE THE PERSON TO PAY:

(I) FOR A FIRST VIOLATION, A FINE NOT EXCEEDING $500; OR

(II) FOR A SECOND OR SUBSEQUENT VIOLATION, A FINE NOT EXCEEDING $1,000.

(2) THE CHIEF JUDGE OF THE DISTRICT COURT MAY NOT ESTABLISH A SCHEDULE FOR THE PREPAYMENT OF FINES FOR A VIOLATION UNDER § 10–132 OF THIS PART.

(I) WHEN A DEFENDANT HAS BEEN FOUND GUILTY OF A CODE VIOLATION AND A FINE HAS BEEN IMPOSED BY THE COURT:

(1) THE COURT MAY DIRECT THAT THE PAYMENT OF THE FINE BE SUSPENDED OR DEFERRED UNDER CONDITIONS THAT THE COURT MAY ESTABLISH; AND

(2) IF THE DEFENDANT WILLFULLY FAILS TO PAY THE FINE IMPOSED BY THE COURT, THAT WILLFUL FAILURE MAY BE TREATED AS A CRIMINAL CONTEMPT OF COURT, FOR WHICH THE DEFENDANT MAY BE PUNISHED BY THE COURT AS PROVIDED BY LAW.

(J) (1) THE DEFENDANT IS LIABLE FOR THE COSTS OF THE PROCEEDINGS IN THE DISTRICT COURT AND FOR PAYMENT TO THE CRIMINAL INJURIES COMPENSATION FUND.

(2) THE COURT COSTS IN A CODE VIOLATION CASE UNDER § 10–132 OF THIS PART IN WHICH COSTS ARE IMPOSED ARE $5.

(K) (1) A DEFENDANT WHO HAS BEEN FOUND GUILTY OF A CODE VIOLATION UNDER § 10–132 OF THIS PART HAS THE RIGHT TO APPEAL OR TO FILE A MOTION FOR A NEW TRIAL OR A MOTION FOR A REVISION OF A JUDGMENT PROVIDED BY LAW IN THE TRIAL OF A CRIMINAL CASE.

(2) A MOTION SHALL BE MADE IN THE SAME MANNER AS PROVIDED IN THE TRIAL OF CRIMINAL CASES, AND THE COURT, IN RULING ON THE MOTION HAS THE SAME AUTHORITY PROVIDED IN THE TRIAL OF CRIMINAL CASES.

(L) (1) THE STATE'S ATTORNEY FOR ANY COUNTY MAY PROSECUTE A CODE VIOLATION UNDER § 10–132 OF THIS PART IN THE SAME MANNER AS PROSECUTION OF A VIOLATION OF THE CRIMINAL LAWS OF THE STATE.

(2) IN A CODE VIOLATION CASE UNDER § 10–132 OF THIS PART, THE STATE'S ATTORNEY MAY:

(I) ENTER A NOLLE PROSEQUI IN OR PLACE THE CASE ON THE STET DOCKET; AND

(II) EXERCISE AUTHORITY IN THE SAME MANNER AS PRESCRIBED BY LAW FOR VIOLATION OF THE CRIMINAL LAWS OF THE STATE.

Article – Courts and Judicial Proceedings

3–8A–01.

(dd) "Violation" means a violation for which a citation is issued under:

(1) § 10–113, § 10–114, § 10–115, or § 10–116 of the Criminal Law Article;

(2) § 10–108 of the Criminal Law Article; **[**or**]**

(3) § 10–132 OF THE CRIMINAL LAW ARTICLE; OR

[(3)**](4)** § 26–103 of the Education Article.

3–8A–10.

(k) (1) If the intake officer receives a citation other than a citation authorized under § 10–108 of the Criminal Law Article, the intake officer may:

(i) Refer the child to an alcohol **OR SUBSTANCE ABUSE** education or rehabilitation program;

(ii) Assign the child to a supervised work program for not more than 20 hours for the first violation and not more than 40 hours for the second or subsequent violation;

(iii) Require the parent or guardian of the child to withdraw the parent's or guardian's consent to the child's license to drive, and advise the Motor Vehicle Administration of the withdrawal of consent; or

(iv) Forward the citation to the State's Attorney.

(2) The intake officer shall forward the citation, other than a citation authorized under § 10–108 of the Criminal Law Article, to the State's Attorney if:

(i) The parent or guardian of the child refuses to withdraw consent to the child's license to drive;

(ii) The child fails to comply with an alcohol **OR SUBSTANCE ABUSE** education or rehabilitation program referral; or

(iii) The child fails to comply with a supervised work program assignment.

3–8A–33.

(a) A law enforcement officer authorized to make arrests shall issue a citation to a child if the officer has probable cause to believe that the child is violating:

(1) § 10–113, § 10–114, § 10–115, or § 10–116 of the Criminal Law Article;

(2) § 10–108 of the Criminal Law Article; **[**or**]**

(3) § 10–132 OF THE CRIMINAL LAW ARTICLE; OR

[(3)**](4)** § 26–103 of the Education Article.

SECTION 2. AND BE IT FURTHER ENACTED, That, on or before December 1, 2009, the Attorney General shall, in accordance with § 2–1246 of the State Government Article, submit to the Senate Judicial Proceedings Committee and the House Judiciary Committee a report detailing a recommended scheme for the regulation of sales of Salvia divinorum, including requirements for sellers and the placement of products in stores.".

On page 6, in line 26, 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.

Delegate Vallario, Chair, for the Committee on Judiciary 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

HB1385/822111/1

BY: House Judiciary Committee

AMENDMENT TO HOUSE BILL 1385
(First Reading File Bill)

On page 1, strike beginning with the second "the" in line 5 down through "check" in line 7 and substitute "an employee of the Department a revised printed statement of the employee's criminal history record information under certain circumstances".

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 RULES AND EXECUTIVE NOMINATIONS REPORT #10

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Economic Matters and the Committee on Ways and Means:

House Bill 1334 – Delegates Harrison and Glenn

AN ACT concerning

Baltimore City Charter – East Baltimore Community Benefits District

The Bill was re–referred to the Committee on Economic Matters and the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Economic Matters:

House Bill 1573 – Delegate Kipke

AN ACT concerning

Business Regulation – Soda Fountain License – Repeal

The Bill was re–referred to the Committee on Economic Matters.

SPECIAL ORDERS

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

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

AN ACT concerning

Greenhouse Gas Emissions Reduction Act of 2009

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

Delegate McHale moved to make the Bill a Special Order for next session.

The motion was adopted.

House Bill 420 – Delegates Love, Beidle, V. Clagett, Costa, George, and Sophocleus

AN ACT concerning

Environment – Limitation of Actions – Political Subdivisions

STATUS OF BILL: BILL ON 2ND READING. 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 139 Members present.

(See Roll Call No. 477)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #34

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 – 134 Negative – 0 (See Roll Call No. 478)

The Bill was then sent to the Senate.

House Bill 84 – Delegates Stukes, Ali, Anderson, Barve, Benson, Branch, Braveboy, Burns, Cane, Carter, Conaway, DeBoy, Doory, Dumais, Elmore, Frush, Gaines, George, Gilchrist, Glenn, Griffith, Harrison, Haynes, Healey, Heller, Howard, Hubbard, Ivey, Kaiser, Kipke, Kirk, Kramer, Krebs, Krysiak, Levi, Levy, Malone, Mathias, McComas, McHale, McIntosh, Morhaim, Murphy, Myers, Nathan–Pulliam, Niemann, Norman, O'Donnell, Oaks, Olszewski, Pena–Melnyk, Proctor, Ramirez, Rice, Riley, Robinson, Rosenberg, Ross, Rudolph, Shank, Smigiel, Sophocleus, Stifler, Tarrant, F. Turner, V. Turner, Valderrama, Vallario, Vaughn, ~~and Walker~~ Walker, Hammen, Pendergrass, Bromwell, Costa, Donoghue, Elliott, Kach, Kullen, McDonough, Montgomery, Reznik, and Weldon

EMERGENCY BILL

AN ACT concerning

State Government – Commemorative Days – Negro Baseball League

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

Affirmative – 136 Negative – 0 (See Roll Call No. 479)

The Bill was then sent to the Senate.

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 – 136 Negative – 0 (See Roll Call No. 480)

The Bill was then sent to the Senate.

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 – 138 Negative – 0 (See Roll Call No. 481)

The Bill was then sent to the Senate.

House Bill 389 – Delegates Taylor, Boteler, Carr, Carter, Feldman, Haynes, Hixson, Holmes, Hucker, Manno, Rice, Robinson, Ross, Shewell, Tarrant, ~~and V. Turner~~ V. Turner, Pendergrass, Benson, Kullen, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, and Reznik

AN ACT concerning

Minority Business Enterprise Program – Prohibitions ~~and Penalties for Contractors~~

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

Affirmative – 138 Negative – 0 (See Roll Call No. 482)

The Bill was then sent to the Senate.

House Bill 597 – ~~Delegate Benson~~ Delegates Benson and V. Turner

AN ACT concerning

State Board of Physicians – Polysomnographic Technologists – Education and Licensing Requirements

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

Affirmative – 137 Negative – 0 (See Roll Call No. 483)

The Bill was then sent to the Senate.

House Bill 712 – Delegates Hixson, Benson, Cardin, V. Clagett, Doory, Gutierrez, Hecht, Ivey, Kaiser, Love, McIntosh, Pena–Melnyk, Rice, ~~and Valderrama~~ Valderrama, Donoghue, Kipke, Montgomery, Oaks, and V. Turner

AN ACT concerning

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

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

Affirmative – 136 Negative – 2 (See Roll Call No. 484)

The Bill was then sent to the Senate.

House Bill 1153 – Delegates Montgomery, Beidle, Benson, Carr, V. Clagett, Frush, Gutierrez, Haddaway, Howard, Jameson, Kirk, Krysiak, Kullen, Lee, Levi, Love, Nathan–Pulliam, Riley, and Robinson

AN ACT concerning

Maryland Commission for Women – Appointment of Members

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

Affirmative – 138 Negative – 0 (See Roll Call No. 485)

The Bill was then sent to the Senate.

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 – 138 Negative – 0 (See Roll Call No. 486)

The Bill was then sent to the Senate.

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 – 138 Negative – 0 (See Roll Call No. 487)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #35

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 – 136 Negative – 2 (See Roll Call No. 488)

The Bill was then sent to the Senate.

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 – 94 Negative – 43 (See Roll Call No. 489)

The Bill was then sent to the Senate.

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 – 138 Negative – 0 (See Roll Call No. 490)

The Bill was then sent to the Senate.

House Bill 585 – Delegates Costa and Pena–Melnyk

AN ACT concerning

Health Insurance – Use of Physician Rating Systems by Carriers

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

Affirmative – 138 Negative – 0 (See Roll Call No. 491)

The Bill was then sent to the Senate.

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

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

Affirmative – 103 Negative – 35 (See Roll Call No. 492)

The Bill was then sent to the Senate.

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 – 138 Negative – 0 (See Roll Call No. 493)

The Bill was then sent to the Senate.

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 – 139 Negative – 0 (See Roll Call No. 494)

The Bill was then sent to the Senate.

House Bill 957 – Delegate Hubbard

AN ACT concerning

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

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

Affirmative – 139 Negative – 0 (See Roll Call No. 495)

The Bill was then sent to the Senate.

House Bill 1005 – Delegate Miller

AN ACT concerning

Workers' Compensation – Temporary Total Disability Benefits – Credit

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

Affirmative – 138 Negative – 1 (See Roll Call No. 496)

The Bill was then sent to the Senate.

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

AN ACT concerning

Health Insurance – Definition of Coverage Decisions – Pharmacy Inquiries

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

Affirmative – 139 Negative – 0 (See Roll Call No. 497)

The Bill was then sent to the Senate.

House Bill 1183 – Delegate Simmons

AN ACT concerning

Juvenile Law – Hearings

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

Affirmative – 139 Negative – 0 (See Roll Call No. 498)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #4

Senate Bill 279 – Senator Gladden and the President (By Request – Administration) and Senators Currie, Exum, Frosh, Jones, Kelley, King, Lenett, Madaleno, McFadden, Muse, Peters, Pinsky, Pugh, and Raskin

AN ACT concerning

Criminal Law – Death Penalty – ~~Repeal~~ Evidence

FLOOR AMENDMENT

SB0279/743924/1

BY: Delegate Serafini

AMENDMENTS TO SENATE BILL 279
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "jury" insert "except under certain circumstances"; and in line 6, after "eyewitnesses" insert "except under certain circumstances".

AMENDMENT NO. 2

On page 11, in line 8, before "**THE**" insert "**EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION,**"; and in line 29, strike "**A**" and substitute "**EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A**".

On page 12, after line 3, insert:

"**(D) SUBSECTIONS (A)(3) AND (C) OF THIS SECTION DO NOT APPLY TO THE SENTENCING OF A DEFENDANT FOUND GUILTY OF MURDER IN THE FIRST DEGREE OF A GUARD OR OFFICER OF A CORRECTIONAL FACILITY.**".

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

Affirmative – 61 Negative – 75 (See Roll Call No. 499)

FLOOR AMENDMENT

SB0279/323321/1

BY: Delegate Shewell

AMENDMENT TO SENATE BILL 279
(Third Reading File Bill)

On page 11, in line 12, strike "**OR**"; and in line 14, after "**MURDER;**" insert "**OR**

(IV) IN A CASE IN WHICH THE VICTIM IS A LAW ENFORCEMENT OFFICER WHO IS MURDERED IN THE LINE OF DUTY, EVIDENCE THAT THE DEFENDANT WAS INJURED BY A BULLET DISCHARGED FROM THE OFFICER'S WEAPON;".

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

Affirmative – 58 Negative – 79 (See Roll Call No. 500)

FLOOR AMENDMENT

SB0279/883624/1

BY: Delegate Kach

AMENDMENTS TO SENATE BILL 279
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "eyewitnesses" insert ", with a certain exception".

AMENDMENT NO. 2

On page 12, in line 3, after "**EYEWITNESSES**" insert "**, UNLESS THE DEFENDANT WAS PREVIOUSLY KNOWN BY AT LEAST ONE OF THE EYEWITNESSES**".

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

Affirmative – 42 Negative – 91 (See Roll Call No. 501)

FLOOR AMENDMENT

SB0279/783028/1

BY: Delegate Smigiel

AMENDMENTS TO SENATE BILL 279
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "jury" insert "except under certain circumstances"; and in line 6, after "eyewitnesses" insert "except under certain circumstances".

AMENDMENT NO. 2

On page 11, in line 8, before "**THE**" insert "**EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION,**"; and in line 29, strike "**A**" and substitute "**EXCEPT AS PROVIDED IN SUBSECTION (D) OF THIS SECTION, A**".

On page 12, after line 3, insert:

"**(D) SUBSECTIONS (A)(3) AND (C) OF THIS SECTION DO NOT APPLY TO THE SENTENCING OF A DEFENDANT FOUND GUILTY OF MURDER IN THE FIRST DEGREE IF THE DEFENDANT COMMITTED THE MURDER WHILE CONFINED IN A CORRECTIONAL FACILITY.**".

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

Affirmative – 49 Negative – 87 (See Roll Call No. 502)

FLOOR AMENDMENT

SB0279/403420/1

BY: Delegate Boteler

AMENDMENT TO SENATE BILL 279
(Third Reading File Bill)

On page 11, in line 12, strike "**OR**"; and in line 14, after "**MURDER;**" insert "**OR**

(IV) EVIDENCE THAT THE DEFENDANT WAS APPREHENDED IN THE ACT OF MURDER OR AT THE END OF AN UNINTERRUPTED PURSUIT AFTER BEING OBSERVED COMMITTING THE ACT;".

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

Affirmative – 48 Negative – 85 (See Roll Call No. 503)

FLOOR AMENDMENT

SB0279/353427/1

BY: Delegate O'Donnell

AMENDMENTS TO SENATE BILL 279
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 14, after the second "that" insert "funding for"; in line 15, strike "funded by" and substitute "derived from, but not limited to, funds from".

AMENDMENT NO. 2

On page 25, in line 27, after "that" insert "funding for"; in line 28, strike "funded by" and substitute "derived from, but not limited to, funds from".

The preceding 2 amendments were withdrawn.

FLOOR AMENDMENT

SB0279/343523/1

BY: Delegate McDonough

AMENDMENTS TO SENATE BILL 279
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "jury" insert ", with certain exceptions"; and in line 6, after "eyewitnesses" insert ", with certain exceptions".

AMENDMENT NO. 2

On page 11, in line 8, after "**(3)**" insert "**EXCEPT FOR A MURDER COMMITTED FOR THE PURPOSE OF FURTHERING AN ACT OF TERRORISM,**"; and in line 29, strike "**A**" and substitute "**EXCEPT FOR A MURDER COMMITTED FOR THE PURPOSE OF FURTHERING AN ACT OF TERRORISM, A**".

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

Affirmative – 50 Negative – 89 (See Roll Call No. 504)

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

Affirmative – 87 Negative – 52 (See Roll Call No. 505)

The Bill was then returned to the Senate.

INTRODUCTION OF BILLS

Delegate Impallaria moved the Bill be introduced.

The Speaker put the question: Shall the Bill be introduced?

The roll call vote resulted as follows:

Affirmative – 130 Negative – 2 (See Roll Call No. 506)

In compliance with the rules, the Bill was introduced.

House Bill 1575 – Delegates Impallaria, James, Jennings, McComas, Norman, and Stifler

EMERGENCY BILL

AN ACT concerning

Transfer Tax – First–Time Maryland Home Buyer

FOR the purpose of clarifying that an individual is eligible for the first–time Maryland home buyer transfer tax exemption if the individual has never owned real property in Maryland that has been the individual's principal residence; making this Act an emergency measure; and generally relating to a transfer tax exemption for certain first–time Maryland home buyers.

BY repealing and reenacting, without amendments,
Article – Tax – Property
Section 1–101(a) and (hh)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 13–203(b)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 14–104(a)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

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

QUORUM CALL

The presiding officer announced a quorum call, showing 139 Members present.

(See Roll Call No. 507)

RECESS

At 1:10 P.M. on motion of Delegate Barve the House recessed until 5:00 P.M. on Legislative Day March 23, 2009, Calendar Day Thursday, March 26, 2009.

AFTER RECESS
Annapolis, Maryland
Legislative Day: March 23, 2009
Calendar Day: Thursday, March 26, 2009

At 6:01 P.M. the House resumed its session and pledged Allegiance to the Flag.

Prayer by Delegate Sheila E. Hixson of Montgomery County.

QUORUM CALL

The presiding officer announced a quorum call, showing 132 Members present.

(See Roll Call No. 508)

EXCUSES:
Del. Harrison – late – business
Del. Proctor – medical
Del. Smigiel – illness
Del. F. Turner – illness

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 47 – Senator Harrington

AN ACT concerning

Environment – Permit Applications – Notice Requirements

FOR the purpose of requiring ~~notification by mail to certain record residential property owners~~ the Department of the Environment to electronically post on the Department's website certain notice of certain permit applications under certain circumstances and provide a method for certain persons to electronically request certain information; requiring the notice to contain certain information; ~~requiring permit applicants to pay the cost of the notice; authorizing the Department of the Environment to require the permit applicant to publish and send the notice;~~ and generally relating to notice requirements for permit applications.

BY repealing and reenacting, with amendments,

Article – Environment
Section 1–602
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 87 – Chair, Budget and Taxation Committee (By Request – Departmental – Assessments and Taxation)

AN ACT concerning

Property Tax – Homestead Tax Credit – Eligibility

FOR the purpose of altering the deadline for filing certain applications for the homestead property tax credit with the State Department of Assessments and Taxation under certain circumstances; authorizing the Department to reinstate the tax credit under certain circumstances; providing for the application of this Act; and generally relating to eligibility and application requirements for the homestead property tax credit program.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–105(d)(5) and (6)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 211 – Senators Pugh, Currie, Exum, Forehand, Lenett, McFadden, Muse, ~~and Peters~~ Peters, and Jones

SECOND PRINTING

AN ACT concerning

Minority Business Enterprise Program – Participation by Race or Gender

FOR the purpose of authorizing a woman who is also a member of an ethnic or racial minority group to be certified in that category in addition to the gender category; authorizing a woman–owned business to participate in certain procurement contracts as either a woman–owned business or a business owned by a member of an ethnic or racial minority group for certain purposes within the Minority Business Enterprise Program; ~~altering a provision relating to the Department of Transportation and the application of certain requirements to certain of its procurement contracts;~~ altering a certain definition; and generally relating to participation in the Minority Business Enterprise Program.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 11–101(e) and (m)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 14–301(i) and 14–302(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 305 – Senators King, Astle, DeGrange, Lenett, Madaleno, Muse, Raskin, and Robey

AN ACT concerning

Mortality and Quality Review Committee – Sunset ~~Repeal~~ Extension and Membership

FOR the purpose of ~~repealing~~ altering the membership of the Mortality and Quality Review Committee; extending the termination date for a provision of law relating to certain reports regarding incidents of injury and certain recommendations and findings by the Mortality and Quality Review Committee; and generally relating to the Mortality and Quality Review Committee and reportable incidents of injury.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 5–804(a)(8)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Chapter 268 of the Acts of the General Assembly of 2006
Section 3

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 349 – Senators Pinsky, Harrington, Madaleno, and Raskin

AN ACT concerning

Education – Protection of Privacy – Release of Test Results – Military Recruiters

FOR the purpose of prohibiting school officials from releasing the test results of the Armed Services Vocational Aptitude Battery to military recruiters without certain consent; and generally relating to the release of test results by public school officials to military recruiters.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–111
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 463 – Senator Lenett

AN ACT concerning

Maryland Youth Advisory Council – Youth Members

FOR the purpose of altering the term of a youth member of the Maryland Youth Advisory Council; altering the term of a youth member who is elected cochair of the Council; requiring the State Department of Education to categorize certain school absences of a youth member as lawful absences under certain circumstances; providing that the terms of the youth members of the Council in office on a certain date shall expire on a certain date; and generally relating to youth members on the Maryland Youth Advisory Council.

BY repealing and reenacting, with amendments,
Article – State Government
Section 9–2701
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 471 – Senator Kelley

AN ACT concerning

~~**Assisted Living Managers – Certification Requirement**~~

State Board of Examiners of Nursing Home Administrators – Composition and Executive Director

FOR the purpose of ~~establishing a certification process for assisted living managers; requiring the Department of Health and Mental Hygiene to require that assisted living managers be certified; renaming the Board of Nursing Home Administrators to be the Board of Nursing Home Administrators and Assisted Living Managers;~~ altering the composition of the ~~Board~~ State Board of Examiners of Nursing Home Administrators; altering the appointment process and qualifications for the executive director of the Board; ~~requiring that certain individuals be certified by the Board before practicing as assisted living managers in the State; establishing certain qualification requirements for obtaining a certain certificate; providing a certain exemption for certain experience and training requirements; establishing certain application fees and requirements for obtaining a certificate; requiring the Board to keep a certain file on certain applications for certificates; establishing certain terms and procedures for the renewal and reinstatement of a certificate; establishing certain terms and conditions for an inactive certificate; prohibiting a certificate holder from surrendering a certificate under certain circumstances; authorizing the Board to deny a certificate to an applicant, reprimand a certificate holder, place a certificate holder on probation, or suspend or revoke a certificate under certain circumstances; providing for certain criminal and civil penalties, establishing certain hearing and appeal procedures for certificate holders; providing for certain vacancies on the Board; defining certain terms;~~ providing for the application of certain provisions of this Act; and generally relating to ~~certification requirements for assisted living managers~~ the State Board of Examiners of Nursing Home Administrators.

~~BY renumbering~~
~~Article – Health Occupations~~
~~Section 9–317~~
~~to be Section 9–208~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2008 Supplement)~~

~~BY repealing and reenacting, without amendments,~~
~~Article – Health – General~~
~~Section 19–1801 and 19–1807~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2008 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – Health – General~~
~~Section 19–1805(a)~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2008 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Health Occupations

Section ~~9–101, 9–201 through 9–203, 9–315 through 9–316.1, 9–401 through 9–403, and 9–501 to be under the amended title "Title 9. Nursing Home Administrators and Assisted Living Managers"~~ 9–202 and 9–203
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

~~BY repealing and reenacting, without amendments,~~
~~Article – Health Occupations~~
~~Section 9–102, 9–407, and 9–502~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2008 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – Health Occupations~~
~~Section 9–208~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2008 Supplement)~~
~~(As enacted by Section 1 of this Act)~~

~~BY adding to~~
~~Article – Health Occupations~~
~~Section 9–3A–01 through 9–3A–15 to be under the new subtitle "Subtitle 3A. Certification of Assisted Living Managers"~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2008 Supplement)~~

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 500 – Senators Muse, Exum, Harrington, Peters, and Rosapepe

AN ACT concerning

Prince George's County – Board of Education – Financial Literacy ~~Curriculum Content~~ Pilot Program Course

FOR the purpose of requiring the Prince George's County Board of Education to develop and implement a certain pilot program that includes an elective course on financial literacy as a part of the county board's high school curriculum; requiring the county board to develop the curriculum content for a certain course in financial literacy as a part of the pilot program; requiring certain curriculum content to include certain instruction; ~~requiring certain students to complete a certain course in order to graduate from high school;~~ requiring the county board to select a certain number of high schools in the county to participate in the pilot program course; requiring the county board to submit a certain report to the Prince George's County Senate Delegation and House Delegation on or before a certain date each year; providing for the termination

of this Act; and generally relating to the development and implementation of a pilot program course in financial literacy.

BY adding to
Article – Education
Section 3–1008
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 550 – Senators King, Astle, Brinkley, Colburn, Conway, Currie, DeGrange, Della, Exum, Forehand, Garagiola, Gladden, Glassman, Greenip, Haines, Harrington, Harris, Jacobs, Jones, Kelley, Kittleman, Klausmeier, Kramer, Lenett, Madaleno, McFadden, Middleton, Miller, Munson, Muse, Peters, Pinsky, Pugh, Raskin, Robey, Rosapepe, Stoltzfus, Stone, and Zirkin

AN ACT concerning

Online Child Safety Act of 2009

FOR the purpose of promoting online child safety through the dissemination of certain parental controls; requiring certain Internet access providers to make certain parental controls available to certain subscribers at certain times and under certain circumstances; providing for the qualifications of certain parental controls; providing for the application of certain requirements; authorizing an Internet access provider to make certain parental controls available in certain manners; providing that a violation of this Act is an unfair or deceptive trade practice subject to certain enforcement; ~~requiring the State Department of Education to develop certain guidelines for online child safety, including certain information;~~ stating the intent of the General Assembly; defining certain terms; and generally relating to online child safety.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 13–301(14)(xxii) though (xxvi)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article – Commercial Law
Section 13–301(14)(xxii); and 14–3701 through 14–3706 to be under the new subtitle "Subtitle 37. Online Child Safety Act"
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

~~BY adding to~~
~~Article – Education~~
~~Section 7–430~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume)~~

Read the first time and referred to the Committee on Economic Matters.

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

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 tax amnesty program; and generally relating to a tax amnesty program for certain taxes.

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 560 – Senator Miller

AN ACT concerning

Calvert County – Education – Certificated School Personnel – Collective Bargaining Representation Fees

FOR the purpose of authorizing the Board of Education of Calvert County to negotiate a certain fee with a certain certificated employee organization to be charged to certain nonmembers for certain representation; ~~requiring the Board of Education of Calvert County to negotiate a certain fee structure to be charged to certain nonmembers for certain representation by certain noncertificated employee organizations;~~ and generally relating to education and collective bargaining fees for certain certificated school personnel in Calvert County.

BY repealing and reenacting, without amendments,

Article – Education
~~Section 6–401, 6–407(a) and (b), 6–501, and 6–504(a)~~
Section 6–401 and 6–407(a) and (b)
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Education
Section 6–407(d) ~~and 6–504(b)~~
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 573 – Senators Stoltzfus and Colburn

AN ACT concerning

Wicomico County – Local Board of Elections – Compensation

FOR the purpose of altering the compensation of a substitute member of the local board of elections in Wicomico County; repealing a certain requirement relating to the compensation of the counsel to the local board of elections in Wicomico County; providing that this Act does not apply to the salary or compensation of an incumbent substitute member of the local board of elections in Wicomico County; and generally relating to the compensation of the local board of elections in Wicomico County.

BY repealing and reenacting, with amendments,
Article – Election Law
Section 2–204 and 2–205
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

Read the first time and referred to the Committee on Ways and Means.

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

FOR the purpose of requiring certain secondhand precious metal object dealers and pawnbrokers to submit certain information and certain records to certain law enforcement units in a certain manner and at a certain time; ~~exempting certain~~

~~antique dealers from the reporting requirement;~~ repealing a certain exemption to a requirement to submit certain records in a certain manner and at a certain time; authorizing the Governor's Office of Crime Control and Prevention to authorize certain law enforcement units to require or receive certain records in certain formats under certain circumstances; providing for the construction of this Act; providing for a certain report to certain committees of the General Assembly on or before a certain date; and generally relating to the records of secondhand precious metal object dealers and pawnbrokers.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 12–304
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 604 – Senator Currie

AN ACT concerning

Tax Credits for Qualifying Employees with Disabilities – Sunset ~~Repeal~~ Extension

FOR the purpose of ~~repealing~~ extending certain termination provisions and ~~altering certain~~ dates of applicability for certain tax credits allowed to employers that hire certain qualifying individuals with disabilities; and generally relating to certain tax credits allowed to employers that hire certain qualifying employees facing certain employment barriers.

BY repealing and reenacting, with amendments,
Chapter 112 of the Acts of the General Assembly of 1997, as amended by Chapter 614 of the Acts of the General Assembly of 1998, Chapter 448 of the Acts of the General Assembly of 2000, Chapter 454 of the Acts of the General Assembly of 2003, Chapter 394 of the Acts of the General Assembly of 2006, Chapter 370 of the Acts of the General Assembly of 2007, and Chapter 658 of the Acts of the General Assembly of 2008
Section 4 and 6

BY repealing and reenacting, with amendments,
Chapter 113 of the Acts of the General Assembly of 1997, as amended by Chapter 614 of the Acts of the General Assembly of 1998, Chapter 448 of the Acts of the General Assembly of 2000, Chapter 454 of the Acts of the General Assembly of 2003, Chapter 394 of the Acts of the General Assembly of 2006, Chapter 370 of the Acts of the General Assembly of 2007, and Chapter 658 of the Acts of the General Assembly of 2008
Section 4 and 6

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 605 – ~~Senator Currie~~ Senators Currie, Jones, and McFadden

AN ACT concerning

State Employment Opportunity Credit – Sunset ~~Repeal~~ Extension

FOR the purpose of ~~repealing~~ extending a certain termination provision and altering certain dates of applicability for certain tax credits allowed to employers that hire certain qualified employment opportunity employees; and generally relating to the State Employment Opportunity Credit.

BY repealing and reenacting, with amendments,
Chapter 492 of the Acts of the General Assembly of 1995, as amended by Chapter 10 of the Acts of the General Assembly of 1996, Chapters 598 and 599 of the Acts of the General Assembly of 1998, Chapter 448 of the Acts of the General Assembly of 2000, Chapter 454 of the Acts of the General Assembly of 2003, Chapter 394 of the Acts of the General Assembly of 2006, Chapter 370 of the Acts of the General Assembly of 2007, and Chapter 391 of the Acts of the General Assembly of 2008
Section 3

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 606 – ~~Senators Haines, Colburn, Greenip, and Harris~~ Carroll County Senators

AN ACT concerning

~~Environment – Privately Licensed Sanitarians~~ Carroll County – Privately Employed Sanitarians Licensed by the State – Soil Percolation Tests

FOR the purpose of providing that ~~a~~, in Carroll County, the county or local health department may not prohibit a person from directly hiring or scheduling a privately ~~licensed~~ employed sanitarian licensed by the State to conduct a soil percolation test; requiring the privately ~~licensed~~ employed sanitarian licensed by the State to notify the county or local health department that a soil percolation test will be conducted and to allow a representative of the county or local health department to observe the test; requiring a county or local health department to accept a certain soil percolation test under certain circumstances; providing for the termination of this Act; and generally relating to soil percolation tests in Carroll County conducted by privately ~~licensed~~ employed sanitarians licensed by the State.

BY repealing and reenacting, with amendments,

Article – Environment
Section 9–1104
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 607 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County – Overdue Water and Sewer Charge – Restoration of Service Penalty

FOR the purpose of altering the penalty imposed on water users in Frederick County for restoring service after an overdue charge for water and sewer services has been paid; and generally relating to water and sewer service charges in Frederick County.

BY repealing and reenacting, with amendments,
The Public Local Laws of Frederick County
Section 2–13–23(a)(1)
Article 11 – Public Local Laws of Maryland
(2004 Edition and September 2008 Supplement, as amended)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 621 – Senators King, Forehand, Garagiola, Harrington, Peters, Raskin, and Rosapepe

AN ACT concerning

Sales and Use and Property Tax – Exemptions – Solar Energy Equipment and Property

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 Ways and Means.

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

FOR the purpose of requiring the Department of Housing and Community Development to adopt the International Energy Conservation Code as part of the Maryland Building Performance Standards; ~~altering the time at which the Department is required to adopt each subsequent version of the Standards;~~ requiring the Department of Housing and Community Development to consider certain changes to the International Building Code before adopting each new version into the Standards; authorizing the Department to adopt certain modifications of the building code as part of the Standards; prohibiting the Department from adopting certain other modifications of the building code as part of the Standards; requiring any version of the Standards adopted after a certain ~~dates~~ date to include certain ~~additional~~ energy savings in new buildings; prohibiting local jurisdictions from adopting certain local amendments to the Standards; requiring local jurisdictions to implement and enforce a certain version of the Standards by a certain date; and generally relating to energy efficiency requirements under the Maryland Building Performance Standards.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–501, 12–503, 12–504(a), and 12–505(a)(1)
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 628 – Senators Dyson and Middleton

AN ACT concerning

Health Occupations – Licensure of Social Workers

FOR the purpose of requiring the State Board of Social Work Examiners to notify applicants for licensure whether the applicants have been approved to take a certain examination within a certain time period; ~~altering certain requirements for a waiver of examination requirements for certain applicants who are licensed or registered to practice social work in other states~~ requiring the Board of Social Work Examiners to establish a workgroup consisting of a certain membership to examine certain issues affecting the status of the workforce and submit a report to certain committees of the General Assembly on or before a certain date; and generally relating to the licensure of social workers.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 19–303 ~~and 19–305~~
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 653 – Senators Harris and Peters

AN ACT concerning

Admissions and Amusement Tax – Shooting Ranges – Military, Police, and Correctional Officers

FOR the purpose of providing a credit against the admissions and amusement tax imposed by a county or municipal corporation for any tax imposed on gross receipts derived from a charge for admission to or use of a shooting range by certain individuals; requiring a person who has gross receipts derived from a charge on which a tax credit is based to pass the credit on to the customer from whom the charge is collected; and generally relating to a credit allowed against the admissions and amusement tax for any tax imposed on gross receipts derived from a charge for admission to or use of a shooting range by certain individuals.

BY adding to
Article – Tax – General
Section 4–302 to be under the amended subtitle "Subtitle 3. Tax Payment; Credits"
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 688 – Senator Robey

AN ACT concerning

Public Service Companies – Passenger–For–Hire Services – Limousines

FOR the purpose of repealing a certain provision exempting a certain limousine services permit from a certain annual assessment; authorizing the use of the For–Hire Driving Services Enforcement Fund for certain enforcement activities relating to limousine services; altering the definition of "limousine" for purposes of certain vehicle laws; prohibiting an individual from operating for hire a limousine designed to carry no more than a certain number of passengers unless the individual holds a certain for–hire driver's license ~~and the limousine displays certain registration plates~~; prohibiting a person from permitting an individual to operate for hire a limousine designed to carry no more than a certain number of passengers unless the individual operating the limousine holds a certain for–hire driver's license and the limousine displays certain registration plates; providing for a certain penalty for a violation of certain provisions of this Act; requiring that a certain number of points be assessed against an individual under a certain point system maintained by the Motor Vehicle Administration for a violation of ~~certain provisions~~ a certain provision of this Act; and generally relating to limousines and limousine services.

BY renumbering
Article – Transportation
Section 16–402(a)(10) through (37), respectively
to be Section 16–402(a)(11) through (38), respectively
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 10–101(a), (e), (f), (g), (h), (i), and (j), 10–102(b), and 10–103(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 10–112
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 11–129.1 and 27–101(z)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation
Section 13–939
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Transportation
Section 16–402(a)(10) and 21–1127
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Economic Matters.

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

FOR the purpose of ~~establishing a Study Group on Expanding Enrollment Options for High School Students; establishing the membership and staffing of the Study Group; providing for the designation of co–chairs of the Study Group; requiring the Study Group to review, evaluate, and make findings and recommendations regarding certain issues; requiring the Study Group to submit a report to the Governor and the General Assembly by a certain date; prohibiting a member of the Study Group from receiving certain compensation; authorizing a member of the Study Group to receive certain reimbursements; providing for the termination of this Act; and generally relating to expanding enrollment options for high school students~~ requiring the State Department of Education to conduct a certain study to identify examinations that allow certain students to earn certain credits in certain courses for a certain purpose; requiring the study to include certain information; requiring the State Superintendent of Schools to implement a certain process on or before a certain school year; requiring the Department to review and evaluate certain programs; requiring the review and evaluation to include certain discussions; requiring the Department to report certain findings to the State Superintendent on or before a certain date; requiring certain programs to be implemented on or before a certain school year under certain circumstances; and generally relating to the accelerated graduation of high school students.

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 698 – Senators Klausmeier, Colburn, Middleton, and Rosapepe

AN ACT concerning

Income Tax Refund – Direct Deposit – Multiple Accounts

FOR the purpose of requiring the Comptroller, if a certain request is made, to directly deposit an income tax refund into multiple accounts; providing for a delayed effective date; and generally relating to the direct deposit of an income tax refund.

BY adding to
Article – Tax – General
Section 13–905(f)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 717 – Senators Greenip, Colburn, Harris, Jacobs, Kittleman, Klausmeier, Madaleno, Middleton, Munson, Peters, Pugh, Raskin, Robey, Rosapepe, Simonaire, and Stone

AN ACT concerning

Disease Prevention – Cancer Reports – Myelodysplastic Syndromes

FOR the purpose of requiring certain hospitals, laboratories, ambulatory care facilities, radiological centers, and health care practitioners to submit certain reports, make certain information available, or enter into certain agreements with certain hospitals; adding certain syndromes to the diagnoses required to be reported in a cancer report; authorizing the Secretary of Health and Mental Hygiene or the Secretary's agent to inspect certain medical records of certain patients under certain circumstances; making a certain stylistic change; defining a certain term; and generally relating to the reporting of myelodysplastic syndromes.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 18–204
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 734 – Senators Raskin and Frosh

AN ACT concerning

State Board of Physicians – Subpoenas – Medical Records for Mental Health Services

FOR the purpose of requiring certain health care providers, in accordance with a subpoena, to disclose certain medical records for mental health services to the State Board of Physicians for certain investigations into complaints made by a certain person under certain circumstances; authorizing the Board to issue certain subpoenas for medical records for mental health services for certain investigations if on a certain date the Board notifies the patient by certified mail that the subpoena has been issued and that the patient may assert certain rights within a certain period of time; authorizing the Board to require the disclosure of certain medical records if certain rights are not asserted within a certain period of time; and generally relating to the issuance of subpoenas by the State Board of Physicians for medical records for mental health services.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 4–307(k)(1)(v)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 14–401(i)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 780 – Carroll County Senators

AN ACT concerning

Counties – Purchase of Development Rights – Carroll County

FOR the purpose of authorizing Carroll County to enter into an agreement to purchase development rights under certain circumstances; authorizing Carroll County to determine, by resolution, certain provisions, terms, conditions, and the duration of a certain agreement; providing that a certain payment obligation in a certain agreement shall be a general obligation of Carroll County and may not be subject to a certain annual appropriation; authorizing Carroll County to undertake a certain payment obligation without regard to certain limitations and without complying with certain procedures; providing that the exercise of certain authority constitutes the exercise of certain borrowing authority; providing that a certain agreement, the transfer or assignment of a certain agreement, and the payment required by a certain agreement are exempt from

certain taxes; and generally relating to the purchase of development rights by Carroll County.

BY repealing and reenacting, with amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 20–101
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 20–102
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 789 – Senator Klausmeier

EMERGENCY BILL

AN ACT concerning

State Board of Chiropractic and Massage Therapy Examiners – ~~Massage Therapy Advisory Committee~~ Terms of Members

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 Health and Government Operations.

Senate Bill 800 – ~~Senator King~~ Senators King and Jones

AN ACT concerning

Biotechnology Investment Incentive Tax Credit

FOR the purpose of altering the definition of "qualified investor" under a certain tax credit allowed for certain investments in certain biotechnology companies; clarifying the taxable year for which the credit may be claimed; repealing certain obsolete language; altering a certain applicability provision; clarifying certain provisions requiring the recapture of the credit under certain circumstances; and generally relating to a certain tax credit allowed for certain investments in certain biotechnology companies.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–725(a)(6)(i), (b)(1), and (f)(1) and (2)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing
Article – Tax – General
Section 10–725(e)(3)(vii)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Chapter 518 of the Acts of the General Assembly of 2008
Section 2

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 802 – Senators Klausmeier, Colburn, Dyson, Jacobs, Mooney, Rosapepe, ~~and Stone~~ Stone, and Harris

AN ACT concerning

Higher Education – Edward T. Conroy ~~Tuition Waiver Program – Establishment~~ Memorial Scholarship Program – Alterations

FOR the purpose of ~~repealing the Edward T. Conroy Memorial Scholarship Program and establishing the Edward T. Conroy Tuition Waiver Program that provides a certain waiver of tuition and mandatory fees at public institutions of higher education in the State for certain members of the armed forces, prisoners of war, public safety employees, veterans, and certain spouses and children; providing a certain waiver of tuition and mandatory fees for certain survivors of Maryland residents killed in certain terrorist attacks; exempting a recipient from repaying certain amounts; providing for the duration of the waiver; defining certain terms; and generally relating to the establishment of the Edward T. Conroy Tuition Waiver Program.~~ authorizing certain persons to apply to certain postsecondary institutions for the Edward T. Conroy Memorial Scholarship Program rather than to the Office of Student Financial Assistance in the Maryland Higher Education Commission; authorizing certain postsecondary institutions to determine eligibility for the scholarships; requiring certain postsecondary institutions to report to the Commission by certain dates the number of eligible recipients for the scholarships; requiring the Commission to allocate funds to certain postsecondary institutions for eligible recipients; prohibiting the Office of Student Financial Assistance from awarding initial scholarships after a certain date; authorizing the Office to renew scholarships if the initial application occurred prior to a certain date; and generally relating to the Edward T. Conroy Memorial Scholarship Program.

BY repealing and reenacting, without amendments,
Article – Education
Section 18–601(a), (c), and (f)
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Education
Section 18–601(b), (d), (g), and (h)
Annotated Code of Maryland
(2008 Replacement Volume)

BY adding to
Article – Education
Section 18–601(g)
Annotated Code of Maryland
(2008 Replacement Volume)

~~BY repealing~~
~~Article – Education~~

~~Section 18–601~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume)~~

~~BY adding to~~
~~Article – Education~~
~~Section 15–106.7~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume)~~

Read the first time and referred to the Committee on Appropriations and the Committee on Ways and Means.

Senate Bill 810 – Senator Colburn

AN ACT concerning

Natural Resources – Oyster Shell Purchase Program – Fair Market Value

FOR the purpose of requiring certain dealers to reserve oyster shells for a certain period after the opening of each annual public shellfish fishery season; altering the conditions under which a certain dealer shall reserve certain oyster shells; requiring the Department of Natural Resources to set, in consultation with the Oyster Advisory Commission and the Tidal Fisheries Advisory Commission, the annual fair market value the Department will pay for certain oyster shells and for the transport and placement of certain oyster shells under the Oyster Shell Purchase Program; requiring the Department to adopt certain regulations; repealing a certain oyster shell price ceiling under the Program; and generally relating to the Oyster Shell Purchase Program.

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 4–1019.2
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 862 – Senator Pugh

AN ACT concerning

Child Fatality Review – Child Death Review Case Reporting System

FOR the purpose of authorizing certain members and staff of certain State teams to provide identifying information to a national center for child death review in accordance with certain data use agreements that authorize access to certain

information to certain persons and require the national center to act as a fiduciary agent of certain State and local teams; establishing that certain information provided to a national center for child death review is confidential and subject to certain confidentiality and discovery protections; defining certain terms; and generally relating to child fatality review and a child death review case reporting system.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 5–701 and 5–704
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 879 – Senator Harrington

AN ACT concerning

Gwendolyn Britt Student Health and Fitness Act

FOR the purpose of ~~requiring certain~~ authorizing local school systems to develop and implement certain ~~physical fitness measurement programs~~ Wellness Policy Implementation and Monitoring Plans to be used for certain purposes; requiring the State Department of Education to take certain steps to support certain ~~fitness measurement programs~~ Wellness Policy Implementation and Monitoring Plans; requiring ~~each~~ certain local school ~~system~~ systems to submit certain plans and certain reports to the Department; requiring the Department to establish a certain Advisory Council; providing for the membership, election of officers, and staff of the Advisory Council; prohibiting certain members of the Advisory Council from receiving certain compensation; authorizing certain members of the Advisory Council to receive certain reimbursement; requiring the Advisory Council to meet certain times per year; requiring the Advisory Council to develop and coordinate certain educational programs for students; authorizing the Advisory Council to seek, accept, and expend certain funds and to seek, accept, and use certain services; and generally relating to the development and implementation of ~~physical fitness measurement programs~~ Wellness Policy Implementation and Monitoring Plans.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–409
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 884 – Senators Brinkley and Mooney

AN ACT concerning

Frederick County – Alcoholic Beverages – Wine Festival License

FOR the purpose of establishing a special wine festival (WF) license in Frederick County; requiring that an applicant for a special WF license must be a holder of a certain other license; specifying that a holder of a special WF license may display and sell wine in a certain manner; requiring the Frederick County Board of License Commissioners to assure that the primary focus of the festival is the promotion of Maryland wine; requiring a holder of a special WF license to display and sell certain wine; providing for a license fee; providing that this Act does not prohibit the holder of a special WF license from holding another alcoholic beverages license; authorizing the Board to choose certain weekends for festivals; requiring the Board to choose certain locations for the festivals; requiring the Board to adopt certain regulations; defining certain terms; and generally relating to wine in Frederick County.

BY renumbering
Article 2B – Alcoholic Beverages
Section 8–308.1
to be Section 8–308.2
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 8–308.1
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 896 – Senators Garagiola, Astle, Middleton, and Pugh

AN ACT concerning

Commercial Law – Equipment Dealer Contract Act – Scope

FOR the purpose of altering the definitions of "dealer" and "inventory" for purposes of the Equipment Dealer Contract Act to clarify that it applies to persons engaged in the business of selling, on commission or at retail, commercial heating, ventilation, and air–conditioning equipment or repair parts; and generally relating to the scope of the Equipment Dealer Contract Act.

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 19–101
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 901 – Senator McFadden (By Request – Baltimore City Administration)

AN ACT concerning

Baltimore City Land Bank Authority – Recodification

FOR the purpose of transferring, without substantive change, certain provisions of law concerning the Baltimore City Land Bank Authority from the Annotated Code of Maryland to the Baltimore City Charter; making stylistic changes; and generally relating to the recodification of the Baltimore City Land Bank Authority.

BY repealing
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 22–101 through 22–212 and the title "Title 22. Baltimore City Land Bank Authority"
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY adding to
The Charter of Baltimore City
Article II – General Powers
Section (65)
(2007 Replacement Volume, as amended)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 910 – Senator Conway

AN ACT concerning

Health Occupations – Morticians and Funeral Directors – Crematory License

FOR the purpose of repealing an exemption for a crematory from the scope of the Maryland Morticians and Funeral Directors Act; ~~requiring one member~~ altering the membership of the State Board of Morticians and Funeral Directors ~~to be an owner or operator of a crematory~~; authorizing the Board to inspect the records, premises, equipment, and physical operations of licensed funeral

establishments and licensed crematories; prohibiting an individual or certain entities from establishing, owning, or operating a crematory in the State on or after a certain date unless the crematory is licensed; requiring an applicant for a crematory license to submit a certain application to the Board; requiring an applicant for a crematory license to pay a certain fee; requiring that the application for a crematory license include certain information; prohibiting a licensed crematory from being required to pay funds into the Family Security Trust Fund; requiring an inspection of a crematory to be unannounced; authorizing an unannounced inspection of a crematory to include advance notice under certain circumstances; defining certain terms; and generally relating to morticians, funeral directors, and crematories.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 7–101, 7–102, 7–202(a), 7–205, and 7–409
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 7–201, 7–406, and 7–410
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article – Health Occupations
Section 7–406.1
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 946 – Senators Pugh and McFadden

AN ACT concerning

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

FOR the purpose of requiring each unit of the State to submit a certain report regarding the Minority Business Enterprise Program to the Joint Committee on Fair Practices within a certain number of days after the end of the fiscal year; and generally relating to the Minority Business Enterprise Program.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement

Section 14–305
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 959 – Senator Middleton

AN ACT concerning

Injured Workers' Insurance Fund – Regulation and Status

FOR the purpose of requiring the Injured Workers' Insurance Fund to ~~be~~ operate in a manner similar to an authorized domestic workers' compensation insurer under certain provisions of the Insurance Article; ~~requiring the Maryland Insurance Commissioner to issue and renew certain certificates of authority to the Fund in accordance with certain provisions of law;~~ providing that the Fund is subject to certain provisions of law to the same extent as certain insurers and must be regulated in a certain manner; ~~providing that certain provisions of law control in the event of a certain conflict; requiring the Fund to operate as an authorized domestic insurer;~~ specifying the role and mission of the Fund; altering the requirement that the Fund keep certain reserves and surplus; specifying that members of the Board for the Fund are entitled to reimbursement for certain reasonable expenses; altering the frequency for payment of Board members; altering the manner in which the Board may carry out certain provisions of law; repealing certain obsolete provisions of law; requiring the Maryland Insurance Commissioner, as part of a certain examination, to determine whether certain rate making practices produce actuarially sound rates; altering the requirement that the Board ~~for the Fund~~ adopt a certain schedule of premium rates in a certain manner; making certain conforming changes; providing that certain provisions of law do not apply to certain employees of the Fund hired on or before a certain date; and generally relating to the regulation and status of the Injured Workers' Insurance Fund.

BY renumbering
Article – Labor and Employment
Section 10–105 and 10–106, respectively
to be Section 10–107 and 10–108, respectively
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 10–101 and 10–104
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section ~~10–104,~~ 10–112(d), 10–114(a), 10–121, 10–122, 10–125, ~~and 10–130~~ 10–130, 10–131, and 10–133(a)
Annotated Code of Maryland
(2008 Replacement Volume)

BY adding to
Article – Labor and Employment
Section 10–105 and 10–106
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing
Article – Labor and Employment
Section 10–123
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 981 – Senator Garagiola

AN ACT concerning

Public Service Companies – Net Energy Metering

FOR the purpose of altering a certain definition of eligible customer–generator; and generally relating to net energy metering.

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–306(a)
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 7–306(b)
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 985 – Senator Garagiola

AN ACT concerning

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

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

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

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 1010 – Senator Colburn

AN ACT concerning

Dorchester County – New Board of License Commissioners

FOR the purpose of repealing provisions of law that designate the Dorchester County Council as the Board of License Commissioners of Dorchester County; creating the Board of License Commissioners of Dorchester County; providing that the Board consists of a certain number of members; providing for the appointment of the members by the Governor, subject to the advice and consent of the Senate of Maryland; providing for certain nominating procedures that are to be used in the appointment process for the members of the Board; providing for the term of each member; requiring the Governor to ensure that the two major political parties be represented on the Board; providing that Board members may be appointed to one or more consecutive terms; providing that the Governor shall appoint the chair of the Board; providing that the Governor may remove Board members for certain reasons; providing for the staggering of the terms of the members and for the initial terms for certain members; and generally relating to the Dorchester County Board of License Commissioners.

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 15–101(k) and 15–105
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article 2B – Alcoholic Beverages

Section 15–105.1
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Economic Matters.

THE COMMITTEE ON WAYS AND MEANS REPORT #6

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 306 – The Speaker (By Request – Administration) and Delegates Kaiser, Ali, Barkley, Bartlett, Branch, Braveboy, Carr, Davis, Dumais, Frick, Gilchrist, Gutierrez, Guzzone, Hammen, Hixson, Howard, Hucker, Ivey, Jones, King, Kramer, Kullen, Lafferty, Lee, Levi, Love, Manno, Montgomery, Morhaim, Murphy, Nathan–Pulliam, Oaks, Ramirez, Rice, Ross, Rudolph, Smigiel, Stukes, Taylor, F. Turner, V. Turner, Valderrama, Vaughn, and Waldstreicher

AN ACT concerning

Interstate Compact on Educational Opportunity for Military Children

HB0306/145262/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 306
(First Reading File Bill)

On page 12, in line 9, after "**B.**" insert "**1.**"; strike beginning with "**TO**" in line 10 down through "**EDUCATION**" in line 11; and after line 13, insert:

"**2. IN MARYLAND, THE MILITARY FAMILY EDUCATION LIAISON SHALL BE LOCATED IN THE MARYLAND STATE DEPARTMENT OF EDUCATION.**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

House Bill 379 – Delegates Olszewski, Cardin, Walker, Boteler, Braveboy, Bromwell, Frush, Griffith, Healey, Hixson, Howard, Hubbard, Ivey, Kach, Kaiser, Minnick, Pena–Melnyk, Rice, Ross, Schuler, Stukes, F. Turner, V. Turner, and Valderrama

AN ACT concerning

Education – Reporting Requirement – Class Size

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 632 – Delegates Levi, DeBoy, and Walker

AN ACT concerning

Education – New Teachers – Classroom Management Training

HB0632/835363/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 632
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Training" insert "and Resignations – Study and Review"; strike beginning with "requiring" in line 3 down through "regulations;" in line 5 and substitute "requiring the State Department of Education to conduct a review of the policies and practices of each county board of education regarding certain classroom management training for new teachers in public schools; requiring the review to include a certain survey; requiring data obtained from the review to be broken out into certain categories; requiring the Department to submit certain reports to the State Board of Education on or before a certain date; requiring the Department to collect certain data from each county board of education on the reasons teachers resigned;"; and in line 6, after "teachers" insert "and teacher resignations".

On page 1, strike in their entirety lines 7 through 11, inclusive.

AMENDMENT NO. 2

On page 1, in line 13, strike "the Laws of Maryland read as follows"; and strike in their entirety lines 14 through 22, inclusive, and substitute:

"(a) The State Department of Education shall conduct a review of the policies and practices of each county board of education, including the Baltimore City Board of School Commissioners, regarding classroom management training for new teachers in public schools in the State.

(b) The review conducted under subsection (a) of this section shall include a survey of when new teachers receive classroom management training, including during the following training periods:

(1) new teacher orientation;

(2) preservice training for new teachers;

(3) summer workshops; and

(4) on–going teacher training provided during a new teacher's nontenure years.

(c) The data obtained from the review shall be broken out into categories of different types of new teachers, including foreign visa holders and teachers from out–of–state.

(d) The State Department of Education shall submit a report on the results of the review conducted under this section to the State Board of Education on or before December 1, 2009.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The State Department of Education shall collect from each county board of education, including the Baltimore City Board of School Commissioners, aggregate data on the reasons that teachers resigned from their teaching positions in the public school system, including whether student discipline or classroom management was a factor.

(b) On or before December 1, 2009, the State Department of Education shall submit a report to the State Board of Education on its findings from the data collected under subsection (a) of this section.".

AMENDMENT NO. 3

On page 2, in line 1, strike "2." and substitute "3.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 825 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Regulation of Campaign Finance Disclosure

MC 913–09

HB0825/355566/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 825
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "specifying" in line 6 down through "disclosure;" in line 8.

AMENDMENT NO. 2

On page 2, strike beginning with "**A**" in line 1 down through "**(C)**" in line 6; and in line 10, strike "**(D)**" and substitute "**(C)**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 893 – Delegates Hixson, Cardin, Olszewski, Rice, and Ross

EMERGENCY BILL

AN ACT concerning

Election Law – Voting Systems – Requirements

HB0893/375669/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 893
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Ross" and substitute "Ross, Frick, Ivey, Howard, Kaiser, Walker, and Stukes"; strike beginning with "authorizing" in line 3 down through "requirements;" in line 8 and substitute "specifying that certain requirements for the selection and certification of a statewide voting system are subject to certain provisions of law; requiring the State Board of Elections to take certain actions if at the time of procurement of a voting system there is not commercially available a voting system that satisfies certain requirements; requiring the State Board to select and certify a voting system that satisfies certain requirements with specified exceptions; requiring the State Board to provide only one voting machine in each polling place on election day that is accessible to voters with disabilities and available for use by all voters; providing that a voting machine that is accessible to voters with disabilities is not required to provide a certain paper record; requiring the State Board to certify and deploy one voting machine in each polling place that provides a certain paper record and is shown by a certain laboratory to meet certain accessibility requirements for voters with disabilities within a certain time; requiring the State Board to discontinue use of any voting machines that do not provide a certain paper record within a certain time; altering the application of a certain prior Act; requiring the State Board to notify the Department of Legislative

Services no later than a certain number of days after the first election in which voting machines are used that meet certain requirements; providing for the termination of this Act a certain number of days after receipt of certain notice;"; in line 13, after "Section" insert "9–101 and"; and after line 15, insert:

"BY repealing and reenacting, with amendments,
Chapter 547 of the Acts of the General Assembly of 2007
Section 2

BY repealing and reenacting, with amendments,
Chapter 548 of the Acts of the General Assembly of 2007
Section 2".

AMENDMENT NO. 2

On page 1, after line 18, insert:

"9–101.

(A) THE REQUIREMENTS OF THIS SECTION ARE SUBJECT TO § 9–102(J) OF THIS SUBTITLE.

[(a)**] (B)** The State Board, in consultation with the local boards, shall select and certify a voting system for voting in polling places and a voting system for absentee voting.

[(b)**] (C)** The voting system selected and certified for voting in polling places and the voting system selected and certified for absentee voting shall be used in all counties.

[(c)**] (D)** The State Board shall acquire:

(1) the voting system selected and certified for voting in polling places; and

(2) the voting system selected and certified for absentee voting.".

AMENDMENT NO. 3

On page 2, strike beginning with "**OR**" in line 26 down through "**DIRECTORS**" in line 27.

AMENDMENT NO. 4

On page 5, strike in their entirety lines 18 through 24, inclusive, and substitute:

"**(J) (1) THIS SUBSECTION APPLIES ONLY IF, AT THE TIME OF PROCUREMENT OF A VOTING SYSTEM, THERE IS NOT A COMMERCIALLY AVAILABLE VOTING SYSTEM THAT SATISFIES ALL THE REQUIREMENTS OF THIS SECTION.**

(2) (I) EXCEPT AS OTHERWISE PROVIDED IN THIS SUBSECTION, THE STATE BOARD SHALL SELECT, CERTIFY, AND DEPLOY A VOTING SYSTEM THAT SATISFIES ALL THE REQUIREMENTS OF THIS SECTION.

(II) NOTWITHSTANDING SUBSECTION (D)(2)(I) OF THIS SECTION, A VOTING SYSTEM SELECTED AND CERTIFIED UNDER THIS SUBSECTION SHALL HAVE BEEN EXAMINED BY AN INDEPENDENT TESTING LABORATORY THAT IS APPROVED BY THE U.S. ELECTION ASSISTANCE COMMISSION OR THE NATIONAL ASSOCIATION OF STATE ELECTION DIRECTORS.

(III) NOTWITHSTANDING SUBSECTIONS (F)(3) AND (H)(1) OF THIS SECTION, A VOTING SYSTEM SELECTED AND CERTIFIED IS NOT REQUIRED TO COMPLY WITH THE ACCESSIBILITY STANDARDS OF THE VOLUNTARY VOTING SYSTEM GUIDELINES UNDER THE HELP AMERICA VOTE ACT.

(3) (I) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, THE STATE BOARD SHALL PROVIDE ONLY ONE VOTING MACHINE IN EACH POLLING PLACE ON ELECTION DAY THAT IS:

1. ACCESSIBLE TO VOTERS WITH DISABILITIES IN ACCORDANCE WITH SUBSECTION (F)(2) OF THIS SECTION; AND

2. AVAILABLE FOR USE BY ALL VOTERS.

(II) A VOTING MACHINE UNDER THIS PARAGRAPH IS NOT REQUIRED TO PROVIDE A VOTER–VERIFIABLE PAPER RECORD IN ACCORDANCE WITH SUBSECTION (D)(1)(VII) OF THIS SECTION.

(4) WITHIN 2 YEARS AFTER A VOTING MACHINE THAT PROVIDES A VOTER–VERIFIABLE PAPER RECORD 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, THE STATE BOARD SHALL:

(I) CERTIFY AND DEPLOY ONE SUCH MACHINE IN EACH POLLING PLACE; AND

(II) DISCONTINUE USE UNDER PARAGRAPH (3) OF THIS SUBSECTION OF ANY VOTING MACHINES THAT DO NOT PROVIDE A VOTER–VERIFIABLE PAPER RECORD.

Chapter 547 of the Acts of 2007

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to each election **[**occurring on or after January 1, 2010**]** **BEGINNING WITH THE 2010 GUBERNATORIAL PRIMARY ELECTION**, that is required to be conducted in accordance with the Election Law Article.

Chapter 548 of the Acts of 2007

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to each election **[**occurring on or after January 1, 2010**]** **BEGINNING WITH THE 2010 GUBERNATORIAL PRIMARY ELECTION**, that is required to be conducted in accordance with the Election Law Article.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(1) The State Board of Elections shall notify the Department of Legislative Services no later than 15 days after the first election in which voting machines are used that:

(i) produce a voter–verifiable paper record; and

(ii) were examined by an independent testing laboratory this is approved by the U.S. Election Assistance Commission and shown by the testing laboratory to meet the requirements of § 9–102(f)(3) and (h)(1) of the Election Law Article.

(2) Five days after the Department of Legislative Services receives notice under paragraph (1) of this section, this Act shall be abrogated and of no further force and effect.".

and in line 25, strike "2." and substitute "3.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Eckardt moved to make the Bill a Special Order for Friday.

The motion was adopted.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 923 – Delegate Rudolph

AN ACT concerning

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

HB0923/325166/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 923
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "aid;" insert "authorizing the Board of Trustees of Baltimore City Community College to waive a certain out–of–state fee for certain students;"; and in line 20, after "(b)(4)" insert "and 16–505(g)(2)(iv)".

AMENDMENT NO. 2

On page 3, in line 1, strike "**STATE**" and substitute "**COUNTY**"; in line 3, strike "**OR**" and substitute "**OF**"; and after line 3, insert:

"16–505.

(g) (2) **(IV) THE BOARD OF TRUSTEES MAY WAIVE THE OUT–OF–STATE FEE AS DETERMINED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH FOR A STUDENT WHO RESIDES IN THE STATE BUT DOES NOT MEET THE IN–STATE RESIDENCY REQUIREMENT FOR TUITION PURPOSES AND HAS MOVED TO THE STATE AS AN EMPLOYEE OR A FAMILY MEMBER OF AN EMPLOYEE AS PART OF THE BASE REALIGNMENT AND CLOSURE PROCESS AS ANNOUNCED BY THE UNITED STATES DEPARTMENT OF DEFENSE.**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

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

AN ACT concerning

Higher Education – Student Financial Assistance – Retention of Unused Funds

HB0937/845163/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 937

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stukes" and substitute "Stukes, Gilchrist, Howard, and Kaiser"; and in line 7, after "Scholarship;" insert "deleting obsolete references; making a technical correction;".

AMENDMENT NO. 2

On page 1, strike beginning with the second "and" in line 22 down through "Article" in line 23.

On page 2, in line 6, strike "and"; in the same line, after "18–1501" insert "**, AND 18–2601**"; and in line 7, strike "and § 13–613(d)(1) of the Transportation Article".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 1264 – Delegates Walker, Anderson, Barnes, Benson, Braveboy, Bromwell, Cardin, Carter, Conaway, Feldman, Frick, Frush, Gaines, Griffith, Guzzone, Healey, Holmes, Howard, Hubbard, Hucker, Ivey, Jameson, Jennings, King, Krebs, Lafferty, Murphy, Myers, Niemann, Oaks, Olszewski, Reznik, Rice, Ross, Schuler, Serafini, Sossi, Stein, Stukes, Tarrant, Taylor, F. Turner, V. Turner, Valderrama, Vaughn, Walkup, and Weir

AN ACT concerning

Gwendolyn Britt Student Health and Fitness Act

HB1264/475561/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1264

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Weir" and substitute "Weir, Bartlett, Barve, Boteler, Doory, Elmore, George, Gilchrist, Hixson, and Kaiser"; in line 3, strike "requiring certain" and substitute "authorizing"; in lines 4 and 16 and 17, in each instance, strike "physical fitness measurement programs" and substitute "Wellness Policy Implementation and Monitoring Plans"; in line 6, strike "fitness measurement programs" and substitute "Wellness Policy Implementation and Monitoring Plans"; in the same line, strike "each" and substitute "certain"; and in the same line, strike "system" and substitute "systems".

AMENDMENT NO. 2

On page 3, in line 6, strike "**SHALL**" and substitute "**MAY**"; in lines 7, 20 and 21, 23 and 24, and 29 and 30, in each instance, strike "**PHYSICAL FITNESS MEASUREMENT PROGRAM**" and substitute "**WELLNESS POLICY IMPLEMENTATION AND MONITORING PLAN**"; in line 20, strike "**EACH**" and substitute "**A**"; in line 23, strike "**TO IMPLEMENT ITS**" and substitute "**THAT IMPLEMENTS A**"; and in line 29, strike "**TO IMPLEMENT THE LOCAL SCHOOL SYSTEM'S**" and substitute "**THAT IMPLEMENTS A**".

On page 4, in line 1, after "**SYSTEM**" insert "**THAT IMPLEMENTS A WELLNESS POLICY IMPLEMENTATION AND MONITORING PLAN UNDER SUBSECTION (C) OF THIS SECTION**"; and in lines 3 and 4, strike "**PHYSICAL FITNESS MEASUREMENT PROGRAM**" and substitute "**WELLNESS POLICY**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #13

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 819 – The Speaker (By Request – Administration) and Delegates Glenn, Ali, Anderson, Barkley, Barnes, Barve, Beidle, Benson, Bobo, Bohanan, Branch, Braveboy, Bromwell, Bronrott, Burns, Cane, Cardin, Carr, Carter, G. Clagett, V. Clagett, Conaway, DeBoy, Doory, Dumais, Feldman, Frush, Gaines, Gilchrist, Griffith, Gutierrez, Guzzone, Hammen, Harrison, Haynes, Healey, Hecht, Heller, Hixson, Holmes,

Howard, Hubbard, Hucker, Ivey, James, Jones, Kaiser, Kelly, Kirk, Kramer, Kullen, Lafferty, Lee, Levi, Love, Malone, Manno, McConkey, McHale, McIntosh, Mizeur, Montgomery, Morhaim, Murphy, Nathan–Pulliam, Niemann, Oaks, Olszewski, Pena–Melnyk, Pendergrass, Proctor, Reznik, Rice, Riley, Robinson, Rosenberg, Ross, Schuler, Stein, Stukes, Tarrant, Taylor, F. Turner, V. Turner, Valderrama, Vallario, Vaughn, and Waldstreicher

AN ACT concerning

Workplace Fraud Act of 2009

HB0819/163992/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 819
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "presumptions" insert "and evidentiary considerations"; and in line 15, after "business" insert "or work site".

On page 2, in line 2, after "citation;" insert "requiring the Commissioner to disclose certain evidence and information under certain circumstances; providing that the Commissioner has the burden of proof under certain circumstances; authorizing certain judicial review and appeals under certain circumstances;"; in line 4, after "laws;" insert "providing that the requirement for compliance with certain laws after certain violations may include requiring an employer to enter into a certain agreement with a certain governmental unit within a certain time period; limiting the time period for which certain payments may be required for compliance with certain laws after certain violations;"; strike beginning with "requiring" in line 20 down through "circumstances;" in line 25; in line 33, after "Commissioner;" insert "prohibiting a person from taking certain actions maliciously or in bad faith; authorizing recovery of attorneys' fees under certain circumstances;"; and in line 42, after "compensation;" insert "requiring the Workers' Compensation Commission to pay certain costs;".

On page 3, in line 3, after "2–107(g)" insert "3–102(a), 3–103, 3–104, 8–201, 8–628, 9–202, and 9–316(b)"; strike in their entirety lines 11 through 15, inclusive; in line 18, strike "3–919" and substitute "3–920"; and in line 19, after "8–201.1" insert ", 9–315.1,".

AMENDMENT NO. 2

On page 5, in line 17, strike "**AND DECORATING**"; after line 22, insert:

"**(D) "EXEMPT PERSON" MEANS AN INDIVIDUAL WHO:**

(1) PERFORMS SERVICES IN A PERSONAL CAPACITY AND EMPLOYS NO INDIVIDUALS OTHER THAN:

(I) A SPOUSE OF THE EXEMPT PERSON;

(II) CHILDREN OF THE EXEMPT PERSON; OR

(III) PARENTS OF THE EXEMPT PERSON;

(2) PERFORMS SERVICES FREE FROM DIRECTION AND CONTROL OVER THE MEANS AND MANNER OF PROVIDING THE SERVICES, SUBJECT ONLY TO THE RIGHT OF THE PERSON OR ENTITY FOR WHOM SERVICES ARE PROVIDED TO SPECIFY THE DESIRED RESULT;

(3) FURNISHES THE TOOLS AND EQUIPMENT NECESSARY TO PROVIDE THE SERVICE;

(4) OPERATES A BUSINESS THAT IS CONSIDERED INSEPARABLE FROM THE INDIVIDUAL FOR PURPOSES OF TAXES, PROFITS, AND LIABILITIES:

(I) IN WHICH THE INDIVIDUAL:

1. OWNS ALL OF THE ASSETS AND PROFITS OF THE BUSINESS; AND

2. HAS SOLE, UNLIMITED, PERSONAL LIABILITY FOR ALL OF THE DEBTS AND LIABILITIES OF THE BUSINESS, UNLESS THE BUSINESS IS ORGANIZED AS A SINGLE–OWNED CORPORATE ENTITY, TO WHICH SOLE, UNLIMITED PERSONAL LIABILITY DOES NOT APPLY; AND

(II) FOR WHICH:

1. THE INDIVIDUAL DOES NOT PAY TAXES FOR THE BUSINESS SEPARATELY BUT REPORTS BUSINESS INCOME AND LOSSES ON THE INDIVIDUAL'S PERSONAL TAX RETURN; AND

2. IF THE BUSINESS IS ORGANIZED AS A CORPORATE ENTITY AND THE INDIVIDUAL OTHERWISE QUALIFIES AS AN EXEMPT PERSON UNDER THIS SUBSECTION, THE INDIVIDUAL FILES A SEPARATE FEDERAL INFORMATIONAL TAX RETURN FOR THE ENTITY AS REQUIRED BY LAW;

(5) EXERCISES COMPLETE CONTROL OVER THE MANAGEMENT AND OPERATIONS OF THE BUSINESS; AND

(6) EXERCISES THE RIGHT AND OPPORTUNITY ON A CONTINUING BASIS TO PERFORM THE SERVICES OF THE BUSINESS FOR MULTIPLE ENTITIES AT THE INDIVIDUAL'S SOLE CHOICE AND DISCRETION.";

and in lines 23 and 25, strike "**(D)**" and "**(E)**", respectively, and substitute "**(E)**" and "**(F)**", respectively.

On page 6, strike in their entirety lines 11 through 14, inclusive, and substitute:

"**(G) (1) "PLACE OF BUSINESS" MEANS THE OFFICE OR HEADQUARTERS OF THE EMPLOYER.**

(2) "PLACE OF BUSINESS" DOES NOT INCLUDE A WORK SITE AT WHICH THE EMPLOYER HAS BEEN CONTRACTED TO PERFORM SERVICES.";

in line 15, strike "**(G)**" and substitute "**(H)**"; and in line 17, after "**OR**" insert "**AN**".

On pages 6 and 7, strike in their entirety the lines beginning with line 22 on page 6 through line 17 on page 7, inclusive.

On page 7, in line 20, after "**SERVICES;**" insert "**AND**"; and strike beginning with the semicolon in line 21 down through "**SERVICES**" in line 22.

On page 8, in line 5, strike "**A SOLE PROPRIETOR**" and substitute "**AN EXEMPT PERSON**".

On page 19, in line 21, strike "**A SOLE PROPRIETOR**" and substitute "**AN EXEMPT PERSON**"; and in line 26, strike "**SOLE PROPRIETOR**" and substitute "**EXEMPT PERSON**".

On page 20, strike beginning with "**SOLE**" in line 2 down through "**PROPRIETOR**" in line 3 and substitute "**EXEMPT PERSON**"; and in line 3, after "**THAN**" insert "**AS**".

On page 10 in line 27 and on page 12 in line 27, in each instance, strike "**OF**" and substitute "**AFTER**".

On page 14, strike beginning with "**THE**" in line 11 down through "**ARTICLE**" in line 12 and substitute "**THIS ARTICLE**".

On page 14 in line 24, on page 17 in line 30, and on page 18 in line 1, in each instance, after "**OR**" insert "**AN**".

On page 15, in line 24, strike the first "**OF**" and substitute "**AFTER**".

On page 22 in lines 21 and 29, on page 23 in line 21, and on page 25 in line 14, in each instance, strike "**WHERE**" and substitute "**IF**".

AMENDMENT NO. 3

On page 8, after line 26, insert:

"**(3) BY CONTRACT, AN EMPLOYER MAY ENGAGE ANOTHER BUSINESS ENTITY, WHICH HAS ITS OWN EMPLOYEES, TO DO THE SAME TYPE OF WORK IN WHICH THE EMPLOYER ENGAGES, AT THE SAME LOCATION WHERE THE EMPLOYER IS WORKING, WITHOUT ESTABLISHING AN EMPLOYER–EMPLOYEE RELATIONSHIP BETWEEN THE TWO CONTRACTING ENTITIES.**".

AMENDMENT NO. 4

On page 9, strike in their entirety lines 10 through 29, inclusive, and substitute:

"**(C) THE COMMISSIONER SHALL CONSIDER, AS STRONG EVIDENCE THAT THE EMPLOYER DID NOT KNOWINGLY FAIL TO PROPERLY CLASSIFY AN INDIVIDUAL, WHETHER:**

(1) BEFORE A COMPLAINT WAS FILED AGAINST THE EMPLOYER OR THE COMMISSIONER BEGAN AN INVESTIGATION OF THE EMPLOYER, THE EMPLOYER:

(I) SOUGHT AND OBTAINED EVIDENCE THAT THE INDIVIDUAL:

1. IS AN EXEMPT PERSON; OR

2. AS AN INDEPENDENT CONTRACTOR:

A. WITHHOLDS, REPORTS, AND REMITS PAYROLL TAXES ON BEHALF OF ALL INDIVIDUALS WORKING FOR THE INDEPENDENT CONTRACTOR;

B. PAYS UNEMPLOYMENT INSURANCE TAXES FOR ALL INDIVIDUALS WORKING FOR THE INDEPENDENT CONTRACTOR; AND

C. MAINTAINS WORKERS' COMPENSATION INSURANCE; AND

(II) PROVIDED TO THE EXEMPT PERSON OR INDEPENDENT CONTRACTOR A WRITTEN NOTICE AS REQUIRED BY § 3–914 OF THIS SUBTITLE; OR

(2) THE EMPLOYER:

(I) 1. CLASSIFIES ALL WORKERS WHO PERFORM THE SAME OR SUBSTANTIALLY THE SAME TASKS FOR THE EMPLOYER AS INDEPENDENT CONTRACTORS; AND

2. REPORTS THE INCOME OF THE WORKERS TO THE INTERNAL REVENUE SERVICE AS REQUIRED BY FEDERAL LAW; AND

(II) HAS RECEIVED A DETERMINATION FROM THE INTERNAL REVENUE SERVICE THAT THE INDIVIDUAL OR A WORKER WHO PERFORMS THE SAME OR SUBSTANTIALLY THE SAME TASK AS THE INDIVIDUAL IS AN INDEPENDENT CONTRACTOR.".

On page 10, in line 1, strike "**EMPLOYER'S FAILURE**" and substitute "**EMPLOYER KNOWINGLY FAILED**"; and in line 2, strike "**WAS KNOWING**" and substitute "**AN EMPLOYEE**".

AMENDMENT NO. 5

On page 10, in line 7, after "**(B)**" insert "**(1)**"; strike beginning with "**AN**" in line 7 down through "**INDIVIDUAL**" in line 8 and substitute "**A PERSON**"; in line 10, strike "**INDIVIDUAL**" and substitute "**PERSON UNTIL THE INVESTIGATION IS CONCLUDED AND A CITATION IS ISSUED.**

(2) ANY WRITTEN OR ORAL STATEMENT MADE BY AN INDIVIDUAL ALLEGED TO BE EMPLOYED BY THE RESPONDENT AS PART OF AN INVESTIGATION UNDER THIS SECTION IS CONFIDENTIAL AND MAY NOT BE DISCLOSED WITHOUT THE CONSENT OF THE INDIVIDUAL";

and in line 11, after "**BUSINESS**" insert "**OR WORK SITE**".

AMENDMENT NO. 6

On page 11, in line 30, strike "**PROPOSED**"; in the same line, strike the second "**AND**" and substitute a comma; in line 31, strike "**A PROPOSED**" and substitute "**AN**"; in the same line, after "**ORDER**" insert "**, AND ASSESS A PENALTY UNDER § 3–909 OF THIS SUBTITLE**"; and after line 32, insert:

"**(G) WITHIN 15 DAYS AFTER A REQUEST, IN ACCORDANCE WITH TITLE 10, SUBTITLE 6 OF THE STATE GOVERNMENT ARTICLE AND THE APPLICABLE REGULATIONS OF THE DEPARTMENT AND THE OFFICE OF ADMINISTRATIVE HEARINGS, THE COMMISSIONER SHALL PROVIDE COPIES OF ALL RELEVANT EVIDENCE, INCLUDING A LIST OF POTENTIAL WITNESSES, ON WHICH THE COMMISSIONER INTENDS TO RELY AT ANY ADMINISTRATIVE HEARING UNDER THIS SUBTITLE.**

(H) THE COMMISSIONER HAS THE BURDEN OF PROOF TO SHOW THAT AN EMPLOYER HAS KNOWINGLY FAILED TO PROPERLY CLASSIFY AN INDIVIDUAL AS AN EMPLOYEE.".

On page 12, in line 1, strike "**(G)**" and substitute "**(I)**"; in the same line, strike "**PROPOSED**"; and strike beginning with "**UNLESS,**" in line 3 down through "**DECISION**" in line 13.

On page 12, after line 13, insert:

"**(J) ANY PARTY AGGRIEVED BY A FINAL ORDER OF THE COMMISSIONER UNDER SUBSECTION (I) OF THIS SECTION MAY SEEK JUDICIAL REVIEW AND APPEAL UNDER §§ 10–222 AND 10–223 OF THE STATE GOVERNMENT ARTICLE.**";

and in line 26, strike "**THE COMMISSIONER**" and substitute "**AN ADMINISTRATIVE UNIT**".

On page 13, in line 33, after "**COMMISSIONER**" insert "**OR THE ADMINISTRATIVE LAW JUDGE**".

AMENDMENT NO. 7

On page 12, in line 25, after "**(B)**" insert "**(1)**"; in the same line, strike "**OR § 3–904**"; in line 27, strike "**30**" and substitute "**45**"; in lines 28 and 30, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; and after line 33, insert:

"**(2) THE REQUIREMENT FOR COMPLIANCE WITH APPLICABLE LABOR LAWS UNDER SUBSECTION (B)(1)(II) OF THIS SECTION MAY INCLUDE REQUIRING THE EMPLOYER TO ENTER INTO AN AGREEMENT, WITHIN 45 DAYS AFTER THE FINAL ORDER, WITH A GOVERNMENTAL UNIT FOR PAYMENT OF ANY AMOUNTS OWED BY THE EMPLOYER TO THE UNIT.**

(3) THE REQUIREMENT FOR COMPLIANCE WITH APPLICABLE LABOR LAWS UNDER PARAGRAPH (B)(1)(II) OF THIS SECTION:

(I) MAY NOT REQUIRE PAYMENTS FOR MORE THAN A 12–MONTH PERIOD; AND

(II) MAY NOT REQUIRE PAYMENTS DUE FOR A PERIOD BEFORE THE 12–MONTH PERIOD BEFORE THE CITATION WAS ISSUED.

(C) AN EMPLOYER FOUND IN VIOLATION OF § 3–904 OF THIS SUBTITLE BY A FINAL ORDER OF A COURT OR AN ADMINISTRATIVE UNIT SHALL BE REQUIRED, WITHIN 45 DAYS AFTER THE FINAL ORDER:

(1) TO PAY RESTITUTION TO ANY INDIVIDUAL NOT PROPERLY CLASSIFIED; AND

(2) TO OTHERWISE COME INTO COMPLIANCE WITH ALL APPLICABLE LABOR LAWS, INCLUDING THOSE RELATED TO INCOME TAX WITHHOLDING, UNEMPLOYMENT INSURANCE, WAGE LAWS, AND WORKERS' COMPENSATION.".

On page 13, in line 3, after "**A**" insert "**CIVIL**"; in line 4, after "**(B)**" insert "**(1)**"; in line 7, strike "**$3,000**" and substitute "**$1,000**"; after line 8, insert:

"**(2) IN DETERMINING THE AMOUNT OF THE PENALTY, THE COMMISSIONER SHALL CONSIDER THE FACTORS SET FORTH IN § 3–909(B) OF THIS SUBTITLE.**";

and in line 12, after "**§ 3–907(B)**" insert "**AND (C)**".

On page 14, after line 24, insert:

"**(D) AN EMPLOYER WHO HAS BEEN FOUND BY A FINAL ORDER OF A COURT OR AN ADMINISTRATIVE UNIT TO HAVE VIOLATED § 3–904 OF THIS SUBTITLE THREE OR MORE TIMES MAY BE ASSESSED AN ADMINISTRATIVE PENALTY OF UP TO $20,000 FOR EACH EMPLOYEE.**";

in line 25, strike "**(D)**" and substitute "**(E)**"; and in line 26, after "**SECTION**" insert "**OR § 8–201.1 OR § 9–402.1 OF THIS ARTICLE**".

On page 15, in line 32, after "**DAMAGES**" insert "**, IF THE EMPLOYER KNOWINGLY FAILED TO PROPERLY CLASSIFY THE INDIVIDUAL**".

AMENDMENT NO. 8

On page 3, in line 26, strike "**§ 3–918**" and substitute "**§ 3–919**".

On page 16, strike in their entirety lines 14 through 18, inclusive; and in lines 19 and 26, strike "**(C)**" and "**(D)**", respectively, and substitute "**(B)**" and "**(C)**", respectively.

On page 20, after line 26, insert:

"**3–916.**

(A) A PERSON MAY NOT:

(1) MAKE OR CAUSE TO BE MADE A GROUNDLESS OR MALICIOUS COMPLAINT TO THE COMMISSIONER OR AN AUTHORIZED REPRESENTATIVE OF THE COMMISSIONER;

(2) IN BAD FAITH, BRING AN ACTION UNDER THIS SUBTITLE OR A PROCEEDING RELATED TO THE SUBJECT OF THIS SUBTITLE; OR

(3) IN BAD FAITH, TESTIFY IN AN ACTION UNDER THIS SUBTITLE OR A PROCEEDING RELATED TO THE SUBJECT OF THIS SUBTITLE.

(B) THE COMMISSIONER SHALL INVESTIGATE ANY ALLEGATIONS THAT A PERSON HAS VIOLATED ANY PROVISION OF THIS SECTION.

(C) (1) IF THE COMMISSIONER DETERMINES THAT A PERSON HAS VIOLATED ANY PROVISION OF THIS SECTION, THAT PERSON MAY BE SUBJECT TO AN ADMINISTRATIVE PENALTY OF UP TO $1,000, ASSESSED BY THE COMMISSIONER.

(2) A SANCTION UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE SUBJECT TO THE NOTICE AND HEARING REQUIREMENTS OF § 3–906 OF THIS SUBTITLE.

(3) IF THE PERSON FOUND IN VIOLATION OF THIS SECTION IS A PERSON ALLEGED TO BE EMPLOYED BY THE RESPONDENT, THE COMMISSIONER MAY DISCLOSE THE IDENTITY OF THE COMPLAINANT.

(D) (1) ANY PERSON WHO MUST DEFEND AN ACTION TAKEN AS A RESULT OF A GROUNDLESS OR MALICIOUS COMPLAINT MAY BE ENTITLED TO RECOVER ATTORNEYS' FEES.

(2) ATTORNEYS' FEES MAY NOT BE ALLOWED IF THE COMPLAINANT IS A PERSON ALLEGED TO BE OR TO HAVE BEEN IN THE EMPLOY OF THE RESPONDENT.";

in lines 27 and 30, strike "**3–916.**" and "**3–917.**", respectively, and substitute "**3–917.**" and "**3–918.**", respectively; and strike beginning with "**THE**" in line 28 down through "**OF**" in line 29.

On page 21, in lines 1 and 9, strike "**3–918.**" and "**3–919.**", respectively, and substitute "**3–919.**" and "**3–920.**", respectively.

AMENDMENT NO. 9

On pages 18 and 19, strike the lines beginning with line 4 on page 18 through line 5 on page 19, inclusive.

AMENDMENT NO. 10

On page 19, in line 10, strike "**AND**"; in the same line, after "**OCCUPATION**" insert "**, AND CLASSIFICATION**"; in line 12, after "**OR**" insert "**METHOD OF PAYMENT FOR THE**"; strike in their entirety lines 14 and 15; in lines 16, 18, 20, and 23, strike "**(4)**", "**(5)**", "**(6)**", and "**(7)**", respectively, and substitute "**(3)**", "**(4)**", "**(5)**", and "**(6)**", respectively; and in line 17, after "**OR**" insert "**, IF APPLICABLE,**".

AMENDMENT NO. 11

On page 20, in line 18, after "**(C)**" insert "**(1)**"; in the same line, strike "**A**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**"; and after line 19, insert:

"**(2) A PERSON THAT VIOLATES THIS SECTION MAY NOT BE SUBJECT TO A CIVIL PENALTY UNDER THIS SECTION IF THE PERSON:**

(I) HOLDS A PROFESSIONAL LICENSE AS A LAWYER OR A CERTIFIED PUBLIC ACCOUNTANT; AND

(II) WAS PERFORMING AN ACTIVITY IN THE ORDINARY COURSE OF THAT PERSON'S LICENSE WHEN THE VIOLATION OCCURRED.

(3) IF THE PERSON IS EXEMPT FROM SANCTION UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE COMMISSIONER SHALL PROMPTLY REFER THE PERSON FOR INVESTIGATION AND POSSIBLE SANCTION TO THE UNIT OF STATE GOVERNMENT THAT HAS REGULATORY JURISDICTION OVER THE BUSINESS ACTIVITIES OF THAT PERSON.".

AMENDMENT NO. 12

On page 24, after line 13, insert:

"**9–315.1.**

THE COMMISSION SHALL PAY THE COSTS OF THE ADMINISTRATION OF THE WORKFORCE FRAUD PROGRAM BY THE COMMISSIONER OF LABOR AND INDUSTRY UNDER TITLE 3, SUBTITLE 9 OF THIS ARTICLE.

9–316.

(b) Out of money appropriated for the maintenance of the Commission, the State shall pay the salaries, administrative expenses, and all other expenses of the Commission, including:

(1) the costs of the administration of the Occupational Safety and Health Program by the Commissioner of Labor and Industry under Title 5 of this article; **[**and**]**

(2) THE COSTS OF THE ADMINISTRATION OF THE WORKFORCE FRAUD PROGRAM BY THE COMMISSIONER OF LABOR AND INDUSTRY UNDER TITLE 3, SUBTITLE 9 OF THIS ARTICLE; AND

[(2)**](3)** any cost incurred by the State, including contribution as an employer, because of the participation of a Commissioner in the Judges' Retirement System of the State of Maryland.".

The preceding 12 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Davis moved to make the Bill a Special Order for Saturday.

The motion was adopted.

SPECIAL ORDERS

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

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

AN ACT concerning

Greenhouse Gas Emissions Reduction Act of 2009

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

FLOOR AMENDMENT

HB0315/983994/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 315, AS AMENDED

On page 1 of the Economic Matters Committee and Environmental Matters Committee Amendments (HB0315/583798/3), in line 5 of Amendment No. 3, strike "**(7)**" and substitute "**(8)**".

On page 2 of the Economic Matters Committee and Environmental Matters Committee Amendments, in line 2 of Amendment No. 4, after "**(6)**" insert "**CONSIDER**

WHETHER THE MEASURES WOULD RESULT IN AN INCREASE IN ELECTRICITY COSTS TO CONSUMERS IN THE STATE;

(7)".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0315/333626/1

BY: Delegate O'Donnell

AMENDMENT TO HOUSE BILL 315
(First Reading File Bill)

On page 7, in line 12, strike "**NOT:**" and substitute "**NOT CAUSE**"; and strike beginning with "**(I)**" in line 13 down through "**CAUSE**" in line 15.

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

Affirmative – 32 Negative – 103 (See Roll Call No. 509)

FLOOR AMENDMENT

HB0315/343525/1

BY: Delegate McDonough

AMENDMENTS TO HOUSE BILL 315
(First Reading File Bill)

AMENDMENT NO. 1

On page 2, in line 4, before "defining" insert "requiring the Department, in cooperation with the Department of Business and Economic Development and the Department of Legislative Services, to submit a certain annual report;"; and in line 11, strike "2–1211" and substitute "2–1212".

AMENDMENT NO. 2

On page 11, in line 22, after "**REPORT**" insert "**.**

2–1212.

ON OR BEFORE OCTOBER 1, 2010 AND EACH YEAR THEREAFTER, THE DEPARTMENT, IN COOPERATION WITH THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT AND THE DEPARTMENT OF LEGISLATIVE SERVICES, SHALL SUBMIT A REPORT TO THE GOVERNOR AND, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, THE GENERAL ASSEMBLY THAT MAKES FINDINGS REGARDING THE IMPACT OF THE IMPLEMENTATION OF THIS SUBTITLE THE STATE'S ECONOMY, INCLUDING THE IMPACT ON:

(1) THE COST OF ENERGY IN THE STATE;

(2) THE NUMBER OF JOBS CREATED OR ELIMINATED IN THE STATE; AND

(3) PROPERTY RIGHTS IN THE STATE".

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

Affirmative – 37 Negative – 98 (See Roll Call No. 510)

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 511)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #36

House Bill 100 – The Speaker (By Request – Administration)

Budget Bill
(Fiscal Year 2010)

Delegate Minnick moved the previous question.

The motion was adopted.

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

Affirmative – 116 Negative – 21 (See Roll Call No. 512)

The Bill was then sent to the Senate.

House Bill 101 – The Speaker (By Request – Administration)

AN ACT concerning

Budget Reconciliation and Financing Act of 2009

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

Affirmative – 118 Negative – 19 (See Roll Call No. 513)

The Bill was then sent to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 514)

ADJOURNMENT

At 7:40 P.M. on motion of Delegate Barve the House adjourned until 11:00 A.M. on Legislative Day March 24, 2009, Calendar Day Friday, March 27, 2009.

Annapolis, Maryland
Legislative Day: March 24, 2009
Calendar Day: Friday, March 27, 2009

The House met at 11:22 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Barbara A. Robinson of Baltimore City.

QUORUM CALL

The presiding officer announced a quorum call, showing 133 Members present.

(See Roll Call No. 515)

The Journal of March 23, 2009 was read and approved.

EXCUSES:
Del. Benson – late – funeral
Del. Cane – late – doctor's appointment
Del. Gutierrez – late – personal
Del. Smigiel – illness
Del. F. Turner – illness

THE COMMITTEE ON APPROPRIATIONS REPORT #7

Delegate Conway, Chair, for the Committee on Appropriations 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

HB0446/254362/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 446
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 6 down through "Trustees" in line 8 and substitute "requiring certain trustees on the Board of Trustees of the State Retirement and Pension System to use certain leave when attending certain meetings of the Board of Trustees; requiring the Chairman of the Board of Trustees to approve certain training to satisfy a certain requirement; 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, after line 18, insert:

"**(4) AN ELECTED TRUSTEE REPRESENTING EMPLOYEES OF ANY OF THE SEVERAL SYSTEMS SHALL BE ON ADMINISTRATIVE LEAVE WHEN THE ELECTED TRUSTEE ATTENDS A MONTHLY MEETING OF THE BOARD OF TRUSTEES OR A COMMITTEE MEETING OF THE BOARD OF TRUSTEES.**";

and strike beginning with "conducted" in line 30 down through "**STATES**" in line 32 and substitute "**APPROVED BY THE CHAIRMAN OF THE BOARD OF TRUSTEES TO SATISFY THE 8–HOUR REQUIREMENT UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH**".

AMENDMENT NO. 3

On page 3, in line 1, strike "(iii)" and substitute "**(4) (I)**"; in line 3, strike "this paragraph" and substitute "**PARAGRAPH (3) OF THIS SUBSECTION**"; and after line 4, 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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

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

HB0448/124263/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 448
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Investment Manager Service Fees" and substitute "Investments"; in line 3, after the first "of" insert "authorizing the Chief Investment Officer for the State Retirement and Pension System to select and invest in certain investment vehicles on behalf of the State Retirement and Pension System; providing that certain external investment managers for the State Retirement System shall be selected by the Chief Investment Officer;"; strike beginning with the second "investment" in line 4 down through "fees" in line 5 and substitute "investments"; and in line 8, after "Section" insert "21–122(d), 21–123(g), and".

AMENDMENT NO. 2

On page 1, after line 13, insert:

"21–122.

(d) **[**The**]** **ON BEHALF OF THE SEVERAL SYSTEMS, THE** Chief Investment Officer:

(1) may hire external investment managers to invest the assets of the several systems; **[**and**]**

(2) **MAY SELECT AND INVEST IN SPECIFIC INVESTMENT VEHICLES, INCLUDING LIMITED PARTNERSHIPS, PRIVATE EQUITY FUND INVESTMENTS, AND PRIVATE REAL ESTATE FUND INVESTMENTS; AND**

(3) may terminate the appointment of an external investment manager.

21–123.

(g) Any direct owned real estate purchased as an investment by the State Retirement and Pension System shall be managed by an external investment manager selected by the **[**Board of Trustees**]** **CHIEF INVESTMENT OFFICER**.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations 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.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

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

HB0473/844962/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 473
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "in" and substitute "withdrawing from"; in line 11, strike "31–101(h),"; in the same line, strike "31–2A–01(f),"; in the same line, strike "31–2B–01(e), and"; and in line 12, after "31–2B–04" insert ", and 31–301(d)".

AMENDMENT NO. 2

On page 1, strike in their entirety lines 18 through 23, inclusive.

On page 2, strike in their entirety lines 6 through 12, inclusive; strike in their entirety lines 18 through 24, inclusive; and after line 28, insert:

"31–301.

(d) **(1)** "Local pension system" **[**has the meaning stated in § 31–101 of this title**]** **MEANS A RETIREMENT OR PENSION SYSTEM OF AN ELIGIBLE GOVERNMENTAL UNIT**.

(2) "LOCAL PENSION SYSTEM" INCLUDES THE EMPLOYEES' RETIREMENT SYSTEM, EMPLOYEES' PENSION SYSTEM, LAW ENFORCEMENT OFFICERS' PENSION SYSTEM, OR CORRECTIONAL OFFICERS' RETIREMENT SYSTEM IF THE ELIGIBLE GOVERNMENTAL UNIT PARTICIPATES UNDER THIS TITLE.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

House Bill 538 – Delegates Jones, Branch, Burns, Nathan–Pulliam, and Robinson

AN ACT concerning

Foster Care – Tuition Exemption – Expanded Eligibility

HB0538/534564/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 538
(First Reading File Bill)

AMENDMENT NO. 1

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

AMENDMENT NO. 2

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

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations 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

HB0541/914466/2

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 541
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "funds;" insert "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;"; and in line 7, after "date;" insert "making a technical correction;".

AMENDMENT NO. 2

On page 2, in line 18, strike "Efficiency" and substitute "**PERFORMANCE**".

AMENDMENT NO. 3

On page 3, in line 8, after "government" insert "**OR A COMMUNITY COLLEGE**"; and in line 17, strike "the effective date of this Act" and substitute "July 1, 2010".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations 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.

Delegate Conway, Chair, for the Committee on Appropriations 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.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

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

HB0811/614965/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 811
(First 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 4, in line 28, 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 29, strike "personally".

AMENDMENT NO. 3

On page 6, strike beginning with "Mayor" in line 2 down through "Baltimore" in line 3 and substitute "**BALTIMORE CITY BOARD OF ESTIMATES**".

AMENDMENT NO. 4

On page 8, strike beginning with "**THE**" in line 28 down through "**OF**" in line 29.

On page 9, in line 10, strike "**GOVERNING BODY OF THE**"; and in line 13, strike "**GOVERNING BODY OF A**".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

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

HB0813/524767/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 813
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike the second "and" and substitute a comma; in line 6, after "Fund" insert ", and the Unpresented Checks Fund"; and in line 9, after "7–229" insert "and 7–230".

AMENDMENT NO. 2

On page 2, after line 33, insert:

"7–230.

(a) In this section, "Fund" means the Unpresented Checks Fund.

(b) There is an Unpresented Checks Fund.

(c) At the end of each fiscal year, the Treasurer shall:

(1) identify each check that:

(i) has been issued against the money of the State; and

(ii) has remained unpresented for 2 years;

(2) request the Comptroller to credit the aggregate amount of the checks to the Fund.

(d) At the end of each fiscal year, the Treasurer shall:

(1) determine a reasonable minimum balance to retain in the Fund that will be needed to honor each check that is presented after its amount has been credited to the Fund; and

(2) request the Comptroller to transfer the balance in the Fund to the General Fund of the State.

(e) After the amount of a check has been credited to the Fund, on a warrant charged against the Fund, the Treasurer, the Chief Deputy Treasurer, or a deputy treasurer may reissue a check that is presented for payment.

(f) As required by State or federal law, or as considered proper by the Treasurer, the Treasurer, the Chief Deputy Treasurer, or a deputy treasurer shall:

(1) void an unpresented check; and

(2) request the Comptroller to transfer the amount of the voided check to:

(i) the original source of the money; or

(ii) another fund or account.

(g) Unpresented checks credited to the Fund are not subject to Title 17 of the Commercial Law Article.

(H) NOTWITHSTANDING § 10–617 OF THE STATE GOVERNMENT ARTICLE, AT THE END OF EACH FISCAL YEAR, THE TREASURER MAY ELECTRONICALLY PUBLISH ON THE TREASURER'S WEBSITE THE NAMES OF PAYEES OF CHECKS THAT HAVE REMAINED UNPRESENTED FOR 2 YEARS OR MORE.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations 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.

Delegate Conway, Chair, for the Committee on Appropriations 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.

Delegate Conway, Chair, for the Committee on Appropriations 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.

Delegate Conway, Chair, for the Committee on Appropriations 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.

Delegate Conway, Chair, for the Committee on Appropriations 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

HB0988/554366/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 988
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "report" insert "each month"; and in line 7, strike beginning with "within" through "search".

AMENDMENT NO. 2

On page 2, in line 14, strike "**WITHIN 14 DAYS OF CONDUCTING EACH STRIP SEARCH**" and substitute "**EACH MONTH**"; in line 16, strike "**THE**" and substitute "**EACH**"; and in the same line, after "**SEARCH**" insert "**CONDUCTED DURING THE PREVIOUS MONTH**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations 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.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

House Bill 1495 – Delegate G. Clagett

AN ACT concerning

State Police Retirement System – Reemployment of Retirees

HB1495/334569/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1495
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate G. Clagett" and substitute "Delegates G. Clagett and DeBoy"; in line 16, after "time" insert "or until reaching a certain age"; strike beginning with "making" in line 17 down through "changes;" in line 18 and substitute "providing for the application of this Act; providing for the termination of this Act;"; in line 25, after "repealing" insert "and reenacting, without amendments,"; and after line 29, insert:

"BY adding to
Article – State Personnel and Pensions
Section 24–405.2
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 2

On page 2, in line 5, strike the bracket; in line 6, strike "(b) and (c)" and substitute "**(B), (C), AND (D)**"; in the same line, strike "**] SUBSECTION (H) OF THIS**

SECTION"; in lines 9, 11, 12, and 14, in each instance, strike the brackets; in line 12, strike "**(1)**"; and in line 14, strike "**(2)**".

On page 3, in line 13, after "allowance." insert a closing bracket; in line 18, strike the bracket; and in line 19, strike "**(C)**" and substitute "**(D)**".

AMENDMENT NO. 3

On page 3, in line 7, strike "**FOR NOT MORE THAN 4 YEARS**"; strike beginning with "**SERGEANT**" in line 8 down through "**BELOW**" in line 9 and substitute "**TROOPER FIRST CLASS**"; and after line 24, insert:

"**(E) (1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, A RETIREE REEMPLOYED UNDER SUBSECTION (B)(3)(III) OF THIS SECTION MAY NOT BE REEMPLOYED FOR MORE THAN 4 YEARS.**

(2) A RETIREE REEMPLOYED UNDER SUBSECTION (B)(3)(III) OF THIS SECTION MAY NOT BE REEMPLOYED AFTER BECOMING 60 YEARS OLD.".

AMENDMENT NO. 4

On pages 3 and 4, strike in their entirety the lines beginning with line 25 on page 3 through line 33 on page 4, inclusive.

On page 5, strike in their entirety lines 21 through 33, inclusive.

On page 6, strike in their entirety lines 1 through 3, inclusive; in line 4, strike "**(L)**" and substitute "**(J)**"; and in lines 17 and 23, in each instance, strike the bracket.

AMENDMENT NO. 5

On page 6, after line 23, insert:

"**24–405.2.**

(A) (1) THIS SUBSECTION APPLIES TO A RETIREE WHO:

(I) 1. IS REEMPLOYED UNDER § 24–405(B)(3)(III) OF THIS SUBTITLE; OR

2. IS REEMPLOYED AS A MARYLAND STATE POLICE AVIATION COMMAND HELICOPTER PILOT;

(II) WHILE REEMPLOYED UNDER ITEM (I) OF THIS PARAGRAPH IS TOTALLY AND PERMANENTLY INCAPACITATED FOR DUTY IN THE COURSE OF THE ACTUAL PERFORMANCE OF DUTY WITHOUT WILLFUL NEGLIGENCE BY THE RETIREE; AND

(III) THE MEDICAL BOARD CERTIFIES THAT:

1. THE RETIREE IS TOTALLY INCAPACITATED, EITHER MENTALLY OR PHYSICALLY, FOR THE FURTHER PERFORMANCE OF DUTY;

2. THE RETIREE'S INCAPACITY IS LIKELY TO BE PERMANENT; AND

3. THE RETIREE SHOULD CEASE REEMPLOYMENT.

(2) THE NORMAL SERVICE RETIREMENT ALLOWANCE THAT A RETIREE DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION IS RECEIVING AT THE TIME THE RETIREE IS DETERMINED TO BE DISABLED UNDER THIS SUBSECTION SHALL BE READJUSTED TO EQUAL TWO–THIRDS OF THE RETIREE'S AVERAGE FINAL COMPENSATION AT THE TIME THE RETIREE RETIRED, WITH ACCUMULATED COST–OF–LIVING ADJUSTMENTS FROM THE DATE THE RETIREE RETIRED.

(B) (1) THIS SUBSECTION APPLIES TO A RETIREE WHO:

(I) 1. DIES WHILE REEMPLOYED UNDER § 24–405(B)(3)(III) OF THIS SUBTITLE; OR

2. DIES WHILE REEMPLOYED AS A MARYLAND STATE POLICE AVIATION COMMAND HELICOPTER PILOT;

(II) DIES WITHOUT WILLFUL NEGLIGENCE BY THE RETIREE; AND

(III) IS KILLED IN THE COURSE OF THE ACTUAL PERFORMANCE OF DUTY.

(2) WHEN THE BOARD OF TRUSTEES RECEIVES PROOF OF DEATH OF A RETIREE AND FINDS THAT THE DEATH HAS OCCURRED IN THE MANNER DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE BOARD OF TRUSTEES SHALL PAY A SPECIAL DEATH BENEFIT ALLOWANCE EQUAL TO TWO–THIRDS OF THE RETIREE'S AVERAGE FINAL COMPENSATION AT THE TIME OF RETIREMENT:

(I) TO THE SURVIVING SPOUSE;

(II) IF THERE IS NO SURVIVING SPOUSE OR IF THE SURVIVING SPOUSE DIES BEFORE THE YOUNGEST CHILD OF THE MEMBER IS 18 YEARS OLD, TO ALL CHILDREN UNDER THE AGE OF 18 YEARS; OR

(III) IF THERE IS NO SURVIVING SPOUSE OR CHILDREN YOUNGER THAN 18 YEARS OF AGE, TO THE MEMBER'S DEPENDENT PARENT TO CONTINUE AS THE BOARD OF TRUSTEES MAY DIRECT FOR THE REST OF THE PARENT'S LIFE.

(3) ANY BENEFITS UNDER TITLE 21, SUBTITLE 4 OF THIS ARTICLE OR § 24–403 OF THIS SUBTITLE MAY NOT BE PAID IF A SPECIAL DEATH BENEFIT IS PAID UNDER PARAGRAPH (2) OF THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That § 24–405.2 of the State Personnel and Pensions Article as enacted by this Act shall be construed to apply retroactively and shall be applied to and interpreted to affect any individual who:

(a) was a retiree of the State Police Retirement System; and

(b) on or after July 1, 2008, while reemployed by the Maryland State Police Aviation Command as a helicopter pilot:

(1) died without willful negligence by the individual; and

(2) was killed in the course of the actual performance of duty.".

AMENDMENT NO. 6

On page 6, in line 24, strike "2." and substitute "3."; and in line 25, 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 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

House Bill 1522 – Delegates Mathias and Conway

AN ACT concerning

Worcester County – Liquor Control Board – Borrowing Limit

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #10

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 295 – The Speaker (By Request – Administration) and Delegates Ali, Barve, Beidle, Cane, Carr, V. Clagett, Feldman, Gaines, Gutierrez, Guzzone, Healey, Howard, Hucker, Lee, Mizeur, Montgomery, and Niemann

AN ACT concerning

Smart, Green, and Growing – Annual Report – Smart Growth Measures and Indicators and Implementation of Planning Visions

HB0295/550618/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 295
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after "Delegates" insert "Lafferty,"; in line 2, after "Growth" insert "Goals,"; in the same line, after "Measures" insert a comma; in line 4, strike "requiring" and substitute "making"; in the same line, after "certain" insert "provisions concerning a certain annual report applicable to certain"; in the same line, strike "to file an annual report" and substitute "; requiring a certain annual report to be filed on or before a certain date"; in line 5, strike "local jurisdictions" and substitute "a certain annual report"; in the same line, after "include" insert "certain"; strike beginning with "smart" in line 5 down through "about" in line 6; in line 6, strike "the" and substitute "certain"; in line 7, strike "in a certain annual report;" and substitute "; making certain findings concerning land use goals; providing for a certain statewide land use goal; requiring certain local jurisdictions to develop a certain goal towards achieving a certain statewide land use goal; providing that a local jurisdiction that meets a certain statewide land use goal shall be given priority in the disbursement of certain State funds under certain circumstances; requiring the Department of the Environment to deny or place conditions on certain permits or approvals under certain circumstances; requiring a certain annual report to include certain measures and indicators; exempting certain municipal corporations from certain requirements to establish a certain local goal and to include certain information in a certain annual report; exempting certain local jurisdictions from certain requirements to include certain information in a certain annual report;"; in same line, strike "requiring" and substitute "authorizing"; in line 8, after "adopt" insert "certain"; in the same line, strike "before a certain date on the" and substitute "concerning the submission and transmission of"; in the same line, after "indicators" insert "in a certain annual report"; in line 9, strike "requiring a planning commission to hold a hearing on the annual report;"; in lines 10 and 11, strike "consider certain factors when developing the measures and indicators" and substitute "perform certain duties regarding the collection of certain measures and indicators by certain persons; requiring the Department, in consultation with the National Center for Smart Growth, to prepare a certain annual report; making the issuance of certain permits or approvals subject to certain land use laws; requiring the Governor and each local jurisdiction to establish on or before a certain date procedures for the review of certain State and local public works, transportation, or major capital improvement projects;

requiring review procedures for certain State and local public works, transportation, or major capital improvement projects to prioritize funding for the projects in a certain manner"; in line 13, strike the second "the" and substitute "a certain"; in line 14, after "assistance" insert "to local jurisdictions under certain circumstances; requiring the National Center, in consultation with the Department, to display certain information on a certain website; defining certain terms"; in line 14, after "reports" insert "and smart growth goals, measures, and indicators"; and after line 24, insert:

"BY repealing and reenacting, with amendments,
Article – Environment
Section 4–103(a), 4–204(a), and 9–324(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 5–7A–02(c)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 2
On page 2, after line 14, insert:

"WHEREAS, The National Center for Smart Growth Research and Education at the University of Maryland College Park was established to provide leadership and State assistance through research, education, and service on issues pertinent to Smart Growth and is a repository for State, local, and comparative national data on land use issues and regularly collects data from the State, local governments, other states, the federal government, and the private sector; and".

AMENDMENT NO. 3
On page 3 in line 5 and on page 4 in line 1, in each instance, strike "**MEASURES**" and substitute "**SMART GROWTH GOALS, MEASURES,**".

On page 4, in line 15, strike "**MARCH**" and substitute "**JULY**".

On page 5, strike in their entirety lines 9 through 18, inclusive; in lines 19 and 22, strike "**(E)**" and "**(F)**", respectively, and substitute "**(D)**" and "**(E)**", respectively; and after line 25, insert:

"**(3) THE DEPARTMENT OF PLANNING MAY SUBMIT COMMENTS ON THE REPORT.**".

AMENDMENT NO. 4

On page 5, in line 27, after "**(A)**" insert "**(1)**"; in the same line, strike the comma and substitute "**THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2) "INCREMENTAL PROGRESS" MEANS AN INCREASE IN THE PERCENTAGE OF RESIDENTIAL GROWTH LOCATED WITHIN A PRIORITY FUNDING AREA AND A DECREASE IN THE PERCENTAGE OF NEW DEVELOPED ACRES LOCATED IN PRIORITY PRESERVATION AREAS AND GREEN INFRASTRUCTURE AREAS.

(3) "NATIONAL CENTER" MEANS THE NATIONAL CENTER FOR SMART GROWTH RESEARCH AND EDUCATION AT THE UNIVERSITY OF MARYLAND COLLEGE PARK.

(4)";

in the same line, strike "**PRIORITY**" and substitute "**PRIORITY**"; and after line 28, insert:

"**(B) (1) THE GENERAL ASSEMBLY FINDS THAT:**

(I) IN ADDITION TO REPORTING ON PAST LAND USE INDICATORS AND MEASURES, LOCAL JURISDICTIONS SHOULD STRIVE TO ACHIEVE FUTURE LAND USE GOALS THAT IMPLEMENT AND ACHIEVE THE VISIONS IN § 1.01 OF THIS ARTICLE;

(II) A STATEWIDE LAND USE GOAL THAT EMBODIES THE VISIONS IN § 1.01 OF THIS ARTICLE AND SMART AND SUSTAINABLE GROWTH SHOULD BE ESTABLISHED;

(III) THE VISIONS IN § 1.01 OF THIS ARTICLE WILL NOT BE REALIZED UNLESS LOCAL JURISDICTIONS SET THEIR OWN GOAL TO MAKE

INCREMENTAL PROGRESS TOWARDS ACHIEVING A STATEWIDE LAND USE GOAL; AND

(IV) RESOURCES ARE NECESSARY TO ACHIEVE A STATEWIDE GOAL, INCLUDING FUNDING NECESSARY FOR INFRASTRUCTURE INSIDE THE PRIORITY FUNDING AREAS AND LAND PRESERVATION OUTSIDE THE PRIORITY FUNDING AREAS.".

AMENDMENT NO. 5

On page 5, before line 29, insert:

"**(2) THE STATEWIDE LAND USE GOAL IS THAT:**

(I) 80% OF RESIDENTIAL GROWTH BE LOCATED WITHIN PRIORITY FUNDING AREAS; AND

(II) NOT MORE THAN 5% OF NEW DEVELOPED ACRES ARE LOCATED IN PRIORITY PRESERVATION AREAS AND GREEN INFRASTRUCTURE AREAS.

(3) EXCEPT AS PROVIDED UNDER PARAGRAPH (7) OF THIS SUBSECTION, LOCAL JURISDICTIONS THAT DO NOT MEET THE STATEWIDE LAND USE GOAL IN PARAGRAPH (2) OF THIS SUBSECTION SHALL DEVELOP A PERCENTAGE GOAL FOR INCREMENTAL PROGRESS TOWARDS ACHIEVING THE STATEWIDE LAND USE GOAL BY 2012 AND EVERY 3 YEARS THEREAFTER.

(4) EXCEPT AS PROVIDED UNDER PARAGRAPHS (7) AND (8) OF THIS SUBSECTION, A LOCAL JURISDICTION THAT MEETS THE STATEWIDE LAND USE GOAL OR MAKES INCREMENTAL PROGRESS TOWARD THE STATEWIDE LAND USE GOAL AT THE RATE OF AT LEAST 5% EVERY 3 YEARS SHALL BE GIVEN PRIORITY IN THE DISBURSEMENT OF THE STATE FUNDS THAT ARE PROVIDED FOR GROWTH–RELATED PROJECTS, AS DEFINED IN § 5–7B–01(C) OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(5) EXCEPT AS PROVIDED UNDER PARAGRAPHS (7) AND (8) OF THIS SUBSECTION AND SUBJECT TO PARAGRAPH (6) OF THIS SUBSECTION, IF A

LOCAL JURISDICTION FAILS TO DEMONSTRATE INCREMENTAL PROGRESS TOWARD THE STATEWIDE LAND USE GOAL, THE DEPARTMENT OF THE ENVIRONMENT SHALL DENY OR PLACE CONDITIONS ON THE FOLLOWING PERMITS OR APPROVALS FOR PROPOSED PROJECTS OUTSIDE PRIORITY FUNDING AREAS:

(I) A GRADING PERMIT FOR DEVELOPMENT DISTURBING 40,000 SQUARE FEET OR MORE, AUTHORIZED UNDER § 4–103 OF THE ENVIRONMENT ARTICLE;

(II) APPROVAL OF A STORMWATER MANAGEMENT PLAN FOR DEVELOPMENT DISTURBING 40,000 SQUARE FEET OR MORE, AUTHORIZED UNDER § 4–204 OF THE ENVIRONMENT ARTICLE;

(III) A GENERAL DISCHARGE PERMIT FOR STORMWATER RELATED TO CONSTRUCTION ACTIVITIES DISTURBING ONE OR MORE ACRES OF LAND, AUTHORIZED UNDER § 9–324 OF THE ENVIRONMENT ARTICLE;

(IV) AN INDIVIDUAL DISCHARGE PERMIT FOR STORMWATER RELATED TO CONSTRUCTION ACTIVITIES DISTURBING ONE OR MORE ACRES OF LAND, AUTHORIZED UNDER § 9–324 OF THE ENVIRONMENT ARTICLE; AND

(V) APPROVAL OF AN AMENDMENT TO A COUNTY WATER AND SEWERAGE PLAN THAT WOULD FACILITATE THE EXPANSION OF PUBLIC OR COMMUNITY WATER OR SEWER SERVICE.

(6) A CONDITION PLACED ON A PERMIT OR APPROVAL LISTED IN PARAGRAPH (5) OF THIS SUBSECTION SHALL BE DESIGNED IN CONSULTATION WITH THE DEPARTMENT OF PLANNING TO ENSURE THAT THE ACTIVITY FOR WHICH THE PERMIT OR APPROVAL IS SOUGHT IS NOT INCOMPATIBLE WITH SATISFYING THE LOCAL GOAL DEVELOPED UNDER PARAGRAPH (3) OF THIS SUBSECTION.

(7) PARAGRAPHS (3), (4), AND (5) OF THIS SUBSECTION DO NOT APPLY:

(I) TO A LOCAL JURISDICTION THAT ISSUES FEWER THAN 50 BUILDING PERMITS FOR NEW RESIDENTIAL UNITS PER YEAR; OR

(II) TO A MUNICIPAL CORPORATION IF ALL LAND WITHIN THE BOUNDARIES OF THE MUNICIPAL CORPORATION IS WITHIN A PRIORITY FUNDING AREA.

(8) PARAGRAPHS (4) AND (5) OF THIS SUBSECTION DO NOT APPLY:

(I) BEFORE OCTOBER 1, 2012; OR

(II) IN THE EVENT OF AN URGENT THREAT TO PUBLIC HEALTH OR SAFETY.

(9) PARAGRAPHS (4) AND (5) OF THIS SUBSECTION MAY NOT BE CONSTRUED TO AFFECT A DEVELOPMENT PROJECT, INCLUDING THE PLANS FOR THE PROJECT AND ANY SUBSEQUENT PERMITS RELATED TO THOSE PLANS, IF THE PROJECT IS GRANTED FINAL PLAN APPROVAL ON OR AFTER THE DATE ON WHICH THE MOST RECENT ANNUAL REPORT IS FILED BY A LOCAL JURISDICTION DEMONSTRATING INCREMENTAL PROGRESS TOWARD THE STATEWIDE LAND USE GOAL UNDER PARAGRAPH (2) OF THIS SUBSECTION.".

On page 7, after line 11, insert:

"Article – Environment

4–103.

(a) (1) A county or municipality may issue grading and building permits as provided by law.

(2) A grading or building permit may not be issued until the developer:

(i) Submits a grading and sediment control plan approved by:

1. The appropriate soil conservation district; or

2. A municipal corporation in Montgomery County that is designated under paragraph (4) of this subsection; and

(ii) Certifies that all land clearing, construction, and development will be done under the plan.

(3) Criteria for sediment control and the procedure for referring an applicant to the appropriate soil conservation district shall be acceptable to the soil conservation district and the Department of the Environment.

(4) A soil conservation district may delegate approval authority of a grading and sediment control plan to a municipal corporation in Montgomery County that:

(i) Has its own sediment control review provisions that are at least as stringent as the provisions of the grading and sediment control plan of the soil conservation district;

(ii) Issues sediment control permits; and

(iii) Meets the necessary performance standards established by written agreement between the district and the municipal corporation.

(5) A GRADING OR BUILDING PERMIT FOR A DISTURBANCE OF 40,000 SQUARE FEET OR MORE MAY NOT BE ISSUED IF PROHIBITED UNDER ARTICLE 66B, § 3.10 OF THE CODE.

4–204.

(a) **(1)** **[**After July 1, 1984, unless**]** **UNLESS** exempted, a person may not develop any land for residential, commercial, industrial, or institutional use without submitting a stormwater management plan to the county or municipality that has jurisdiction, and obtaining approval of the plan from the county or municipality.

(2) A grading or building permit may not be issued for a property unless**:**

(I) **[**a**] A** stormwater management plan has been approved that is consistent with this subtitle**; AND**

(II) ISSUANCE IS NOT PROHIBITED UNDER ARTICLE 66B, § 3.10 OF THE CODE.

9–324.

(a) **(1)** **[**Subject**] EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, AND SUBJECT** to the provisions of this section, the Department may issue a discharge permit if the Department finds that the discharge meets:

[(1)**] (I)** All applicable State and federal water quality standards and effluent limitations; and

[(2)**] (II)** All other requirements of this subtitle.

(2) THE DEPARTMENT MAY NOT ISSUE A PERMIT UNDER THIS SECTION IF PROHIBITED UNDER ARTICLE 66B, § 3.10 OF THE CODE.

Article – State Finance and Procurement

5–7A–02.

(c) By December 1, **[**1992**] 2009,** the Governor shall establish procedures for review of State projects under subsection (a) of this section, and each local jurisdiction shall establish procedures for the review of local projects under subsection (b) of this section, to:

(1) ensure that the projects are consistent with their respective policy and plans; **[**and**]**

(2) **PRIORITIZE FUNDING FOR PROJECTS BASED ON THE DEGREE OF INCREMENTAL PROGRESS MADE TOWARD SATISFACTION OF THE STATEWIDE LAND USE GOAL SET FORTH IN ARTICLE 66B, § 3.10 OF THE CODE; AND**

(3) evaluate extraordinary circumstances under subsections (a)(2) and (b)(2) of this section, respectively.".

AMENDMENT NO. 6

On page 5, in line 29, strike "**(B)**" and substitute "**(C)**"; in the same line, strike "**PARAGRAPH (2)**" and substitute "**PARAGRAPHS (2), (3), AND (4)**"; in line 31, strike "**INFORMATION ON**" and substitute "**THE FOLLOWING**"; in the same line, strike the comma and substitute a colon; and strike in their entirety lines 32 and 33, inclusive, and substitute:

"**(I) THE AMOUNT AND SHARE OF GROWTH THAT IS BEING LOCATED INSIDE AND OUTSIDE THE PRIORITY FUNDING AREAS;**

(II) THE NET DENSITY OF GROWTH THAT IS BEING LOCATED INSIDE AND OUTSIDE THE PRIORITY FUNDING AREAS;

(III) THE CREATION OF NEW LOTS AND THE ISSUANCE OF RESIDENTIAL AND COMMERCIAL BUILDING PERMITS INSIDE AND OUTSIDE THE PRIORITY FUNDING AREAS;

(IV) THE DEVELOPMENT CAPACITY ANALYSIS, UPDATED ONCE EVERY 3 YEARS OR WHEN THERE IS A SIGNIFICANT CHANGE IN ZONING OR LAND USE PATTERNS;

(V) THE NUMBER OF ACRES PRESERVED USING LOCAL AGRICULTURAL LAND PRESERVATION FUNDING, IF APPLICABLE;

(VI) THE DECREASE IN VEHICLE MILES TRAVELED PER CAPITA;

(VII) THE INCREASE IN THE PERCENTAGE OF NEW HOUSING UNITS AFFORDABLE TO HOUSEHOLDS EARNING 80% OR LESS OF AREA MEDIAN INCOME AND HOUSEHOLDS EARNING 50% OR LESS OF AREA MEDIAN INCOME;

(VIII) THE PRACTICES FOR ENSURING THAT WASTEWATER AND STORMWATER DISCHARGES FROM NEW DEVELOPMENT DO NOT EXCEED THE ASSIMILATIVE CAPACITY OF LOCAL WATER BODIES; AND

(IX) THE FOLLOWING INFORMATION ON ACHIEVING THE STATEWIDE GOAL STATED UNDER SUBSECTION (B)(2) OF THIS SECTION:

1. THE LOCAL GOAL;

2. THE TIME FRAME FOR ACHIEVING THE LOCAL GOAL;

3. THE RESOURCES NECESSARY FOR INFRASTRUCTURE INSIDE THE PRIORITY FUNDING AREAS AND LAND PRESERVATION OUTSIDE THE PRIORITY FUNDING AREAS; AND

4. ANY INCREMENTAL PROGRESS MADE TOWARDS ACHIEVING THE LOCAL GOAL.

(2) IF ALL LAND WITHIN THE BOUNDARIES OF A MUNICIPAL CORPORATION IS A PRIORITY FUNDING AREA, THE MUNICIPAL CORPORATION IS NOT REQUIRED TO:

(I) ESTABLISH A LOCAL GOAL FOR ACHIEVING THE STATEWIDE GOAL STATED UNDER SUBSECTION (B)(2) OF THIS SECTION; OR

(II) INCLUDE INFORMATION IN THE ANNUAL REPORT ON A LOCAL GOAL AS REQUIRED UNDER PARAGRAPH (1)(IX) OF THIS SUBSECTION.

(3) A MUNICIPAL CORPORATION IS NOT REQUIRED TO INCLUDE INFORMATION IN THE ANNUAL REPORT AS REQUIRED UNDER PARAGRAPH (1)(VI) OF THIS SUBSECTION.".

On page 6, in lines 1 and 4, strike "**(2)**" and "**(3)**", respectively, and substitute "**(4)(I)**" and "**(II)**", respectively; in lines 2 and 6, in each instance, after "**PERMITS**" insert "**FOR NEW RESIDENTIAL UNITS**"; and in line 3, after "**INDICATORS**" insert "**LISTED UNDER PARAGRAPH (1) OF THIS SUBSECTION**".

AMENDMENT NO. 7

On page 6, in line 7, strike "**(C)**" and substitute "**(D)**"; in the same line, strike "**THE**" and substitute "**IN ACCORDANCE WITH TITLE 2, SUBTITLE 5 AND TITLE 10, SUBTITLE 1 OF THE STATE GOVERNMENT ARTICLE, THE**"; in the same line, strike "**SHALL**" and substitute "**MAY**"; strike beginning with "**IDENTIFY**" in line 8 down through "**INCLUDE**" in line 9 and substitute "**DETAIL THE MANNER IN WHICH THE MEASURES AND INDICATORS REQUIRED UNDER SUBSECTION (C) OF THIS SECTION ARE SUBMITTED AND TRANSMITTED**"; and strike in their entirety lines 11 through 22, inclusive and substitute:

"**(2) THE DEPARTMENT OF PLANNING SHALL:**

(I) DEVELOP MEASURES AND INDICATORS THAT WILL BE COLLECTED BY THE DEPARTMENT; AND

(II) CONSIDER WHICH MEASURES OR INDICATORS CAN BE COLLECTED BY THE NATIONAL CENTER.".

On pages 6 and 7, strike in their entirety the lines beginning with line 23 on page 6 through line 11 on page 7, inclusive, and substitute:

"**(E) ON OR BEFORE JANUARY 1 OF EACH YEAR, THE DEPARTMENT OF PLANNING, IN CONSULTATION WITH THE NATIONAL CENTER, SHALL SUBMIT A REPORT TO THE GOVERNOR AND GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, ON THE MEASURES AND INDICATORS COLLECTED UNDER THIS SECTION.**".

AMENDMENT NO. 8

On page 7, in line 13, after "governments" insert ", the National Center for Smart Growth Research and Education at the University of Maryland College Park,"; in line 17, strike "the identification of" and substitute "additional"; in the same line, after "that" insert "the State, the National Center, or"; in line 18, after "collect" insert "in the following categories of information:

(1) Housing choices, including affordability;

(2) The impact of growth on the environment, including land, air, and water;

(3) The fiscal cost of growth;

(4) The job and housing balance;

(5) The impact of transportation on growth;

(6) The impact of growth on business, including job creation, fiscal impact, agribusiness, tourism, and forestry; and

(7) The impact of growth on cultural and historic resources";

strike beginning with the colon in line 19 down through "(2)" in line 22; in line 22, after "BayStat" insert ", the National Center,"; in line 27, after "The" insert "first"; in the same line, after "report" insert "that includes measures and indicators, as"; in the same line, after "Act" insert a comma; in line 28, strike "March" and substitute "July"; and after line 28, insert:

"(e) The National Center, in consultation with the Department of Planning, shall display the information collected in accordance with this Act on the National Center's Maryland Smart Growth Measures and Indicators website.".

The preceding 8 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Weldon moved to make the Bill a Special Order for Saturday.

The motion was adopted.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 312 – The Speaker (By Request – Administration) and Delegates Ali, Barnes, Beidle, Bronrott, Carr, V. Clagett, Frush, Glenn, Healey, Holmes, Howard, Hucker, Lafferty, Lee, Malone, Montgomery, Niemann, Pena–Melnyk, Stein, Stukes, and Valderrama

AN ACT concerning

Aquaculture – Shellfish – Leasing

HB0312/280210/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 312
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Valderrama" and substitute "Valderrama, Cane, O'Donnell, Sossi, and Weir"; in line 3, after "requirements," insert "authorizations,"; in line 8, after "area" insert "in the Chesapeake Bay"; strike line 23 in its entirety; and in line 26, after "rent" insert "and an aquaculture development surcharge; requiring the Department to transfer funds derived from the surcharge to the State Department of Agriculture to be used for certain purposes".

On page 2, in line 6, after "limitations;" insert "prohibiting the harvest of shellfish for commercial or consumption purposes in areas subject to a demonstration lease; providing for a setback from the Assateague Island National Seashore for certain submerged land and demonstration leases;"; in line 13, after "bars;" insert "repealing certain provisions relating to the classification of submerged bottom for the purpose of shellfish harvest; repealing certain provisions governing the authority of the Department to open and close submerged bottom for shellfish harvest;"; in lines 13 and 14, strike "providing for certain provisions relating to the sale of" and substitute "altering certain restrictions and requirements governing"; strike beginning with "repealing" in line 14 down through "counties;" in line 15; and in line 19, after "terms;" insert "making certain technical corrections; requiring the Department to monitor the abundance and health of submerged aquatic vegetation in the Atlantic Coastal Bays with a certain intent;"; after line 31, insert:

"BY repealing
Article – Natural Resources
Section 4–1102 and 4–11A–04 through 4–11A–11
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)";

in line 34, strike "4–1102,"; and strike in their entirety lines 37 through 41, inclusive.

AMENDMENT NO. 2

On pages 3 through 5, strike in their entirety the lines beginning with line 25 on page 3 through line 3 on page 5, inclusive.

On page 5, in lines 6 and 7, strike "any part of the natural oyster bars of" and substitute "**OYSTER RESOURCES IN**"; and strike beginning with "The" in line 13 down through "(d)" in line 35.

On pages 5 and 6, strike beginning with "However," in line 38 on page 5 down through "areas." in line 1 on page 6.

On page 6, in lines 15 and 23, strike "(e)" and "(f)", respectively, and substitute "**(C)**" and "**(D)**", respectively; in line 23, strike "(d) and (e)" and substitute "**(B) AND (C)**"; strike beginning with "Establish" in line 26 down through "State;" in line 27 and substitute "**SELL OR REMOVE SEED OYSTERS FROM OYSTER SEED AREAS IF THE SALE OR REMOVAL IS MADE UNDER DISEASE PROTOCOLS; AND**"; and strike beginning with "Designate" in line 28 down through "(iii)" in line 32.

AMENDMENT NO. 3

On page 7, strike beginning with "**OR**" in line 26 down through the first "**THE**" in line 27 and substitute "**MEANS AN AREA OF THE**"; in lines 27, 31, and 32, in each instance, strike "**AND**" and substitute "**OR**"; in line 31, after "**OF**" insert "**ANY**"; and in line 32, after "**COLUMN**" insert "**LOCATED IN AN AQUACULTURE ENTERPRISE ZONE**".

On page 9, in line 1, strike "**AEZ**" and substitute "**AQUACULTURE ENTERPRISE ZONE**".

AMENDMENT NO. 4

On page 16, in line 34, after "**AREA**" insert "**IN THE CHESAPEAKE BAY**".

AMENDMENT NO. 5

On page 17 in line 13, on page 19 in lines 4 and 28, and on page 25 in line 2, in each instance, after "**WITHIN**" insert "**A MINIMUM OF**".

AMENDMENT NO. 6

On page 18 in line 20, on page 19 in lines 17 and 18, and on page 20 in line 11, in each instance, strike "**MESH OR NYLON BAGS**" and substitute "**TEMPORARY PROTECTIVE ENCLOSURES APPROVED BY THE DEPARTMENT**".

AMENDMENT NO. 7

On page 20, in line 7, strike "**OR**"; in line 8, after "**ZONE**" insert "**; OR**

(7) IN A SETBACK OR BUFFER FROM THE ASSATEAGUE ISLAND NATIONAL SEASHORE ESTABLISHED BY THE DEPARTMENT";

strike beginning with the colon in line 21 down through "**CONSIDER**" in line 22 and substitute "**CONSIDER**"; strike beginning with the semicolon in line 24 down through "**SEASHORE**" in line 26; and in line 29, after "**NONREFUNDABLE**" insert "**APPLICATION**".

AMENDMENT NO. 8

On page 21, in line 3, after "**LEASE**" insert "**THAT DOES NOT APPLY IN AN AQUACULTURE ENTERPRISE ZONE**"; in line 23, strike "**AND**" and substitute "**OR**"; in line 27, strike "**A**" and substitute "**EXCEPT FOR A DEMONSTRATION LEASE UNDER § 4–11A–10 OF THIS SUBTITLE, A**"; and in line 30, after "**RENT**" insert "**AND AN AQUACULTURE DEVELOPMENT SURCHARGE**".

AMENDMENT NO. 9

On page 22, in line 1, strike "**MAY INCLUDE**" and substitute "**, AS IT CONSIDERS NECESSARY TO PROTECT THE PUBLIC HEALTH, SAFETY, AND WELFARE, MAY:**

(I) DENY A LEASE APPLICATION FOR REASONABLE CAUSE; OR

(II) INCLUDE";

in lines 1 and 2, strike "**AN AQUACULTURE**" and substitute "**A**"; strike beginning with "**THAT**" in line 2 down through "**WELFARE**" in line 3; in line 16, strike "**ADVERTISE**" and substitute "**:**

1. ADVERTISE";

in line 17, after "**APPLICATION**" insert "**ON THE WEBSITE OF THE DEPARTMENT AND**"; in line 19, after "**LOCATED**" insert "**;**

2. NOTIFY THE OWNERS OF PROPERTY DIRECTLY IN FRONT OF THE PROPOSED ACTIVITY; AND

3. NOTIFY THE CHAIR OF THE OYSTER COMMITTEE IN THE COUNTY IN WHICH THE PROPOSED ACTIVITY IS LOCATED";

and in line 29, after "**(III)**" insert "**THE DEPARTMENT SHALL HOLD A PUBLIC INFORMATIONAL MEETING ON THE ISSUANCE OF A LEASE ON THE REQUEST OF ANY PERSON.**

(IV)".

AMENDMENT NO. 10

On page 23, in line 7, strike "**LESSEE**" and substitute "**LEASEHOLDER**"; in line 15, after "**RENT**" insert "**AND THE AQUACULTURE DEVELOPMENT SURCHARGE**"; in the same line, strike "**IN AN AMOUNT AND**"; in line 27, strike "**ASSIGN**" and substitute "**SUBLEASE**"; and in lines 27 and 28, in each instance, strike "**SUBMERGED LAND**".

AMENDMENT NO. 11

On page 24, in lines 1 and 2, strike "**AN AQUACULTURE**" and substitute "**A**"; in line 4, after "**(E)**" insert "**(1)**"; and after line 7, insert:

"**(2) BEFORE THE TERMINATION OR EXPIRATION OF A LEASE ISSUED UNDER THIS SUBTITLE, THE LEASEHOLDER SHALL HAVE THE RIGHT OF FIRST REFUSAL WITH RESPECT TO FUTURE LEASES OF THE LEASED AREA.**".

AMENDMENT NO. 12

On page 25, in line 11, strike "**OR**"; in line 12, after "**ZONE**" insert "**; OR**

(7) IN A SETBACK OR BUFFER FROM THE ASSATEAGUE ISLAND NATIONAL SEASHORE ESTABLISHED BY THE DEPARTMENT";

in line 19, after "**(1)**" insert "**(I)**"; in the same line, strike "**LESSEE OF A DEMONSTRATION LEASE**" and substitute "**DEMONSTRATION LEASEHOLDER**"; in line 22, strike "**(2)**" and substitute "**(II)**"; after line 23, insert:

"**(2) A PERSON MAY NOT HARVEST SHELLFISH FOR COMMERCIAL OR CONSUMPTION PURPOSES FROM AN AREA THAT IS SUBJECT TO A DEMONSTRATION LEASE.**";

in line 27, strike "**ALL**" and substitute "**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, ALL**"; in line 28, strike "**THE PROVISIONS OF**"; and after line 30, insert:

"**(2) THE DEPARTMENT SHALL TRANSFER ANY FUNDS DERIVED FROM THE AQUACULTURE DEVELOPMENT SURCHARGE TO THE STATE DEPARTMENT OF AGRICULTURE TO BE USED FOR DEVELOPMENT OF, AND TRAINING AND GRANTS FOR, SHELLFISH AQUACULTURE.**".

AMENDMENT NO. 13

On page 26, in lines 1 and 12, in each instance, strike "**THE PROVISIONS OF**"; in line 8, strike "**OF**" and substitute "**SUBJECT TO**"; in lines 15 and 32, in each instance, strike "lessee" and substitute "**LEASEHOLDER**"; in line 32, strike "A" and substitute "**(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A**"; and in the same line, strike "oysters" and substitute "**SHELLFISH**".

On page 27, after line 2, insert:

"**(2) A PERSON MAY NOT USE A HYDRAULIC ESCALATOR DREDGE TO HARVEST SHELLFISH IN THE ATLANTIC COASTAL BAYS.**";

in lines 3 and 6, in each instance, strike "lessee" and substitute "**LEASEHOLDER**"; and in line 5, strike "**OR SUBMERGED LAND**" and substitute "**, SUBMERGED LAND, OR DEMONSTRATION**".

AMENDMENT NO. 14

On page 28, in lines 6, 28, and 32, in each instance, strike "lessee" and substitute "**LEASEHOLDER**".

On page 29, in line 12, after "leases" insert "that do not apply in an Aquaculture Enterprise Zone".

AMENDMENT NO. 15

On page 30, in line 2, after "Assembly" insert "that:

(1) This Act be the first step in a continuing effort";

in line 3, after "purposes" insert "; and

(2) Through legislative, regulatory, and administrative action, the State continue to develop, promote, and implement any additional measures necessary to facilitate the growth of the aquaculture industry in Maryland";

in line 4, after "That" insert "the Department shall continue to monitor the abundance and health of submerged aquatic vegetation in the Atlantic Coastal Bays with the intent of reevaluating the appropriate baseline level of submerged aquatic vegetation for establishing the SAV Protection Zone in the Atlantic Coastal Bays.

SECTION 7. AND BE IT FURTHER ENACTED, That";

and in line 10, strike "7." and substitute "8.".

The preceding 15 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 831 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Steel Jaw Leghold or Body–Gripping Traps – Prohibition

MC 922–09

Favorable report adopted.

Delegate Impallaria moved to make the Bill a Special Order for Saturday.

The motion was adopted.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 1045 – Cecil County Delegation

AN ACT concerning

Cecil County – Regulation of Domestic Animals

HB1045/970817/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 1045
(First Reading File Bill)

On page 1, in line 5, strike the second "of" and substitute ", or is vicious and has bitten any person, in".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

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 Master Plans

MC/PG 106–09

HB1138/860618/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1138
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "Local" and substitute "Area"; in line 6, strike "initiate and adopt a" and substitute "review the"; strike beginning with "and" in line 8 down through "County" in line 10; in line 10, after the semicolon, insert "requiring the Prince George's District Council, at certain intervals, to consider whether amendments should be made to the area master plan for the development of the portion of the Maryland–Washington Regional District that is located in Prince George's County; requiring a certain decision of the District Council to be in writing and include certain information;"; and in line 11, strike "local" and substitute "area".

AMENDMENT NO. 2

On page 2, strike beginning with "**INITIATE**" in line 4 down through "**FOLLOWING**" in line 5 and substitute "**REVIEW, 2 YEARS AFTER**"; in the same line, after "**CENSUS**" insert "**OF THE UNITED STATES**"; and in the same line, strike "**A**" and substitute "**THE**".

On page 4, after line 10 insert:

"**(II) 1. NOTWITHSTANDING THE PROVISIONS OF ITEM (I) OF THIS PARAGRAPH, THAT, EVERY 6 YEARS, THE PRINCE GEORGE'S COUNTY DISTRICT COUNCIL SHALL CONSIDER WHETHER TO AMEND THE AREA MASTER PLAN IN THAT PORTION OF THE MARYLAND–WASHINGTON REGIONAL DISTRICT LOCATED IN PRINCE GEORGE'S COUNTY; AND**

2. THAT THE DECISION OF THE PRINCE GEORGE'S COUNTY DISTRICT COUNCIL REGARDING WHETHER TO AMEND THE AREA MASTER PLAN SHALL BE IN WRITING AND SHALL INCLUDE THE REASONS FOR THE DECISION;";

in lines 11, 15, 18, and 21, strike "(ii)", "(iii)", "(iv)", and "(v)", respectively, and substitute "**(III)**", "**(IV)**", "**(V)**", and "**(VI)**", respectively; and strike in their entirety lines 31 through 36, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

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

HB1139/480618/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1139
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 9, after "provide" insert "recreational and educational".

AMENDMENT NO. 2

On page 3, in line 31, after "for" insert "**RECREATIONAL AND EDUCATIONAL**".

On page 4, in line 1, after "providing" insert "**RECREATIONAL AND EDUCATIONAL**".

On page 6, in line 26, strike "**5**" and substitute "**3**"; in the same line, after "years" insert "**AND 6 MONTHS**"; in line 27, strike "June 30" and substitute "**DECEMBER 31**"; in the same line, strike "**2012**" and substitute "**2010**"; in line 30, strike "3 years" and substitute "1 year and 6 months"; in the same line, strike "June 30" and substitute "December 31"; and in line 31, strike "2012" and substitute "2010".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters 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.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 1373 – Delegates Conway, Cane, Elmore, and Mathias

AN ACT concerning

Natural Resources – Somers Cove Marina Commission

HB1373/790012/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 1373
(First Reading File Bill)

On page 1, at the top of the page, insert "EMERGENCY BILL"; and in line 13, after "remanufacture;" insert "making this Act an emergency measure;".

On page 10, strike in their entirety lines 27 and 28, inclusive, and substitute:

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

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 1412 – Chair, Environmental Matters Committee (By Request – Departmental – Transportation)

AN ACT concerning

Vehicle Laws – Motor Vehicle Administration Point System

HB1412/420210/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 1412
(First Reading File Bill)

On page 2, in line 9, strike "**16–213(C)(2)**" and substitute "**16–212(C)(2)**".

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 ENVIRONMENTAL MATTERS REPORT #11

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 1569 – Delegate McIntosh

AN ACT concerning

Standing – Miscellaneous Environmental Protection Proceedings and Judicial Review

HB1569/410512/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1569
(First Reading File Bill)

AMENDMENT NO. 1

In the sponsor line, strike "Delegate McIntosh" and substitute "Delegates McIntosh, Barkley, Beidle, Carr, V. Clagett, Dumais, Frush, Glenn, Haynes, Healey, Howard, Hucker, Ivey, Kaiser, Lafferty, Lee, McHale, Morhaim, Neimann, Olszewski, Riley, Robinson, Stein, and Waldstreicher".

AMENDMENT NO. 2

On page 1, in line 6, after "Department" insert "or the Board of Public Works"; and in line 12, strike "altering" and substitute "providing for".

On page 2, in line 1, after "14–105(b)," insert "14–508(b),"; in the same line, strike "15–813(g),"; in line 2, strike "and"; in the same line, after "16–307(d)" insert ", and 16–309"; in line 7, after "1–606" insert "and 16–308"; and after line 19, insert:

"SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 16–308 of Article – Environment of the Annotated Code of Maryland be repealed.".

On page 2, in line 20, strike "1" and substitute "2".

AMENDMENT NO. 3

On page 3, strike beginning with "Notwithstanding" in line 10 down through "section" in line 14 and substitute "**FOR PERMITS LISTED UNDER SUBSECTION (A) OF THIS SECTION, A CONTESTED CASE HEARING MAY NOT OCCUR**"; in line 15, after "**ISSUANCE,**" insert "**DENIAL,**"; in line 20, strike "**RELATING TO FEDERAL ENVIRONMENTAL PERMITS**"; in line 21, after "**(2)**" insert "**(I) IS THE APPLICANT; OR**

(II)";

strike beginning with "**FOR**" in line 24 down through "**(E)**" in line 26 and substitute "**(1)**"; in line 29, strike "**(1)**" and substitute "**(I)**"; in line 31, strike "**(2)**" and substitute "**(II)**"; after line 32, insert:

"**(2) THE COURT SHALL REMAND THE MATTER TO THE DEPARTMENT FOR CONSIDERATION OF OBJECTIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION.**".

On page 4, in lines 1 and 18, strike "**(F)**" and "**(H)**", respectively, and substitute "**(E)**" and "**(F)**", respectively.

On page 4, strike in their entirety lines 6 through 17, inclusive.

AMENDMENT NO. 4

On page 4, strike beginning with "**ALLEGE**" in line 33 down through "fact" in line 7 on page 5 and substitute "**FILE THE PETITION IN ACCORDANCE WITH THE MARYLAND RULES**".

On page 5, in line 10, strike "15" and substitute "**30**"; strike beginning with "The" in line 15 down through "determination**]**" in line 18 and substitute "**AN ACTION FOR JUDICIAL REVIEW BROUGT IN ACCODANCE WITH § 1–601 OF THIS SUBTITLE OR § 5–204 OR § 16–204 OF THIS ARTICLE, SHALL BE CONDUCTED IN ACCORDANCE WITH THE MARYLAND RULES**".

AMENDMENT NO. 5

On page 7, in line 7, strike "**§ 16–204**" and substitute "**§ 16–202**"; in line 4, after "**(A)**" insert:

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

(2) "BOARD" MEANS THE BOARD OF PUBLIC WORKS.

(3) "LICENSE" MEANS A LICENSE UNDER § 16–202 OF THIS ARTICLE.

(B)";

in line 8, strike "**(B)**" and substitute "**(C)**"; in the same line, strike "**DEPARTMENT PERMIT DECISION**" and substitute "**DETERMINATION**"; in line 11, strike "**AND**

SHALL CONSIST" and substitute "**OR BOARD, CONSISTING**"; in lines 12, 14, 16, and 22, in each instance, after "**PERMIT**" insert "**OR LICENSE**"; in lines 13, 14, 15, 18, 20, 23, and 29, in each instance, after "**DEPARTMENT**" insert "**OR BOARD**"; and in line 21, after "**DOCUMENTS**" insert "**, EXCEPT DOCUMENTS FOR WHICH DISCLOSURE IS PRECLUDED BY LAW OR THAT ARE SUBJECT TO PRIVILEGE,**".

On page 8, in line 1, strike "**(C)**" and substitute "**(D)**"; in lines 1, 4, and 5, in each instance, after "**PERMIT**" insert "**OR LICENSE**"; in line 2, strike "**BY THE DEPARTMENT**"; in the same line, before "**SHALL**" insert "**OR BOARD**"; in line 3, after "**COPYING**" insert "**NO LATER THAN THE DATE THE PERMIT, DRAFT LICENSE, OR TENTATIVE DETERMINATION IS ISSUED**"; in line 6, strike "**AND**"; strike beginning with "**BY**" in line 7 down through "**DEPARTMENT**" in line 8; after line 8, insert:

"**4. A PRIVILEGE LOG THAT IDENTIFIES ALL DOCUMENTS NOT PRODUCED FOR INSPECTION IN ACCORDANCE WITH SUBSECTION (C)(6) OF THIS SECTION AND STATES THE REASONS FOR WITHHOLDING EACH DOCUMENT; AND**";

in line 9, strike "**ANY EXISTING**" and substitute "**THE PUBLIC**"; in line 11, after "**DEPARTMENT**" insert "**OR BOARD**"; in line 13, strike "**TO THE DEPARTMENT**"; and after line 15, insert:

"**(3) A PUBLIC COMMENT PERIOD MAY NOT BE EXTENDED MORE THAN ONCE UNDER PARAGRAPH (1)(II) OF THIS SUBSECTION.**".

AMENDMENT NO. 6

On page 10, in line 33, strike "**DECISION**" and substitute "**DETERMINATION**"; in the same line, after "**ISSUANCE**" insert "**, DENIAL**".

On page 11, in line 1, strike "**§ 15–810, § 15–813**" and substitute "**§ 14–508, § 15–808**"; in line 4, strike "**PERTAINING TO FEDERAL ENVIRONMENTAL PERMITS**"; in line 6, after "**(II)**" insert:

"**1. IS THE APPLICANT; OR**

2.";

strike beginning with "**ALLEGE**" in line 12 down through "**FACT**" in line 20 and substitute "**FILE THE PETITION IN ACCORDANCE WITH THE MARYLAND RULES**"; in line 21, after "**(H)**" insert "**(1)**"; in lines 24 and 26, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; and after line 27, insert:

"**(2) THE COURT SHALL REMAND THE MATTER TO THE DEPARTMENT FOR CONSIDERATION OF OBJECTIONS UNDER PARAGRAPH (1) OF THIS SUBSECTION.**".

On page 12, strike in their entirety lines 4 through 18, inclusive.

AMENDMENT NO. 7

On page 12, after line 22, insert:

"14–508.

(b) (1) The Secretary shall adopt regulations as provided in this subsection.

(2) Procedural regulations adopted under this subsection shall:

(i) Provide for notice to interested persons of any decision to issue or deny a permit;

(ii) Permit a person to **FILE A PETITION FOR JUDICIAL REVIEW IN ACCORDANCE WITH THE PROVISIONS OF § 5–204 OF THIS ARTICLE [**request a hearing under Title 10, Subtitle 2 of the State Government Article (Administrative Procedure Act – Contested Cases), if the person makes factual allegations with sufficient particularity to demonstrate that:

1. The person is aggrieved by the decision; and

2. The decision is:

A. Legally inconsistent with any provision of law applicable to the decision being challenged; or

B. Based upon an incorrect determination of a relevant and material fact;

(iii) Provide the Secretary with discretionary authority to stay the effectiveness of the decision pending the outcome of the hearing; and

(iv) Provide that, if a request for a hearing is granted, the Secretary's decision on the application shall be based on the record made in the hearing, including the proposed findings of fact and conclusions of law recommended to the Secretary by the presiding officer**]**.".

AMENDMENT NO. 8

On page 12, strike in their entirety lines 27 through 29, inclusive.

AMENDMENT NO. 9

On page 13, in line 22, strike "**RELATING TO FEDERAL ENVIRONMENTAL PERMITS**"; and in line 23, after "**(2)**" insert "**(I) IS THE APPLICANT; OR**

(II)".

AMENDMENT NO. 10

On page 13, after line 33, insert:

"16–309.

The court may order the State to pay court costs of any appeal in accordance with the provisions of § 16–306 **[**or § 16–308**]** of this subtitle if the court finds that the financial situation of the person appealing warrants this action.".

AMENDMENT NO. 11

On page 14, strike beginning with "**RELATING**" in line 14 down through "**PERMITS**" in line 15.

AMENDMENT NO. 12

On page 16, in lines 28 and 33, strike "2." and "3.", respectively, and substitute "3." and "4.", respectively.

On page 17, in line 5, after "association" insert "for the purposes of standing"; in the same line, strike "and"; in line 8, after "rulings" insert "; and

(d) To assure that challenges to environmental determinations brought in State court and participation in proceedings under § 8–1808(d) of the Natural Resources Article, as enacted under Section 1 of this Act, are subject to the same standing requirements as applied to similar challenges to federal environmental permits filed in federal courts.

SECTION 5. AND BE IT FURTHER ENACTED, That when considering a motion for a stay in an action brought for judicial review as enacted under Section 2 of this Act, the court shall require the party requesting a stay to make a showing that there is a substantial likelihood that the party will prevail on the merits of the issues raised";

and in lines 9 and 15, strike "4." and "5.", respectively, and substitute "6." and "7.", respectively.

The preceding 12 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS REPORT #7

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 113 – Delegates Hubbard and Hammen

AN ACT concerning

Interagency Committee on Aging Services – Modifications

HB0113/796581/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 113
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Hammen" and substitute ", Hammen, and Oaks"; strike line 2 in its entirety and substitute "Department of Health and Mental Hygiene – Long–Term Care Supports and Services – Report"; strike beginning with "altering" in line 3 down through "Services" in line 10 and substitute "requiring the Secretary of Health and Mental Hygiene to submit certain reports to the General Assembly on or before certain dates; providing for the purpose of a certain program; requiring the Secretary to convene a certain stakeholder group and provide for a certain stakeholder process; providing for the membership of a certain stakeholder group; and generally relating to the Department of Health and Mental Hygiene and a report on long–term care supports and services"; and strike in their entirety lines 11 through 20, inclusive.

AMENDMENT NO. 2

On page 1, after line 20, insert:

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

(a) The Secretary of Health and Mental Hygiene shall submit to the General Assembly an interim report on or before December 1, 2009, and a final report on or before December 1, 2010, in accordance with § 2–1246 of the State Government Article, on the feasibility of creating a coordinated care program to reform the provision of long–term care services under the Medical Assistance program and other State programs in a manner that improves and integrates the care of individuals, including health care services, designed as necessary to meet the differing needs of seniors and adults with disabilities in the State.

(b) The purpose of the program created under subsection (a) of this section is to:

(1) deliver high–quality long–term care supports and services in a coordinated and integrated manner;

(2) deliver long–term care supports and services in the most appropriate care setting to meet the needs and preferences of eligible individuals;

(3) remove systemic and individual barriers to receiving care in home– and community–based settings, as preferred by the individual; and

(4) ensure that, if the State plans to manage long–term care through at–risk contracts, the carve–out of mental health services and hospice services are implemented as required by Chapter 4 of the Acts of the General Assembly of the 2004 Special Session.

(c) In developing the interim report required under subsection (a) of this section, the Secretary shall conduct a literature review of the items included in subsection (d)(2)(i) of this section and the process for convening the stakeholders required under subsection (d)(1) of this section.

(d) In developing the final report required under subsection (a) of this section, the Secretary shall:

(1) convene a group of stakeholders both public and private and representatives of interested and affected parties as provided under subsection (e) of this section, to evaluate and make recommendations consistent with the requirements of this Act; and

(2) provide for a stakeholder process to develop recommendations for a coordinated care program consistent with the purpose of this section that includes a review of:

(i) long–term plans, consensus reports, experiences, and best practices of the State and other states, relating to the management and coordination of long–term care supports and services, including mental health and behavioral health supports and services for individuals outside of the public mental health system, under the Medical Assistance program and other State programs, including programs that have carved out nursing home services, programs or plans that are administered within a State agency or by an independent entity, and the CommunityChoice Advisory Group's consensus recommendations;

(ii) the Department's plan for evaluating the existing home– and community–based services infrastructure, including:

1. identifying the projected need and cost for additional services adequate to support the needs of the population, including strategies to encourage the development of the additional services;

2. utilizing funds from the American Recovery and Reinvestment Act of 2009, to the extent practicable;

3. considering whether to pursue a pilot or statewide program; and

4. identifying any other areas in which the service needs of seniors and adults with disabilities in the State should be addressed, including streamlined electronic eligibility determinations and electronic billing components; and

(iii) whether a federal waiver is necessary to create a coordinated care program and, if so, the type of waiver that should be sought.

(e) The stakeholder group required under subsection (d)(1) 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.

(f) The Department shall include, in the final report required under subsection (a) of this section, draft legislation for approval by the General Assembly

that would enact the consensus recommendations developed through the stakeholder process under this section and a timeframe for submitting a federal waiver, if necessary.".

On pages 1 through 6, strike in their entirety the lines beginning with line 21 on page 1 through line 14 on page 6, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

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

AN ACT concerning

Milk Products – Pilot Farmstead Cheese Program – Permits

HB0243/136985/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 243
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Wood" and substitute "Wood, McDonough, Pena–Melnyk, and Nathan–Pulliam"; 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 24, strike "5–year".

On page 3, in line 4, strike the brackets; after line 19, 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 20, 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.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 487 – Delegate Montgomery

AN ACT concerning

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

HB0487/896086/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 487
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "Annual Reports of Compensation" and substitute "Required Forms"; strike beginning with "annual" in line 5 down through "compensation" in line 6 and substitute "a certain form at certain times"; strike beginning with the first "the" in line 6 down through "facilities" in line 8 and substitute "filing of required forms by health care facilities"; and in line 11, strike "19–212" and substitute "19–216".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 17 on page 1 through line 21 on page 2, inclusive, and substitute:

"19–216.

(a) At the end of the fiscal year for a facility, at least 120 days following a merger or a consolidation, and at any other interval that the Commission sets, the facility shall file:

(1) A balance sheet that details its assets, liabilities, and net worth;

(2) A statement of income and expenses; **[**and**]**

(3) THE MOST RECENT FORM 990 THAT THE FACILITY FILED WITH THE INTERNAL REVENUE SERVICE; AND

[(3)**] (4)** Any other report that the Commission requires about costs incurred in providing services.

(b) (1) A report under this section shall:

(i) Be in the form that the Commission requires;

(ii) Conform to the uniform accounting and financial reporting system adopted under this subtitle; and

(iii) Be certified as follows:

1. For the University of Maryland Hospital, by the Legislative Auditor; or

2. For any other facility, by its certified public accountant.

(2) If the Commission requires, responsible officials of a facility also shall attest that, to the best of their knowledge and belief, the report has been prepared in conformity with the uniform accounting and financial reporting system adopted under § 19–211 of this subtitle.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

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

AN ACT concerning

Prosthetic Parity Act

HB0579/706380/1

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 579
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Taylor" and substitute "Taylor, and Rice".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 641 – Delegates Pena–Melnyk and Oaks

AN ACT concerning

Minority Business Enterprise Program – Participation by Race or Gender

HB0641/436384/2

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 641
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Oaks" and substitute ", Oaks, Benson, Donoghue, Kullen, Montgomery, Morhaim, Nathan–Pulliam, Pendergrass,

Reznik, Riley, Tarrant, and V. Turner"; in line 3, after "of" insert "authorizing a woman who is also a member of an ethnic or racial minority group to be certified in that category in addition to the gender category;"; and strike beginning with "altering" in line 6 down through "contracts;" in line 8.

AMENDMENT NO. 2

On page 3, strike beginning with "**, BUT**" in line 7 down through "**CATEGORY**" in line 9.

On page 4, in line 18, strike the brackets; in line 19, strike "**PROCUREMENT**"; in line 20, after "**(I)**" insert "**A WOMAN WHO IS ALSO A MEMBER OF AN ETHNIC OR RACIAL MINORITY GROUP MAY BE CERTIFIED IN THAT CATEGORY IN ADDITION TO THE GENDER CATEGORY.**

(II)";

and strike in their entirety lines 26 through 29, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations 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

HB0725/886385/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 725
(First 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;"; in line 15, after "terms;" insert "altering a certain definition;"; and after line 26, insert:

"BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 12–101(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)".

On page 2, in line 2, strike "12–6A–01" and substitute "12–101(s)(1), 12–6A–01,".

AMENDMENT NO. 2

On page 3, strike beginning with "**PROVIDES**" in line 18 down through "**ORGANIZATION**" in line 24 and substitute "**:**

(I) CONTRACTS WITH ONE MULTISPECIALTY GROUP OF PHYSICIANS WHO ARE EMPLOYED BY AND SHAREHOLDERS OF THE MULTISPECIALTY GROUP; AND

(II) PROVIDES AND ARRANGES FOR THE PROVISION OF PHYSICIAN SERVICES TO PATIENTS AT MEDICAL FACILITIES OPERATED BY THE HEALTH MAINTENANCE ORGANIZATION";

in line 31, strike "**MEANS A**" and substitute "**MEANS:**

(I) A";

and in line 32, after "**ORGANIZATION**" insert "**; OR**

(II) AN INDIVIDUAL TO WHOM THE GROUP MODEL HEALTH MAINTENANCE ORGANIZATION IS CONTRACTUALLY OR LEGALLY OBLIGATED TO PROVIDE, OR ARRANGE TO PROVIDE, HEALTH CARE SERVICES".

AMENDMENT NO. 3

On page 4, after line 34, 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.".

AMENDMENT NO. 4

On page 5, in lines 1, 4, and 15, strike "**(E)**", "**(F)**", and "**(G)**", respectively, and substitute "**(G)**", "**(H)**", and "**(I)**", respectively; after line 19, insert:

"12–101.

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

(s) (1) "Practice pharmacy" means to engage in any of the following activities:

(i) Providing pharmaceutical care;

(ii) Compounding, dispensing, or distributing prescription drugs or devices;

(iii) Compounding or dispensing nonprescription drugs or devices;

(iv) Monitoring prescriptions for prescription and nonprescription drugs or devices;

(v) Providing information, explanation, or recommendations to patients and health care practitioners about the safe and effective use of prescription or nonprescription drugs or devices;

(vi) Identifying and appraising problems concerning the use or monitoring of therapy with drugs or devices;

(vii) Acting within the parameters of a therapy management contract, as provided under Subtitle 6A of this title;

(viii) Administering an influenza vaccination in accordance with § 12–508 of this title;

(ix) Delegating a pharmacy act to a registered pharmacy technician, pharmacy student, or an individual engaged in a Board approved pharmacy technician training program; **[**or**]**

(x) Supervising a delegated pharmacy act performed by a registered pharmacy technician, pharmacy student, or an individual engaged in a Board approved pharmacy technician training program**; OR**

(XI) PROVIDING DRUG THERAPY MANAGEMENT IN ACCORDANCE WITH § 19–713.6 OF THE HEALTH – GENERAL ARTICLE.";

and strike beginning with "**MEANS**" in line 22 down through "**ORGANIZATION**" in line 29 and substitute "**HAS THE MEANING STATED IN § 19–713.6 OF THE HEALTH – GENERAL ARTICLE**".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 739 – Delegates Hammen, Kach, Morhaim, and Pendergrass

AN ACT concerning

Maryland Medical Assistance Program – Substance Abuse Services

HB0739/756585/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 739
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Pendergrass" and substitute "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"; in line 6, after "benefits;" insert "requiring managed care organizations to submit certain data to the Department of Health and Mental Hygiene at least semiannually; requiring the Department and certain managed care organizations to establish a certain process and certain criteria to qualify certified addiction treatment programs as paneled providers;"; in line 10, after "circumstances;" insert "providing for a delayed effective date;"; in line 14, after "15–103(a)(2)(ix)" insert "and (b)(1)"; and in line 19, after "15–103(a)(3)" insert "and (b)(9)(ii)".

AMENDMENT NO. 2

On page 2, after line 26, insert:

"(b) (1) As permitted by federal law or waiver, the Secretary may establish a program under which Program recipients are required to enroll in managed care organizations.

(9) Each managed care organization shall:

(ii) Submit to the Department:

1. Service–specific data by service type in a format to be established by the Department; **[**and**]**

2. Utilization and outcome reports, such as the Health Plan Employer Data and Information Set (HEDIS), as directed by the Department; **AND**

3. AT LEAST SEMIANNUALLY, AGGREGATE DATA THAT INCLUDES:

A. THE NUMBER OF ENROLLEES PROVIDED WITH SUBSTANCE ABUSE TREATMENT SERVICES; AND

B. THE AMOUNT OF MONEY SPENT ON SUBSTANCE ABUSE TREATMENT;";

and in line 28, strike "$6,700,000" and substitute "$3,343,418".

AMENDMENT NO. 3

On page 3, after line 6, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That the Department of Health and Mental Hygiene shall collaborate with the managed care organizations that are participating in the Medical Assistance Program to establish a transparent process and objective criteria to qualify certified addiction treatment programs as paneled providers.";

in line 7, strike "4." and substitute "5."; and in line 8, strike "June 1, 2009" and substitute "January 1, 2010".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1069 – Delegate Hammen

AN ACT concerning

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

HB1069/276487/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1069
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Hammen" and substitute "Delegates Hammen, Benson, Costa, Montgomery, Nathan–Pulliam, Oaks, Pena–Melnyk, Pendergrass, Reznik, and V. Turner"; in line 4, strike "each hospital" and substitute "the Health Services Cost Review Commission to require certain hospitals"; in line 8, strike "Health Services Cost Review"; in lines 19 and 20, strike "a certain purpose" and substitute "certain purposes"; and strike beginning with "requiring" in line 23 down through "bills;" in line 26.

AMENDMENT NO. 2

On page 2, strike in their entirety lines 26 through 29, inclusive, and substitute:

"**(A) (1) THE COMMISSION SHALL REQUIRE EACH ACUTE CARE HOSPITAL IN THE STATE TO DEVELOP A FINANCIAL ASSISTANCE POLICY FOR PROVIDING FREE AND REDUCED–COST CARE TO PATIENTS WHO LACK HEALTH CARE COVERAGE OR WHOSE HEALTH CARE COVERAGE DOES NOT PAY THE FULL COST OF THE HOSPITAL BILL.**

(2) THE FINANCIAL ASSISTANCE POLICY SHALL PROVIDE, AT A MINIMUM:";

and in lines 30 and 32, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively.

On page 3, after line 2, insert:

"**(3) THE COMMISSION BY REGULATION MAY ESTABLISH INCOME THRESHOLDS HIGHER THAN THOSE UNDER PARAGRAPH (2) OF THIS SUBSECTION.**".

AMENDMENT NO. 3

On page 5, strike in their entirety lines 17 and 18; in lines 19, 21, 23, and 25, strike "**(4)**", "**(5)**", "**(6)**", and "**(7)**", respectively, and substitute "**(3)**", "**(4)**", "**(5)**", and "**(6)**", respectively; and in line 19, strike "**OVERDUE BILLS**" and substitute "**BILLS INCURRED BY SELF–PAY PATIENTS**".

AMENDMENT NO. 4

On page 6, in line 12, after "review" insert ":

(1)";

strike beginning with "collection" in line 13 down through "in" in line 14 and substitute "collection, including as elements within";

in lines 15, 17, 18, 19, 20, and 21, strike "(1)", "(2)", "(3)", "(4)", "(5)", and "(6)", respectively, and substitute "(i)", "(ii)", "(iv)", "(v)", "(vi)", and "(vii)", respectively; after line 17, insert:

"(iii) use of liens to enforce collection of a debt;";

and in line 22, after "bills" insert ";

(2) the desirability of applying any uniform policies to private psychiatric and chronic care hospitals; and

(3) the desirability of altering the legal rate of interest on a judgment to collect a hospital debt".

AMENDMENT NO. 5

On page 7, strike beginning with the colon in line 1 down through "That" in line 11.

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

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

HB1297/696087/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1297
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "require" in line 4 down through "procurements;" in line 8 and substitute "promote and provide for the counting and reporting of certified minority business enterprises as prime contractors;".

AMENDMENT NO. 2

On page 2, strike lines 16 and 17 in their entirety; in lines 18 and 20, in each instance, strike the bracket; and in lines 18 and 20, strike "**(II)**" and "**(III)**", respectively.

On page 3, in line 21, strike "**ESTABLISHING GOALS FOR THE PARTICIPATION**" and substitute "**PROMOTING AND PROVIDING FOR THE COUNTING AND REPORTING**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

Senate Bill 84 – Chair, Finance Committee (By Request – Departmental – Insurance Administration, Maryland)

EMERGENCY BILL

AN ACT concerning

Medicare Supplement Plan A Policies – Individuals with a Disability – Rates

SB0084/506587/1

BY: Health and Government Operations Committee

AMENDMENTS TO SENATE BILL 84
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike line 2 in its entirety and substitute "Health Insurance – Medicare Coverage and Continuation Coverage – Provisions that Relate to Federal Laws and Programs"; in line 3, after "of" insert "requiring a carrier that issues health benefit plans to small employers in accordance with certain provisions of law to allow an individual an extended election period for certain continuation coverage under certain circumstances; requiring the extended election period to continue for a certain period of time under certain circumstances; providing for the beginning and end of the continuation coverage; altering the minimum benefits a Medicare supplement policy must provide;"; in line 11, after "period;" insert "applying certain provisions of this Act to health maintenance organizations; defining certain terms;"; in line 12, strike "plan A"; in the same line, after "policies" insert "and continuation coverage"; after line 12, insert:

"BY adding to
Article – Health – General
Section 19–706(ttt)
Annotated Code of Maryland

(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article – Insurance
Section 15–409.1
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)";

and in line 15, after "Section" insert "15–906(a) and".

AMENDMENT NO. 2
On page 1, after line 19, insert:

"Article – Health – General

19–706.

(TTT) THE PROVISIONS OF § 15–409.1 OF THE INSURANCE ARTICLE APPLY TO HEALTH MAINTENANCE ORGANIZATIONS.";

and after line 20, insert:

"**15–409.1.**

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

(2) "ACT" MEANS THE FEDERAL AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009 (P.L. 111–5).

(3) "CARRIER" MEANS:

(I) AN INSURER;

(II) A NONPROFIT HEALTH SERVICE PLAN; OR

(III) A HEALTH MAINTENANCE ORGANIZATION.

(4) "SMALL EMPLOYER" HAS THE MEANING STATED IN § 15–1201 OF THIS TITLE.

(B) THIS SECTION APPLIES TO A CARRIER THAT ISSUES HEALTH BENEFIT PLANS TO SMALL EMPLOYERS IN ACCORDANCE WITH SUBTITLE 12 OF THIS TITLE.

(C) A CARRIER SHALL ALLOW AN EXTENDED ELECTION PERIOD FOR CONTINUATION COVERAGE UNDER § 15–409 OF THIS SUBTITLE IF THE INDIVIDUAL:

(1) WAS INVOLUNTARILY TERMINATED FROM EMPLOYMENT BY A SMALL EMPLOYER BETWEEN SEPTEMBER 1, 2008, AND FEBRUARY 16, 2009, INCLUSIVE, AS DESCRIBED IN § 3001(A)(3)(C) OF THE ACT;

(2) IS AN ASSISTANCE ELIGIBLE INDIVIDUAL, AS DEFINED IN § 3001(A)(3) OF THE ACT, OR WOULD BE AN ASSISTANCE ELIGIBLE INDIVIDUAL IF AN ELECTION OF CONTINUATION COVERAGE UNDER § 15–409 OF THIS SUBTITLE WAS IN EFFECT ON THE DATE OF ENACTMENT OF THE ACT; AND

(3) WAS ELIGIBLE FOR CONTINUATION COVERAGE UNDER § 15–409 OF THIS SUBTITLE AT THE TIME OF THE INDIVIDUAL'S TERMINATION OF EMPLOYMENT.

(D) THE EXTENDED ELECTION PERIOD PROVIDED UNDER THIS SECTION SHALL CONTINUE UNTIL 60 DAYS AFTER PROVISION OF THE NOTIFICATION REQUIRED BY § 3001(A)(7)(C) OF THE ACT IF THE NOTIFICATION DESCRIBES THE EXTENDED ELECTION PERIOD REQUIRED UNDER THIS SECTION.

(E) ANY CONTINUATION COVERAGE ELECTED BY AN INDIVIDUAL DURING AN EXTENDED ELECTION PERIOD UNDER THIS SECTION:

(1) SHALL BEGIN DURING THE FIRST PERIOD OF COVERAGE BEGINNING ON OR AFTER THE INDIVIDUAL'S ELECTION OF CONTINUATION COVERAGE; AND

(2) MAY NOT EXTEND BEYOND THE PERIOD OF CONTINUATION COVERAGE THAT WOULD HAVE BEEN REQUIRED UNDER § 15–409 OF THIS SUBTITLE IF THE COVERAGE HAD BEEN ELECTED AS REQUIRED UNDER THAT SECTION.

15–906.

(a) **[**At a minimum, a**] A** Medicare supplement policy shall provide **THE MINIMUM BENEFITS REQUIRED BY FEDERAL LAW. [**:

(1) to the extent not covered by Medicare, coverage of Medicare Part A eligible expenses for hospitalization from the 61st day through the 90th day of a Medicare benefit period;

(2) to the extent not covered by Medicare, coverage of Medicare Part A eligible expenses incurred as daily hospital charges during use of Medicare's lifetime hospital inpatient reserve days;

(3) after all Medicare hospital inpatient coverage is exhausted, including lifetime reserve days, subject to the lifetime maximum benefit of an additional 365 days, coverage of all Medicare Part A eligible expenses for hospitalization not covered by Medicare paid at the rate of the diagnostic related group (DRG) day outlier per diem or, if applicable, the per diem approved by the Health Services Cost Review Commission;

(4) coverage for the coinsurance amount of Medicare eligible expenses under Medicare Part B regardless of hospital confinement;

(5) unless replaced in accordance with federal regulations or already paid for under Medicare Part B, coverage under Medicare Part A for the reasonable cost in a calendar year of the first 3 pints of blood or, as defined by federal regulations, equivalent quantities of packed red blood cells; and

(6) unless replaced in accordance with federal regulations or already paid for under Medicare Part A and subject to the Medicare Part B deductible amount, coverage under Medicare Part B for the reasonable cost in a calendar year of the first 3 pints of blood or, as defined by federal regulations, equivalent quantities of packed red blood cells.**]**".

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 JUDICIARY REPORT #9

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 366 – Delegates Rosenberg, Anderson, Braveboy, Carter, Dumais, Pena–Melnyk, Ramirez, V. Turner, Valderrama, and Waldstreicher

AN ACT concerning

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

HB0366/582810/1

BY: House Judiciary Committee

AMENDMENT TO HOUSE BILL 366
(First Reading File Bill)

On page 2, in line 14, strike "**AND**"; and in line 16, after "**SOUGHT**" insert "**; AND**

(5) DISTINGUISH THE NEWLY DISCOVERED EVIDENCE CLAIMED IN THE PETITION FROM ANY CLAIMS MADE IN PRIOR PETITIONS".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 387 – Delegates Malone and George and Delegates 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

AN ACT concerning

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

HB0387/552214/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 387
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert:

"EMERGENCY BILL".

AMENDMENT NO. 2

On page 1, in the sponsor line, after the second "Delegates" insert "Ivey, Dumais,"; and in the sponsor line, strike "and Wood" and substitute "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".

AMENDMENT NO. 3

On page 1, strike in their entirety lines 2 through 16, inclusive, and substitute:

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

FOR the purpose of prohibiting the Motor Vehicle Administration from issuing or renewing an identification card, a moped operator's permit, or a license to drive issued by the Administration that is acceptable by federal agencies for certain official purposes unless an applicant for the issuance or renewal provides certain evidence of the applicant's lawful status in the United States and certain evidence relating to a Social Security number; authorizing the Administration to adopt regulations to alter certain expiration periods for identification cards, a moped operators' permits, and licenses to drive; providing for the issuance, expiration, and certain features of temporary identification cards or temporary licenses to drive under certain circumstances to applicants who have temporary lawful status in the United States; requiring the Administration to issue or renew under certain circumstances an identification card, a moped operator's permit, or a driver's license that is not acceptable by federal agencies for certain official purposes; authorizing the Administration to refuse to issue or renew, cancel, suspend, revoke, or require surrender of, under certain circumstances, a certain identification card, moped operator's permit, or license to drive that is not acceptable by federal agencies for certain official purposes; authorizing the Administration to establish a certain fee; requiring the Administration to establish a certain security plan; requiring a certain application fee to be paid at a certain time; requiring an application fee for an identification card, moped operator's permit, or license to drive to be nonrefundable; prohibiting a person from obtaining or attempting to obtain a license to drive or a moped operator's permit by misrepresentation or fraud; providing for certain criminal penalties; altering certain criminal penalties concerning misrepresentation or fraud relating to applying for an identification card issued by the Administration; altering certain penalties concerning obtaining or attempting to obtain a driver's license or applying for a driver's license; requiring the Administration to adopt certain regulations; defining certain terms; clarifying language; making this Act an emergency measure; and generally relating to identification cards, moped operators' permits, and licenses to drive issued or renewed by the Administration.".

On pages 1 and 2, strike in their entirety the lines beginning with line 17 on page 1 through line 12 on page 2, inclusive, and substitute:

"BY renumbering

Article – Transportation
Section 11–127.1 and 11–127.2, respectively
to be Section 11–127.2 and 11–127.3, respectively
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Transportation
Section 11–127.1, 11–165.1, 16–106(e)(4), 16–115(a)(5) and (6), 16–121 through 16–124, and 27–101(cc)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 11–128, 12–120(d), 12–301(c) and (d), and 16–106(b)(4)
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(c), 16–115(a)(1) and (2), 16–301(a) and (b), and 27–101(c)(1) and (12)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section(s) 11–127.1 and 11–127.2, respectively, of Article – Transportation of the Annotated Code of Maryland be renumbered to be Section(s) 11–127.2 and 11–127.3, respectively.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:".

AMENDMENT NO. 4
On page 2, after line 13, insert:

"**11–127.1.**

"LAWFUL STATUS" MEANS, WITH RESPECT TO THE STATUS OF AN APPLICANT FOR AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE ISSUED BY THE ADMINISTRATION, THAT THE APPLICANT:

(1) IS A CITIZEN OR NATIONAL OF THE UNITED STATES;

(2) IS LAWFULLY ADMITTED FOR PERMANENT OR TEMPORARY RESIDENCE IN THE UNITED STATES;

(3) HAS CONDITIONAL PERMANENT RESIDENT STATUS IN THE UNITED STATES;

(4) HAS AN APPROVED APPLICATION FOR ASYLUM IN THE UNITED STATES OR HAS ENTERED INTO THE UNITED STATES IN REFUGEE STATUS;

(5) HAS A VALID NONIMMIGRANT STATUS IN THE UNITED STATES;

(6) HAS A PENDING APPLICATION FOR ASYLUM IN THE UNITED STATES;

(7) HAS A PENDING OR APPROVED APPLICATION FOR TEMPORARY PROTECTED STATUS IN THE UNITED STATES;

(8) HAS APPROVED DEFERRED ACTION STATUS IN THE UNITED STATES; OR

(9) HAS A PENDING APPLICATION FOR LAWFUL PERMANENT RESIDENCE OR CONDITIONAL PERMANENT RESIDENT STATUS IN THE UNITED STATES.".

AMENDMENT NO. 5

On page 2, after line 26, insert:

"**11–165.1.**

"TEMPORARY LAWFUL STATUS" MEANS, WITH RESPECT TO THE STATUS OF AN APPLICANT FOR AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE ISSUED BY THE ADMINISTRATION, THAT THE APPLICANT HAS:

(1) A VALID NONIMMIGRANT STATUS IN THE UNITED STATES;

(2) A PENDING APPLICATION FOR ASYLUM IN THE UNITED STATES;

(3) A PENDING OR APPROVED APPLICATION FOR TEMPORARY PROTECTED STATUS IN THE UNITED STATES;

(4) APPROVED DEFERRED ACTION STATUS IN THE UNITED STATES; OR

(5) A PENDING APPLICATION FOR LAWFUL PERMANENT RESIDENCE OR CONDITIONAL PERMANENT RESIDENT STATUS IN THE UNITED STATES.

12–120.

(d) The Administration shall set the levels of miscellaneous fees so that the total amount of projected revenues from all miscellaneous fees for the upcoming fiscal year is at least 95 percent but does not exceed 100 percent of the sum of:

(1) The operating budget of the Administration for that fiscal year as approved by the General Assembly in the annual State budget;

(2) The average annual capital program of the Administration as reported in the 6–year Consolidated Transportation Program described in § 2–103.1 of this article; and

(3) The Administration's portion of the cost for that fiscal year of the Department's data center operations, except for the cost of data center operations attributable to other administrations' activities.".

AMENDMENT NO. 6

On page 2, in line 29, strike "individual" and substitute "**APPLICANT**".

On page 3, strike in their entirety lines 3 through 6, inclusive, and substitute:

"**(4) PROVIDES SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT HAS LAWFUL STATUS;**

(5) (I) PROVIDES SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT HAS A SOCIAL SECURITY NUMBER BY PRESENTING THE APPLICANT'S SOCIAL SECURITY ADMINISTRATION ACCOUNT CARD OR, IF THE SOCIAL SECURITY ADMINISTRATION ACCOUNT CARD IS NOT AVAILABLE, ANY OF THE FOLLOWING DOCUMENTS BEARING THE APPLICANT'S SOCIAL SECURITY NUMBER:

1. A W–2 FORM;

2. A SSA–1099 FORM;

3. A NON–SSA–1099 FORM; OR

4. A PAY STUB WITH THE APPLICANT'S NAME AND SOCIAL SECURITY NUMBER ON IT; OR

(II) PROVIDES SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER AS PROVIDED IN REGULATIONS ADOPTED BY THE SECRETARY OF HOMELAND SECURITY; AND";

and in line 7, strike "**(5)**" and substitute "**(6)**".

AMENDMENT NO. 7

On page 3, after line 8, insert:

"(c) A person may not commit any fraud in applying for an identification card issued under this section.

(d) A person may not commit any misrepresentation in applying for an identification card issued under this section.".

AMENDMENT NO. 8

On page 3 in line 10, and on page 5 in line 21, in each instance, strike "every 5 years" and substitute "**AT THE END OF A PERIOD OF NOT MORE THAN 8 YEARS DETERMINED IN REGULATIONS ADOPTED BY THE ADMINISTRATION**".

On page 3, in line 12, strike "2" and substitute "**5**".

On page 6, in line 15, strike "in the fifth year" and substitute "**AT THE END OF A PERIOD OF NOT MORE THAN 8 YEARS DETERMINED IN REGULATIONS ADOPTED BY THE ADMINISTRATION**".

AMENDMENT NO. 9

On page 3, strike in their entirety lines 14 through 18, inclusive, and substitute:

"(3) **(I) IF AN APPLICANT HAS TEMPORARY LAWFUL STATUS, THE ADMINISTRATION MAY NOT ISSUE AN IDENTIFICATION CARD TO THE APPLICANT FOR A PERIOD THAT EXTENDS BEYOND THE EXPIRATION DATE OF THE APPLICANT'S AUTHORIZED STAY IN THE UNITED STATES OR, IF THERE IS NO EXPIRATION DATE, FOR A PERIOD LONGER THAN 1 YEAR.**

(II) NOTHING CONTAINED IN THIS PARAGRAPH MAY BE CONSTRUED TO ALLOW THE ISSUANCE OF AN IDENTIFICATION CARD FOR A PERIOD LONGER THAN THE PERIOD DESCRIBED IN PARAGRAPHS (1) AND (2) OF THIS SUBSECTION.

(III) THE ADMINISTRATION SHALL INDICATE ON THE FACE AND IN THE MACHINE–READABLE ZONE OF A TEMPORARY IDENTIFICATION CARD ISSUED UNDER THIS PARAGRAPH THAT THE CARD IS A TEMPORARY IDENTIFICATION CARD.".

AMENDMENT NO. 10

On page 4, strike in their entirety lines 19 through 23, inclusive, and substitute:

"(10) **WHO DOES NOT PROVIDE SATISFACTORY DOCUMENTARY EVIDENCE OF LAWFUL STATUS;**

(11) WHO DOES NOT PROVIDE:

(I) SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT HAS A SOCIAL SECURITY NUMBER BY PRESENTING THE APPLICANT'S SOCIAL SECURITY ADMINISTRATION ACCOUNT CARD OR, IF THE SOCIAL SECURITY ADMINISTRATION ACCOUNT CARD IS NOT AVAILABLE, ANY OF THE FOLLOWING DOCUMENTS BEARING THE APPLICANT'S SOCIAL SECURITY NUMBER:

1. A W–2 FORM;

2. A SSA–1099 FORM;

3. A NON–SSA–1099 FORM; OR

4. A PAY STUB WITH THE APPLICANT'S NAME AND SOCIAL SECURITY NUMBER ON IT; OR

(II) SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER AS PROVIDED IN REGULATIONS ADOPTED BY THE SECRETARY OF HOMELAND SECURITY; OR";

and in line 24, strike "**(11)**" and substitute "**(12)**".

AMENDMENT NO. 11

On page 4, in line 27, strike "individual" and substitute "**APPLICANT WHO**"; in line 28, strike "**WHO** is" and substitute "**IS**"; in line 29, strike "**WHO** does" and substitute "**DOES**"; and in line 31, strike "**AND**".

On page 5, strike in their entirety lines 1 and 2 and substitute:

"**(3) PROVIDES SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT HAS LAWFUL STATUS; AND**

(4) (I) PROVIDES SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT HAS A SOCIAL SECURITY NUMBER BY PRESENTING THE APPLICANT'S SOCIAL SECURITY ADMINISTRATION ACCOUNT CARD OR, IF THE SOCIAL SECURITY ADMINISTRATION ACCOUNT CARD IS NOT AVAILABLE, ANY OF THE FOLLOWING DOCUMENTS BEARING THE APPLICANT'S SOCIAL SECURITY NUMBER:

1. A W–2 FORM;

2. A SSA–1099 FORM;

3. A NON–SSA–1099 FORM; OR

4. A PAY STUB WITH THE APPLICANT'S NAME AND SOCIAL SECURITY NUMBER ON IT; OR

(II) PROVIDES SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER AS PROVIDED IN REGULATIONS ADOPTED BY THE SECRETARY OF HOMELAND SECURITY.".

AMENDMENT NO. 12

On page 5, strike in their entirety lines 8 through 11, inclusive, and substitute:

"**(3) PROVIDES THE DOCUMENTARY EVIDENCE DESCRIBED IN SUBSECTION (A) OF THIS SECTION.**";

and strike in their entirety lines 22 through 26, inclusive, and substitute:

"**(2) (I) IF AN APPLICANT HAS TEMPORARY LAWFUL STATUS, THE ADMINISTRATION MAY NOT ISSUE A MOPED OPERATOR'S PERMIT TO THE APPLICANT FOR A PERIOD THAT EXTENDS BEYOND THE EXPIRATION DATE OF THE APPLICANT'S AUTHORIZED STAY IN THE UNITED STATES OR, IF THERE IS NO EXPIRATION DATE, FOR A PERIOD LONGER THAN 1 YEAR.**

(II) NOTHING CONTAINED IN THIS PARAGRAPH MAY BE CONSTRUED TO ALLOW THE ISSUANCE OF A MOPED OPERATOR'S PERMIT FOR A

PERIOD LONGER THAN THE PERIOD DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

(III) THE ADMINISTRATION SHALL INDICATE ON THE FACE AND IN THE MACHINE–READABLE ZONE OF A TEMPORARY MOPED OPERATOR'S PERMIT ISSUED UNDER THIS PARAGRAPH THAT THE PERMIT IS A TEMPORARY MOPED OPERATOR'S PERMIT.".

AMENDMENT NO. 13

On page 6, strike in their entirety lines 2 through 11, inclusive, and substitute:

"(b) The application shall state:

(4) Subject to the provisions of subsection (c) of this section, the applicant's Social Security number; and

(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**] AN APPLICANT SHALL PROVIDE:**

(1) SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT HAS A SOCIAL SECURITY NUMBER BY PRESENTING THE APPLICANT'S SOCIAL SECURITY ADMINISTRATION ACCOUNT CARD OR, IF THE SOCIAL SECURITY ADMINISTRATION ACCOUNT CARD IS NOT AVAILABLE, ANY OF THE FOLLOWING DOCUMENTS BEARING THE APPLICANT'S SOCIAL SECURITY NUMBER:

(I) A W–2 FORM;

(II) A SSA–1099 FORM;

(III) A NON–SSA–1099 FORM; OR

(IV) A PAY STUB WITH THE APPLICANT'S NAME AND SOCIAL SECURITY NUMBER ON IT; OR

(2) SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT IS NOT ELIGIBLE FOR A SOCIAL SECURITY NUMBER AS PROVIDED IN REGULATIONS ADOPTED BY THE SECRETARY OF HOMELAND SECURITY.

(e) **(4) AN APPLICANT SHALL PROVIDE SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT HAS LAWFUL STATUS.**".

AMENDMENT NO. 14

On page 6, in line 17, after "expire" insert "**NOT LATER THAN**"; and strike in their entirety lines 19 through 35, inclusive, and substitute:

"**(5) (I) IF AN APPLICANT HAS TEMPORARY LAWFUL STATUS, THE ADMINISTRATION MAY NOT ISSUE TO THE APPLICANT A LICENSE TO DRIVE FOR A PERIOD THAT EXTENDS BEYOND THE EXPIRATION DATE OF THE APPLICANT'S AUTHORIZED STAY IN THE UNITED STATES OR, IF THERE IS NO EXPIRATION DATE, FOR A PERIOD LONGER THAN 1 YEAR.**

(II) NOTHING CONTAINED IN THIS PARAGRAPH MAY BE CONSTRUED TO ALLOW THE ISSUANCE OF A TEMPORARY LICENSE TO DRIVE FOR A PERIOD LONGER THAN THE PERIOD DESCRIBED IN THIS SUBSECTION.

(III) THE ADMINISTRATION SHALL INDICATE ON THE FACE AND IN THE MACHINE–READABLE ZONE OF A TEMPORARY LICENSE TO DRIVE THAT THE LICENSE IS A TEMPORARY LICENSE TO DRIVE.

(6) A HOLDER OF A TEMPORARY LICENSE TO DRIVE WHO HAD TEMPORARY LAWFUL STATUS AT THE TIME OF THE ISSUANCE OF THE TEMPORARY LICENSE TO DRIVE SHALL PRESENT SATISFACTORY DOCUMENTARY EVIDENCE OF LAWFUL STATUS IF THE HOLDER APPLIES FOR ISSUANCE OR RENEWAL OF ANY LICENSE TO DRIVE UNDER THIS SUBTITLE.

16–121.

(A) THIS SECTION APPLIES ONLY TO A NON–MATCH, DESCRIBED UNDER REGULATIONS ADOPTED BY THE SECRETARY OF HOMELAND SECURITY, THAT:

(1) OCCURS DURING VERIFICATION BY THE ADMINISTRATION OF THE DOCUMENTARY EVIDENCE PROVIDED BY AN APPLICANT FOR ISSUANCE OR RENEWAL OF AN IDENTIFICATION CARD UNDER § 12–301 OF THIS ARTICLE, A MOPED OPERATOR'S PERMIT UNDER § 16–104.2 OF THIS SUBTITLE, OR A LICENSE TO DRIVE UNDER THIS SUBTITLE; AND

(2) IS NOT RESOLVED BY THE ADMINISTRATION'S VERIFICATION OF THE DOCUMENTARY EVIDENCE.

(B) IN THE EVENT OF A NON–MATCH, THE ADMINISTRATION MAY NOT ISSUE TO THE APPLICANT AN IDENTIFICATION CARD UNDER § 12–301 OF THIS ARTICLE, A MOPED OPERATOR'S PERMIT UNDER § 16–104.2 OF THIS SUBTITLE, OR A LICENSE TO DRIVE UNDER THIS SUBTITLE.

(C) NOTHING IN THIS SECTION PROHIBITS THE ADMINISTRATION FROM ISSUING OR RENEWING AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE UNDER § 16–122 OF THIS SUBTITLE TO ALLOW THE APPLICANT TO RESOLVE A NON–MATCH.

16–122.

(A) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS ARTICLE, THE ADMINISTRATION SHALL, SUBJECT TO THE PROVISIONS OF THIS SECTION, ISSUE OR RENEW AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE THAT IS NOT ACCEPTABLE BY FEDERAL AGENCIES FOR OFFICIAL PURPOSES DETERMINED BY THE SECRETARY OF HOMELAND SECURITY IF AN APPLICANT:

(I) 1. HAS AN UNRESOLVED NON–MATCH DESCRIBED UNDER § 16–121 OF THIS SUBTITLE;

2. MEETS THE REQUIREMENTS CONCERNING THE NON–MATCH CONTAINED IN REGULATIONS ADOPTED BY THE ADMINISTRATION

THAT ARE CONSISTENT WITH REGULATIONS ADOPTED BY THE SECRETARY OF HOMELAND SECURITY; AND

3. WOULD BE OTHERWISE ELIGIBLE UNDER THIS ARTICLE FOR THE ISSUANCE OR RENEWAL OF AN IDENTIFICATION CARD UNDER § 12–301 OF THIS ARTICLE, A MOPED OPERATOR'S PERMIT UNDER § 16–104.2 OF THIS SUBTITLE, OR A LICENSE TO DRIVE UNDER THIS TITLE, BUT FOR THE UNRESOLVED NON–MATCH;

(II) WOULD BE OTHERWISE ELIGIBLE UNDER THIS ARTICLE FOR THE ISSUANCE OR RENEWAL OF AN IDENTIFICATION CARD UNDER § 12–301 OF THIS ARTICLE, BUT ELECTS THE ISSUANCE OR THE RENEWAL OF AN IDENTIFICATION CARD UNDER THIS SECTION; OR

(III) 1. WAS THE HOLDER OF AN IDENTIFICATION CARD UNDER § 12–301 OF THIS ARTICLE, A MOPED OPERATOR'S PERMIT UNDER § 16–104.2 OF THIS SUBTITLE, OR A LICENSE TO DRIVE UNDER THIS SUBTITLE ISSUED OR RENEWED BY THE ADMINISTRATION BEFORE APRIL 19, 2009;

2. DOES NOT PROVIDE SATISFACTORY DOCUMENTARY EVIDENCE THAT THE APPLICANT HAS LAWFUL STATUS OR A SOCIAL SECURITY NUMBER;

3. CERTIFIES THAT THE APPLICANT DOES NOT HAVE A SOCIAL SECURITY NUMBER; AND

4. WOULD BE OTHERWISE ELIGIBLE FOR ISSUANCE OR RENEWAL OF AN IDENTIFICATION CARD UNDER § 12–301 OF THIS ARTICLE, A MOPED OPERATOR'S PERMIT UNDER § 16–104.2 OF THIS SUBTITLE, OR A LICENSE TO DRIVE ISSUED UNDER THIS SUBTITLE, BUT FOR THE ABSENCE OF DOCUMENTARY EVIDENCE DESCRIBED IN ITEM 2 OF THIS ITEM.

(2) THIS SUBSECTION DOES NOT APPLY TO ANY PROVISION OF LAW APPLICABLE TO THE ISSUANCE OR RENEWAL OF A COMMERCIAL DRIVER'S LICENSE UNDER THIS TITLE.

(B) THE ADMINISTRATION MAY REQUIRE THAT AN APPLICATION FOR ISSUANCE OR RENEWAL OF AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE UNDER THIS SECTION BE MADE IN PERSON.

(C) A PERSON MAY NOT BE A HOLDER OF AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE ISSUED OR RENEWED UNDER THIS SECTION IF THE PERSON IS THE HOLDER OF ANY OTHER IDENTIFICATION CARD, MOPED OPERATOR'S PERMIT, OR LICENSE TO DRIVE ISSUED OR RENEWED UNDER THIS SECTION OR ANY OTHER SECTION OF THIS ARTICLE.

(D) EACH IDENTIFICATION CARD, MOPED OPERATOR'S PERMIT, AND LICENSE TO DRIVE ISSUED OR RENEWED IN ACCORDANCE WITH THIS SECTION SHALL:

(1) CLEARLY STATE ON ITS FACE AND IN ITS MACHINE–READABLE ZONE THAT IT IS NOT ACCEPTABLE BY FEDERAL AGENCIES FOR OFFICIAL PURPOSES;

(2) HAVE A UNIQUE DESIGN OR COLOR INDICATOR THAT CLEARLY DISTINGUISHES IT FROM THE DESIGN OR COLOR OF AN IDENTIFICATION CARD UNDER § 12–301 OF THIS ARTICLE, A MOPED OPERATOR'S PERMIT UNDER § 16–115 OF THIS SUBTITLE, OR ANY LICENSE TO DRIVE UNDER ANY OTHER SECTION OF THIS SUBTITLE; AND

(3) BE OF THE SIZE AND DESIGN THAT THE ADMINISTRATION REQUIRES, TAMPERPROOF, TO THE EXTENT POSSIBLE, AND CONTAIN:

(I) THE NAME AND ADDRESS OF THE APPLICANT;

(II) THE BIRTH DATE OF THE APPLICANT;

(III) THE GENDER OF THE APPLICANT;

(IV) A DESCRIPTION OF THE APPLICANT;

(V) A COLOR PHOTOGRAPH OF THE APPLICANT TAKEN BY THE PROCEDURE THAT THE ADMINISTRATION REQUIRES;

(VI) THE EXPIRATION DATE OF THE IDENTIFICATION CARD, MOPED OPERATOR'S PERMIT, OR LICENSE TO DRIVE;

(VII) THE SIGNATURE OF THE APPLICANT; AND

(VIII) THE SIGNATURE AND SEAL OF THE ISSUING AGENT.

(E) AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE ISSUED OR RENEWED UNDER THIS SECTION SHALL EXPIRE AT THE END OF A PERIOD THAT IS EQUIVALENT TO THE EXPIRATION PERIOD APPLICABLE FOR AN IDENTIFICATION CARD UNDER § 12–301 OF THIS ARTICLE, A MOPED OPERATOR'S PERMIT UNDER § 16–115 OF THIS SUBTITLE, OR A LICENSE TO DRIVE UNDER THIS SUBTITLE.

(F) EXCEPT AS OTHERWISE EXPRESSLY PROVIDED BY LAW, AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE ISSUED UNDER THIS SECTION MAY BE USED FOR ANY PURPOSE AS LEGAL IDENTIFICATION OF THE HOLDER TO WHOM THE IDENTIFICATION CARD, MOPED OPERATOR'S PERMIT, OR LICENSE TO DRIVE IS ISSUED.

(G) (1) THE ADMINISTRATION MAY CANCEL, SUSPEND, REVOKE, OR REQUIRE TO BE SURRENDERED AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR LICENSE TO DRIVE ISSUED OR RENEWED UNDER THIS SECTION UNDER THE SAME CIRCUMSTANCES THAT THE ADMINISTRATION MAY CANCEL, SUSPEND, REVOKE, OR REQUIRE TO BE SURRENDERED AN IDENTIFICATION CARD UNDER § 12–301 OF THIS ARTICLE, A MOPED OPERATOR'S PERMIT UNDER § 16–115 OF THIS SUBTITLE, OR ANY LICENSE TO DRIVE UNDER THIS SUBTITLE.

(2) THE ADMINISTRATION MAY REFUSE TO ISSUE OR RENEW AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE UNDER THIS SECTION UNDER THE SAME CIRCUMSTANCES THAT THE ADMINISTRATION MAY REFUSE TO ISSUE OR RENEW AN IDENTIFICATION CARD

UNDER § 12–301 OF THIS ARTICLE, A MOPED OPERATOR'S PERMIT UNDER § 16–115 OF THIS SUBTITLE, OR ANY LICENSE TO DRIVE UNDER THIS SUBTITLE, BUT FOR THE ABSENCE OF THE DOCUMENTARY EVIDENCE DESCRIBED IN SUBSECTION (A)(1)(III)2 OF THIS SECTION.

(H) (1) THE ADMINISTRATION MAY ESTABLISH A FEE FOR THE ISSUANCE OR RENEWAL OF AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE ISSUED OR RENEWED UNDER THIS SECTION.

(2) NOTHING IN THIS SECTION ALTERS THE PROVISIONS OF § 12–120 OF THIS ARTICLE.

(I) EXCEPT AS EXPRESSLY PROVIDED IN THIS SECTION, THIS SECTION DOES NOT LIMIT THE APPLICATION OF ANY OTHER PROVISION OF THIS ARTICLE TO AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE ISSUED UNDER THIS SECTION.

16–123.

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

(2) "COVERED EMPLOYEE" MEANS AN EMPLOYEE OF THE ADMINISTRATION OR A CONTRACTOR FOR THE ADMINISTRATION WHO IS INVOLVED IN THE MANUFACTURE OR PRODUCTION OF IDENTIFICATION CARDS, MOPED OPERATORS' PERMITS, OR LICENSES TO DRIVE OR WHO HAS THE ABILITY TO AFFECT THE IDENTITY INFORMATION THAT APPEARS ON AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE.

(3) "PERSONALLY IDENTIFIABLE INFORMATION" MEANS ANY INFORMATION THAT CAN BE USED TO DISTINGUISH OR TRACE AN INDIVIDUAL'S IDENTITY AS SPECIFIED IN REGULATIONS ADOPTED BY THE SECRETARY OF HOMELAND SECURITY, WHETHER THE INFORMATION IS STORED IN A DATABASE, ON AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE, OR IN THE MACHINE–READABLE ZONE ON AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE.

(B) THE ADMINISTRATION SHALL HAVE A SECURITY PLAN FOR IDENTIFICATION CARDS, MOPED OPERATORS' PERMITS AND LICENSES TO DRIVE ISSUED OR RENEWED FOR THE PURPOSES OF COMPLYING WITH THE PROVISIONS OF THIS ARTICLE.

(C) AT A MINIMUM, THE SECURITY PLAN SHALL ADDRESS:

(1) PHYSICAL SECURITY OF THE FACILITIES USED AND STORAGE AREAS FOR CARD STOCK AND OTHER MATERIALS USED IN PRODUCTION; AND

(2) SECURITY OF PERSONALLY IDENTIFIABLE INFORMATION MAINTAINED AT LOCATIONS OF THE ADMINISTRATION INVOLVED IN THE ENROLLMENT, ISSUANCE, MANUFACTURE, OR PRODUCTION, INCLUDING THE FOLLOWING PROTECTIONS:

(I) REASONABLE ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS TO PROTECT THE SECURITY, CONFIDENTIALITY, AND INTEGRITY OF THE PERSONALLY IDENTIFIABLE INFORMATION COLLECTED, STORED, AND MAINTAINED IN ADMINISTRATION RECORDS AND INFORMATION SYSTEMS, INCLUDING PROCEDURES TO PREVENT UNAUTHORIZED ACCESS, USE, OR DISSEMINATION OF APPLICANT INFORMATION AND IMAGES OF SOURCE DOCUMENTS RETAINED AND STANDARDS AND PROCEDURES FOR DOCUMENT RETENTION AND DESTRUCTION;

(II) A PRIVACY POLICY REGARDING THE PERSONALLY IDENTIFIABLE INFORMATION COLLECTED AND MAINTAINED BY THE ADMINISTRATION;

(III) REQUIRING THAT RELEASE OR USE OF PERSONAL INFORMATION COLLECTED AND MAINTAINED BY THE ADMINISTRATION COMPLY WITH THE REQUIREMENTS OF THE FEDERAL DRIVER'S PRIVACY PROTECTION ACT;

(IV) DOCUMENT AND PHYSICAL SECURITY FEATURES FOR IDENTIFICATION CARDS, MOPED OPERATORS' PERMITS, AND LICENSES TO DRIVE ISSUED BY THE ADMINISTRATION;

(V) ACCESS CONTROL, INCLUDING:

1. EMPLOYEE IDENTIFICATION AND CREDENTIALING, INCLUDING ACCESS BADGES;

2. EMPLOYEE BACKGROUND CHECKS, INCLUDING A NAME–BASED AND FINGERPRINT–BASED CRIMINAL HISTORY RECORDS CHECK, FOR EACH COVERED EMPLOYEE AND CURRENT EMPLOYEE WHO WILL BE ASSIGNED TO THE POSITION OF A COVERED EMPLOYEE; AND

3. CONTROLLED ACCESS SYSTEMS;

(VI) PERIODIC TRAINING REQUIREMENTS IN:

1. FRAUDULENT DOCUMENT RECOGNITION TRAINING FOR ALL COVERED EMPLOYEES HANDLING SOURCE DOCUMENTS OR ENGAGED IN THE ISSUANCE OF IDENTIFICATION CARDS, MOPED OPERATORS' PERMITS, OR LICENSES TO DRIVE; AND

2. SECURITY AWARENESS TRAINING, INCLUDING THREAT IDENTIFICATION AND HANDLING OF SENSITIVE SECURITY INFORMATION AS NECESSARY;

(VII) EMERGENCY AND INCIDENT RESPONSE PLAN;

(VIII) INTERNAL AUDIT CONTROLS; AND

(IX) AN AFFIRMATION THAT THE ADMINISTRATION POSSESSES THE AUTHORITY AND MEANS TO PRODUCE, REVISE, EXPUNGE, AND PROTECT THE CONFIDENTIALITY OF IDENTIFICATION CARDS, MOPED OPERATORS' PERMITS, AND LICENSES TO DRIVE ISSUED IN SUPPORT OF FEDERAL, STATE, OR LOCAL CRIMINAL JUSTICE AGENCIES OR SIMILAR

PROGRAMS THAT REQUIRE SPECIAL LICENSING OR IDENTIFICATION TO SAFEGUARD PERSONS OR SUPPORT THEIR OFFICIAL DUTIES.

(D) THE SECURITY PLAN REQUIRED BY THIS SECTION CONTAINS SENSITIVE SECURITY INFORMATION AND SHALL BE HANDLED AND PROTECTED IN ACCORDANCE WITH 49 CODE OF FEDERAL REGULATIONS PART 1520.

16–124.

(A) THE ADMINISTRATION SHALL REQUIRE EACH FEE FOR ISSUANCE OR RENEWAL OF AN ORIGINAL OR DUPLICATE IDENTIFICATION CARD, MOPED OPERATOR'S PERMIT, OR LICENSE TO DRIVE UNDER THIS ARTICLE TO BE PAID BY THE APPLICANT AT THE TIME OF APPLICATION.

(B) AN APPLICATION FEE UNDER THIS SECTION IS NONREFUNDABLE, REGARDLESS WHETHER THE ADMINISTRATION ISSUES OR RENEWS, REFUSES TO ISSUE OR RENEW, CANCELS, OR REQUIRES TO BE SURRENDERED AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE UNDER THIS ARTICLE.

16–301.

(a) A person may not knowingly or fraudulently obtain or attempt to obtain a **[**driver's**]** license **TO DRIVE OR A MOPED OPERATOR'S PERMIT** by misrepresentation.

(b) A person may not in any application for a **[**driver's**]** license **TO DRIVE OR A MOPED OPERATOR'S PERMIT**:

(1) Use a false or fictitious name;

(2) Knowingly make a false statement;

(3) Knowingly conceal a material fact;

(4) Use a false, fictitious, or fraudulently altered document; or

(5) Otherwise commit a fraud.

27–101.

(c) Any person who is convicted of a violation of any of the provisions of the following sections of this article is subject to a fine of not more than $500 or imprisonment for not more than 2 months or both:

(1) § 12–301**[**(c), (d), (e),**]** **(E)** or (f) ("Special identification cards: **[**Fraud and misrepresentation**]** **UNLAWFUL USE OF IDENTIFICATION CARD** prohibited");

(12) § 16–301**, EXCEPT § 16–301(A) OR (B)** ("Unlawful **[**application for or**]** use of license");

(CC) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 12–301(C) OR (D) OF THIS ARTICLE ("FRAUD OR MISREPRESENTATION IN OBTAINING OR APPLICATION FOR AN IDENTIFICATION CARD") OR § 16–301(A) OR (B) OF THIS ARTICLE ("FRAUD OR MISREPRESENTATION IN OBTAINING OR APPLICATION FOR A LICENSE") IS SUBJECT TO A FINE OF NOT MORE THAN $2,500 OR IMPRISONMENT FOR NOT MORE THAN 3 YEARS OR BOTH.

SECTION 3. AND BE IT FURTHER ENACTED, That the Motor Vehicle Administration shall adopt regulations to implement this Act, including regulations to:

(1) create a written, defined exceptions process, consistent with regulations adopted by the Secretary of Homeland Security, for applicants who, for reasons beyond their control, are unable to present all necessary documentation and must rely on alternative documents to establish identity or date of birth, however, under the regulations, alternative documents to demonstrate lawful status shall only be allowed to demonstrate that the applicant is a citizen of the United States; and

(2) implement the provisions of this Act concerning a non–match, as described in this Act, of documentation provided by an applicant to the Administration.

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 14 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Malone moved to make the Bill a Special Order for next session.

The motion was adopted.

Delegate Vallario, Chair, for the Committee on Judiciary 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

HB1196/642916/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1196
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "a court clerk or District Court commissioner" and substitute "the Department of Public Safety and Correctional Services"; strike beginning with "if" in line 5 down through "address" in line 7; in line 8, strike "Administrative Office of the Courts" and substitute "Department"; in line 10, strike "make a return" and substitute "provide a certain electronic notice"; in line 11, after "service;" insert "making this Act subject to a certain contingency;"; in line 15, strike "and" and substitute a comma; in the same line, after "4–504.1(f)" insert ", and 4–505(b)"; and in line 20, strike "4–505(b) and".

AMENDMENT NO. 2

On page 3, strike beginning with "**FILED**" in line 1 down through "**COMMISSIONER**" in line 4 and substitute "**REQUESTED NOTIFICATION OF THE SERVICE OF A PROTECTIVE ORDER, THE DEPARTMENT OF PUBLIC SAFETY AND**

CORRECTIONAL SERVICES"; in line 6, after "**INTERIM**" insert "**OR A TEMPORARY**"; strike beginning with the second "**OF**" in line 6 down through "**FROM**" in line 7 and substitute "**AFTER**"; in line 7, after "**OFFICER**" insert "**ELECTRONICALLY NOTIFIES THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES OF THE SERVICE**"; in line 10, strike "**TEMPORARY OR**"; in line 11, strike "**OF**" and substitute "**AFTER**"; in line 12, strike "**ADMINISTRATIVE OFFICE OF THE COURTS**" and substitute "**DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES**"; in line 13, strike "**THE**" and substitute "**A**"; in line 14, strike "**SECTION**" and substitute "**SUBSECTION**"; after line 14, insert:

"**(3) THE COURT CLERK OR COMMISSIONER SHALL PROVIDE THE NOTIFICATION REQUEST FORM TO A PETITIONER.**";

in line 18, strike "and"; in line 19, strike the brackets; in the same line, strike "**WITHIN TWO HOURS OF**"; in line 21, after "Clerk" insert "**; AND**

(3) WITHIN TWO HOURS AFTER SERVICE OF THE ORDER ON THE RESPONDENT, ELECTRONICALLY NOTIFY THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES OF THE SERVICE";

in line 24, strike "immediately shall" and substitute "**SHALL:**

(I) IMMEDIATELY";

and in line 25, after "section" insert "**; AND**

(II) WITHIN TWO HOURS AFTER SERVICE OF THE ORDER ON THE RESPONDENT, ELECTRONICALLY NOTIFY THE DEPARTMENT OF PUBLIC SAFETY AND CORRECTIONAL SERVICES OF THE SERVICE".

On page 4, in line 11, strike "October 1, 2009" and substitute "January 1, 2010, contingent on the receipt by the Governor's Office of Crime Control and Prevention of federal funds under the American Recovery and Reinvestment Act of 2009 to fund implementation of the notification requirements under this Act and if federal funds are not received for this purpose by January 1, 2010, this Act shall be null and void without the necessity of further action by the General Assembly".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 1267 – Delegates Valderrama, Ali, Anderson, Barnes, Benson, Cane, Carr, Carter, Feldman, Guzzone, Howard, Ivey, Kramer, Lee, Manno, McConkey, Pena–Melnyk, Simmons, Smigiel, V. Turner, and Waldstreicher

AN ACT concerning

Public Safety – SWAT Team Activation and Deployment – Reports

HB1267/842417/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1267
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 5 and 22, in each instance, strike "Office of the Attorney General" and substitute "Governor's Office of Crime Control and Prevention"; in lines 6, 8, 11, 12, and 16, in each instance, strike "Office" and substitute "Governor's Office of Crime Control and Prevention"; and in line 24, after "Assembly;" insert "providing for the termination of this Act;".

AMENDMENT NO. 2

On page 2, in line 23, strike "**ON A MONTHLY BASIS**" and substitute "**EVERY 6 MONTHS**"; in line 28, strike "**MONTH**" and substitute "**6 MONTHS**"; and strike beginning with "**WITHOUT**" in line 29 down through "**ACTIVATION**" in line 32 and substitute "**THE NAME OF THE COUNTY OR COUNTY AND MUNICIPAL CORPORATION AND THE ZIP CODE OF THE LOCATION WHERE THE SWAT TEAM WAS DEPLOYED FOR EACH ACTIVATION**".

On page 3, in line 8, strike "**THE TYPE OF EVIDENCE SEIZED, IF ANY**" and substitute "**WHETHER PROPERTY WAS SEIZED**"; and in lines 21 and 24, in each instance, strike "**MONTH**" and substitute "**6–MONTH PERIOD**".

On page 4, in line 4, strike "**MONTHLY**".

AMENDMENT NO. 3

On page 2, in line 25, strike "**OFFICE OF THE ATTORNEY GENERAL**" and substitute "**GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION**".

On page 3, in lines 15, 17, and 25, in each instance, strike "**OFFICE OF THE ATTORNEY GENERAL**" and substitute "**GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION**".

On page 4, in lines 3, 6, 13 and 14, and 23, in each instance, strike "**OFFICE OF THE ATTORNEY GENERAL**" and substitute "**GOVERNOR'S OFFICE OF CRIME CONTROL AND PREVENTION**".

AMENDMENT NO. 4

On page 4, in line 28, strike "October" and substitute "July"; and in the same line, 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 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Niemann moved to make the Bill a Special Order for next session.

The motion was adopted.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

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

HB1273/502815/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1273
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike lines 2 and 3 in their entirety and substitute:

"Criminal Procedure – Medical Emergency After Alcohol or Drug Ingestion – Mitigating Factor";

strike beginning with "providing" in line 4 down through "circumstances;" in line 17; in line 18, strike the first "certain"; in the same line, after "person" insert "who is experiencing a medical emergency after ingesting alcohol or drugs"; strike beginning with "limited" in line 19 down through "overdose" in line 20 and substitute "medical emergencies after alcohol or drug ingestion"; in line 22, strike "Law" and substitute "Procedure"; in line 23, strike "5–601.1" and substitute "1–209"; and strike line 25 in its entirety and substitute:

"(2008 Replacement Volume)".

AMENDMENT NO. 2

On page 2, in line 1, strike "Law" and substitute "Procedure"; strike in their entirety lines 2 through 29, inclusive, and substitute:

"**1–209.**";

in line 30, strike "**(C)**"; and in line 31, strike "**AN ALCOHOL OR A DRUG–RELATED OVERDOSE**" and substitute "**A MEDICAL EMERGENCY AFTER INGESTING ALCOHOL OR DRUGS**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Morhaim moved to make the Bill a Special Order for next session.

The motion was adopted.

Delegate Vallario, Chair, for the Committee on Judiciary 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.

SPECIAL ORDERS

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

House Bill 87 – Delegate Anderson (By Request – Baltimore City Administration)

AN ACT concerning

Criminal Procedure – No Good Time for Gun Crime

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

Read the second time and ordered prepared for Third Reading.

House Bill 893 – Delegates Hixson, Cardin, Olszewski, Rice, and Ross

EMERGENCY BILL

AN ACT concerning

Election Law – Voting Systems – Requirements

STATUS OF BILL: BILL ON 2ND READING. 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 137 Members present.

(See Roll Call No. 516)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #37

House Bill 135 – Cecil County Delegation

AN ACT concerning

Environment – Sewage Sludge Utilization – Zoning and Land Use Requirements

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

Affirmative – 137 Negative – 1 (See Roll Call No. 517)

The Bill was then sent to the Senate.

House Bill 388 – Delegate Simmons

AN ACT concerning

Criminal Law – Narcotic Drugs – Enhanced Penalties

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

Affirmative – 138 Negative – 0 (See Roll Call No. 518)

The Bill was then sent to the Senate.

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 – 132 Negative – 5 (See Roll Call No. 519)

The Bill was then sent to the Senate.

House Bill 534 – Delegate Simmons

AN ACT concerning

Child Pornography – Matter Reflecting Belief That a Minor Is Depicted in a Certain Manner

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

Affirmative – 137 Negative – 0 (See Roll Call No. 520)

The Bill was then sent to the Senate.

House Bill 539 – Delegates Branch, Bronrott, Griffith, Jones, and Sossi

AN ACT concerning

Public Safety – Electronic Control Devices – Requirements

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

Affirmative – 117 Negative – 20 (See Roll Call No. 521)

The Bill was then sent to the Senate.

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 – 108 Negative – 30 (See Roll Call No. 522)

The Bill was then sent to the Senate.

House Bill 565 – Delegates Kramer, Kelly, Ramirez, Reznik, Shank, and Smigiel

AN ACT concerning

Criminal Procedure – State Commission on Criminal Sentencing Policy – Reconsideration of Sentence

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

Affirmative – 137 Negative – 0 (See Roll Call No. 523)

The Bill was then sent to the Senate.

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 524)

The Bill was then sent to the Senate.

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 525)

The Bill was then sent to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 526)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #38

House Bill 1030 – Delegates Shank, Frank, Kelly, Kramer, Myers, Sossi, and Valderrama

AN ACT concerning

Criminal Procedure – Offender Registry – Retroactivity

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

Affirmative – 136 Negative – 0 (See Roll Call No. 527)

The Bill was then sent to the Senate.

House Bill 1115 – Delegates Frank, Dwyer, and McConkey

AN ACT concerning

Courts – Legislative Continuances and Time Extensions – Parties to Proceedings

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

Affirmative – 135 Negative – 3 (See Roll Call No. 528)

The Bill was then sent to the Senate.

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 – 136 Negative – 0 (See Roll Call No. 529)

The Bill was then sent to the Senate.

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 530)

The Bill was then sent to the Senate.

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 531)

The Bill was then sent to the Senate.

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 – 136 Negative – 0 (See Roll Call No. 532)

The Bill was then sent to the Senate.

House Bill 1221 – Washington County Delegation

AN ACT concerning

Washington County – Roads and Transportation

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

Affirmative – 138 Negative – 0 (See Roll Call No. 533)

The Bill was then sent to the Senate.

House Bill 1292 – Delegates Ali, Frick, Rudolph, Taylor, and Vaughn

AN ACT concerning

Consumer Protection – ~~Blacklist Prevention~~ Consumer Credit Contracts – Prohibited Provisions

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

Affirmative – 132 Negative – 6 (See Roll Call No. 534)

The Bill was then sent to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 535)

The Bill was then sent to the Senate.

House Bill 1382 – Chair, Judiciary Committee (By Request – Departmental – Juvenile Services)

AN ACT concerning

Juvenile Law – Juvenile Records – Disclosure

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

Affirmative – 138 Negative – 0 (See Roll Call No. 536)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #39

House Bill 938 – Delegates Levi, Vallario, Haynes, Rice, and Vaughn

AN ACT concerning

Correctional Services – Inmate Earnings – Compensation for Victims of Crime

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

Affirmative – 138 Negative – 0 (See Roll Call No. 537)

The Bill was then sent to the Senate.

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 – 138 Negative – 0 (See Roll Call No. 538)

The Bill was then sent to the Senate.

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 – 138 Negative – 0 (See Roll Call No. 539)

The Bill was then sent to the Senate.

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 540)

The Bill was then sent to the Senate.

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 – 138 Negative – 0 (See Roll Call No. 541)

The Bill was then sent to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 542)

The Bill was then sent to the Senate.

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 – 136 Negative – 1 (See Roll Call No. 543)

The Bill was then sent to the Senate.

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 544)

The Bill was then sent to the Senate.

House Bill 1494 – ~~Delegate Davis~~ Delegates Davis, Barkley, Braveboy, Burns, Feldman, Haddaway, Harrison, Hecht, Impallaria, Jameson, King, Kirk, Krysiak, Love, Mathias, Miller, Minnick, Stifler, Taylor, Vaughn, and Walkup

AN ACT concerning

Telecommunications – Basic and Competitive Services – Agreement

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

Affirmative – 131 Negative – 3 (See Roll Call No. 545)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #40

House Bill 306 – The Speaker (By Request – Administration) and Delegates Kaiser, Ali, Barkley, Bartlett, Branch, Braveboy, Carr, Davis, Dumais, Frick, Gilchrist, Gutierrez, Guzzone, Hammen, Hixson, Howard, Hucker, Ivey, Jones, King, Kramer, Kullen, Lafferty, Lee, Levi, Love, Manno, Montgomery, Morhaim, Murphy, Nathan–Pulliam, Oaks, Ramirez, Rice, Ross, Rudolph, Smigiel, Stukes, Taylor, F. Turner, V. Turner, Valderrama, Vaughn, and Waldstreicher

AN ACT concerning

Interstate Compact on Educational Opportunity for Military Children

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

Affirmative – 135 Negative – 0 (See Roll Call No. 546)

The Bill was then sent to the Senate.

House Bill 311 – The Speaker (By Request – Administration) and Delegates Barnes, Feldman, Frick, ~~and Lee~~ Lee, Hixson, Rosenberg, Hucker, Mizeur, Ali, Anderson, Barkley, Barve, Benson, Bobo, Braveboy, Bronrott, Cane, Dumais, Gaines, Gilchrist, Gutierrez, Healey, Hecht, Hubbard, Ivey, Kaiser, Lafferty, Manno, McIntosh, Montgomery, Murphy, Nathan–Pulliam, Pena–Melnyk, Ramirez, Reznik, Rice, Smigiel, Stukes, Taylor, Valderrama, Waldstreicher, and Weldon

AN ACT concerning

~~**Public Safety – Department of State Police – Investigations Affecting First Amendment Rights**~~

Freedom of Association and Assembly Protection Act of 2009

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

Affirmative – 136 Negative – 0 (See Roll Call No. 547)

The Bill was then sent to the Senate.

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

Delegate Minnick moved the previous question.

The motion was adopted.

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

Affirmative – 107 Negative – 31 (See Roll Call No. 548)

The Bill was then sent to the Senate.

House Bill 379 – Delegates Olszewski, Cardin, Walker, Boteler, Braveboy, Bromwell, Frush, Griffith, Healey, Hixson, Howard, Hubbard, Ivey, Kach, Kaiser, Minnick, Pena–Melnyk, Rice, Ross, Schuler, Stukes, F. Turner, V. Turner, and Valderrama

AN ACT concerning

Education – Reporting Requirement – Class Size

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

Affirmative – 120 Negative – 16 (See Roll Call No. 549)

The Bill was then sent to the Senate.

House Bill 501 – Delegates Kelly, Dwyer, Kramer, McComas, and Smigiel

AN ACT concerning

Criminal Law – ~~Theft~~ Fraudulent Conversion of Rental Property

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

Affirmative – 139 Negative – 0 (See Roll Call No. 550)

The Bill was then sent to the Senate.

House Bill 632 – Delegates Levi, DeBoy, and Walker

AN ACT concerning

Education – New Teachers – Classroom Management Training and Resignations – Study and Review

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

Affirmative – 137 Negative – 0 (See Roll Call No. 551)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #41

House Bill 825 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Regulation of Campaign Finance Disclosure

MC 913–09

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

Affirmative – 135 Negative – 0 (See Roll Call No. 552)

The Bill was then sent to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 553)

The Bill was then sent to the Senate.

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 – 138 Negative – 0 (See Roll Call No. 554)

The Bill was then sent to the Senate.

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

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

Affirmative – 138 Negative – 0 (See Roll Call No. 555)

The Bill was then sent to the Senate.

House Bill 1264 – Delegates Walker, Anderson, Barnes, Benson, Braveboy, Bromwell, Cardin, Carter, Conaway, Feldman, Frick, Frush, Gaines, Griffith, Guzzone, Healey, Holmes, Howard, Hubbard, Hucker, Ivey, Jameson, Jennings, King, Krebs, Lafferty, Murphy, Myers, Niemann, Oaks, Olszewski, Reznik, Rice, Ross, Schuler, Serafini, Sossi, Stein, Stukes, Tarrant, Taylor, F. Turner, V. Turner, Valderrama, Vaughn, Walkup, ~~and Weir~~ Weir, Bartlett, Barve, Boteler, Doory, Elmore, George, Gilchrist, Hixson, and Kaiser

AN ACT concerning

Gwendolyn Britt Student Health and Fitness Act

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

Affirmative – 138 Negative – 0 (See Roll Call No. 556)

The Bill was then sent to the Senate.

House Bill 1400 – Chair, Judiciary Committee (By Request – Departmental – Public Safety and Correctional Services)

AN ACT concerning

Criminal Procedure – Sexual Offenders – Homeless Registrants~~,~~ and Supervision~~, and Penalties~~

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

Affirmative – 137 Negative – 0 (See Roll Call No. 557)

The Bill was then sent to the Senate.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 70 – Chair, Judicial Proceedings Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Child Support Enforcement – Medical Support for Children

FOR the purpose of altering provisions of law relating to health insurance coverage for children by requiring, rather than authorizing, a court to include in a certain support order a provision requiring health insurance coverage for a child; providing that both parents are subject to a certain order; altering the conditions under which coverage must be provided; repealing a provision of law authorizing a certain order to be issued separate from or in conjunction with an earnings withholding order; requiring a court to include certain provisions in a support order if health insurance coverage is not available at a reasonable cost at the time the order is established or modified; 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; establishing when cash medical support and the cost of health insurance coverage shall be deemed reasonable; defining certain terms; and generally relating to medical support for children.

BY repealing and reenacting, with amendments,

Article – Family Law
Section 12–102
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Senate Bill 163 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Natural Resources)

EMERGENCY BILL

AN ACT concerning

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

FOR the purpose of authorizing a local government body to use certain Program Open Space funds for the construction of certain indoor or outdoor recreational facilities; requiring certain indoor recreational facilities to meet or exceed a certain rating under certain circumstances; requiring certain indoor recreational facilities to incorporate, to the maximum extent practicable, certain site design standards; altering the percentage of funds that the State shall provide to a local governing body for the construction of an indoor recreational facility located outside of a priority funding area under certain circumstances; altering the percentage of funds that the State shall provide to a local governing body for the acquisition of land located within a priority funding area under certain circumstances; requiring the Department of Planning, in consultation with the Department of Natural Resources, to conduct a certain evaluation; requiring the Department of Planning to report its evaluation to certain committees of the General Assembly on or before a certain date; providing for the application of this Act; making this Act an emergency measure; and generally relating to the use of funds for Program Open Space.

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 5–903(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 5–903(b) and 5–905(c)(3)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 201 – Senators Kelley, Currie, Middleton, ~~and Stone~~ Stone, Forehand, and Jacobs

AN ACT concerning

Real Property – Condominiums – ~~Required Insurance Coverage~~ Repair or Replacement of Damage or Destruction by Council of Unit Owners

FOR the purpose of clarifying that the council of unit owners of a condominium is responsible for the repair or replacement of the common elements and condominium units, exclusive of improvements and betterments installed in units by unit owners other than the developer, in the event of damage to or destruction of the condominium under certain circumstances; ~~clarifying that the council of unit owners is required to maintain certain insurance on a condominium's common elements and units, exclusive of improvements and betterments installed in units by unit owners; making stylistic changes~~ clarifying the coverage of certain property insurance required to be maintained by a council of unit owners; providing that the owner of the unit where the cause of certain damage or destruction originated is responsible for a certain insurance deductible up to a certain amount; repealing a condition that a certain responsibility of the unit owner be provided in the bylaws; repealing a provision that the council of unit owners' property insurance deductible is a common expense under certain circumstances; requiring the council of unit owners to inform unit owners of certain responsibilities relating to the property insurance deductible under certain circumstances; requiring a contract for the initial sale of a unit and a contract for the resale of a unit to include a certain notice of the unit owner's responsibility relating to the property insurance deductible under certain circumstances; declaring the intent of the General Assembly; and generally relating to condominiums and insurance coverage under the Maryland Condominium Act.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 11–108.1 ~~and~~, 11–114, 11–126(b)(16) and (17), and 11–135(a)(4)(xii) and (5) and (b)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY adding to
Article – Real Property
Section 11–126(b)(17) and 11–135(a)(6)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Environmental Matters.

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

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; 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, is determined by the court at the time a certain court jurisdiction is terminated to be at risk of committing certain offenses, and 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; requiring that certain allegations be proven by clear and convincing evidence before a certain determination is made; 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 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 Judiciary.

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

FOR the purpose of requiring a certain court to order the Motor Vehicle Administration to initiate an action to suspend the driving privilege of a child for certain periods of time on making a finding that the child has committed certain violations relating to alcoholic beverages, leaving the scene of an accident, or fleeing or eluding a police officer; prohibiting the Administration from issuing restricted licenses to individuals whose drivers' licenses are suspended under certain circumstances; requiring the Administration to retain certain reports of certain violations relating to leaving the scene of an accident or fleeing or eluding a police officer; requiring the Administration to suspend a child's license to drive for a certain period of time on notification by the clerk of the court that the child has been adjudicated delinquent for certain violations relating to leaving the scene of an accident or fleeing or eluding a police officer, or that certain findings were made that a child committed certain violations relating to leaving the scene of an accident or fleeing or eluding a police officer; providing that a suspension imposed under certain circumstances is to be consecutive to a certain other suspension; requiring the Administration to suspend the driver's license of the holder of a provisional driver's license who is under a certain age if the individual accumulates a certain number of points in a certain time period; authorizing an individual to request a hearing on certain suspensions or revocations of drivers' licenses under certain circumstances; establishing that a holder of a provisional driver's license who is under a certain age is guilty of the offense of high–risk driving if the holder commits certain violations of the Maryland Vehicle Law; requiring the Administration to

suspend the driver's license of a certain individual for a certain period of time if the Administration receives satisfactory evidence of the commission of a certain high–risk driving violation; establishing that a driver's license suspension imposed for high–risk driving is separate from any other penalty imposed for a certain violation and consecutive to any other suspension imposed for a certain violation; and generally relating to the drivers' licenses of children.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–01(j), 3–8A–03(d)(2), and 3–8A–19(e)(2)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–8A–19(e)(1) and 3–8A–23(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–206(b) and 16–404
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Transportation
Section 21–905
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 21–1123
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

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

FOR the purpose of requiring 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; requiring the Administration to include a certain additional statement when issuing a notice of suspension of a drivers license; authorizing the Administration, under certain circumstances, to modify a certain suspension and issue a certain restrictive license during a certain mandatory period of suspension; providing that a person who participates in the Ignition Interlock System Program for at least a certain number of months is exempt from certain requirements; and 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)~~ (e) and (f)
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 Judiciary.

Senate Bill 263 – The President (By Request – Administration) (Task Force to Combat Driving Under the Influence of Drugs and Alcohol) and ~~Senator Forehand~~ Senators Forehand, Jacobs, and Mooney

AN ACT concerning

Vehicle Laws – Alcohol Restriction on Driver's License – Penalties for Violations

FOR the purpose of establishing certain penalties for a violation of a driver's license alcohol restriction imposed by the Motor Vehicle Administration; and generally relating to driver's license alcohol restrictions.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 16–113(j), 27–101(c)(11), and 27–102
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

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

FOR the purpose of ~~requiring that a covert investigation of a certain person, group, or organization be based on a reasonable suspicion that the person, group, or organization is planning, or engaged in, criminal activity; authorizing that the investigation be conducted only under certain circumstances~~ prohibiting a law enforcement agency from conducting a covert investigation of a certain person, group, or organization unless a certain individual makes a written finding at a certain time that the covert investigation is justified for certain reasons; establishing that membership or participation in a certain group or organization does not alone establish reasonable, articulable suspicion of criminal activity; requiring ~~the Department of State Police~~ a law enforcement agency to conduct all investigations involving certain activities for a legitimate law enforcement objective; requiring ~~the Department~~ a law enforcement agency to safeguard certain rights of all persons; prohibiting ~~the Department~~ a law enforcement agency from conducting certain activities for certain purposes; requiring ~~the Department~~ a law enforcement agency to terminate a certain investigation under certain circumstances; prohibiting ~~the Department~~ a law enforcement agency from collecting or maintaining certain information under certain circumstances; requiring that information maintained in a criminal intelligence file be evaluated for the reliability of the source of the information and the validity and accuracy of the information; requiring ~~the Department~~ a law enforcement agency to classify accurately certain information; authorizing ~~the Department~~ a law enforcement agency to disseminate certain information in a certain manner; establishing that a certain provision may not be interpreted to diminish the rights of a person requesting certain information; prohibiting ~~the Department~~ a law enforcement agency from knowingly including certain information in certain files; ~~providing for the construction of this Act;~~ requiring the Department of State Police to adopt certain regulations on or before a certain date; requiring certain law enforcement agencies to adopt certain policies on or before a certain date; requiring the Department to report to certain committees of the General Assembly on certain matters on or before a certain date; defining certain terms; and generally relating to investigations affecting First Amendment rights conducted by ~~the Department of State Police~~ law enforcement agencies.

BY adding to
Article – Public Safety
Section ~~2–314~~ 3–701
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

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

Senate Bill 280 – The President (By Request – Administration) and Senators Della, King, Lenett, Madaleno, and Rosapepe

AN ACT concerning

Smart, Green, and Growing – Smart and Sustainable Growth Act of 2009

FOR the purpose of defining a certain term applicable to the adoption of certain ordinances or regulations by a local jurisdiction and the exercise by ~~a local jurisdiction~~ certain governmental entities of certain land use ordinances and regulations, water and sewer plan review, growth allocation, and annexation powers to ~~require~~ clarify consistency with a local comprehensive plan is required under certain circumstances; altering the applicability of certain land use provisions to certain local jurisdictions; requiring a local jurisdiction to enact a certain land use plan; requiring a member of a local planning commission to complete a certain education course; requiring a member of a board of appeals to complete a certain education course; declaring the intent of the General Assembly; requiring a member of a local planning commission and a member of a board of appeals to complete a certain education course by a certain date; requiring the Task Force on the Future for Growth and Development to make certain recommendations; requiring the Department of Planning to develop a certain education course by a certain date; providing for the application of this Act; stating the General Assembly's intent to overturn the ruling in a certain court case; defining certain terms; and generally relating to land use.

BY renumbering
Article 66B – Land Use
Section 1.03(a) through (f)
to be Section 1.04(b) through (g)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY adding to
Article 66B – Land Use
Section 1.04(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)
(As enacted by Section 1 of this Act)

BY repealing and reenacting, without amendments,
Article 66B – Land Use
Section 1.00(a), 1.01, and 4.09
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article 66B – Land Use
Section 1.00(h) and (k), 1.02, 2.13, 3.01, 3.02, and 4.07
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY adding to
Article 66B – Land Use
Section 1.02
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, ~~without~~ with amendments,
Article 66B – Land Use
Section ~~1.04(e)~~ 1.04(d), (e), and (f)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)
(As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 8–1808.1(c)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)
(As ~~enacting~~ enacted by Chapter 119 of the Acts of the General Assembly of 2008)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 296 – Senators Stone and Della

EMERGENCY BILL

AN ACT concerning

Automotive Dismantlers, Recyclers, and Scrap Processors – Notice of Vehicle Acquisition

FOR the purpose of expanding the exception to the requirement that an automotive dismantler and recycler or scrap processor provide certain notice of vehicle

acquisition to include vehicles obtained through an out–of–state salvage certificate; making this Act an emergency measure; and generally relating to notice of vehicle acquisition by automotive dismantlers, recyclers, and scrap processors.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 15–511
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 303 – Senators Kramer, Astle, Madaleno, Robey, ~~and Rosapepe~~ Rosapepe, Frosh, Gladden, Brochin, Forehand, Haines, Jacobs, Muse, Raskin, Simonaire, and Stone

AN ACT concerning

Silver Alert Program – Establishment

FOR the purpose of requiring the Department of State Police to establish a Silver Alert Program to disseminate information to assist in locating certain missing persons who suffer certain impairments; requiring the Department to adopt guidelines and develop procedures for issuing a Silver Alert for a certain missing person; requiring the Department to provide training to local law enforcement agencies on the guidelines and procedures to be used to handle a report of a certain missing person; requiring the Department to provide assistance to a local law enforcement agency as necessary to assist in the safe recovery of certain missing persons; requiring the Department to recruit certain persons to assist in developing and implementing the Silver Alert Program; requiring the Department to consult with the State Highway Administration to establish a certain plan for providing information to the public; requiring the Department to consult with the State ~~Board~~ Department of Education to develop a program ~~to allow high school students to assist in the search for a missing person and receive student service credit~~ that meets certain requirements; requiring a certain person to notify a certain local law enforcement agency and the Department regarding certain information under certain circumstances; defining certain terms; making this Act subject to a certain contingency; and generally relating to the establishment of a Silver Alert Program.

BY adding to
Article – Public Safety
Section 3–604
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

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

Senate Bill 421 – Senators Jacobs, Colburn, Forehand, Kelley, King, Kittleman, Mooney, Munson, Pugh, Raskin, and Stone

AN ACT concerning

Social Services Administration ~~– Children at Substantial Risk of Abuse or Neglect – Identification and Notice~~ and Department of Health and Mental Hygiene – Parents Responsible for Child Abuse or Neglect – Birth of Subsequent Child

FOR the purpose of requiring the Secretary of Health and Mental Hygiene to provide certain birth record information to the Executive Director of the Social Services Administration in the Department of Human Resources under certain circumstances; requiring the Executive Director to provide certain information regarding certain individuals to the Secretary; requiring the Executive Director to take certain action following the receipt of certain information from the Secretary; providing a certain exception to the confidentiality of certain vital records; and generally relating to the Social Services Administration, the Department of Health and Mental Hygiene, and ~~children at substantial risk of abuse or neglect.~~ child abuse and neglect.

BY adding to
Article – Health – General
Section 4–222
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 4–224
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article – Family Law
Section 5–715
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

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

FOR the purpose of authorizing a convicted person to file a petition for writ of actual innocence in a certain court if the person claims that there is newly discovered evidence that meets certain requirements; establishing requirements for a petition filed under this Act; requiring the court to hold a hearing on the petition under certain circumstances, with a certain exception; authorizing the court to take certain actions in ruling on the petition; requiring the court to state on the record the reasons for its ruling on the petition; establishing that a petitioner in a proceeding under this Act has the burden of proof; and generally relating to newly discovered evidence and petitions for writs of actual innocence.

BY adding to
Article – Criminal Procedure
Section 8–301 to be under the new subtitle "Subtitle 3. Newly Discovered Evidence"
Annotated Code of Maryland
(2008 Replacement Volume)

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

Senate Bill 507 – Senators Conway, Colburn, DeGrange, Klausmeier, and Stone

AN ACT concerning

Maryland Locksmiths Act

FOR the purpose of requiring a certain business to be licensed by the Secretary of Labor, Licensing, and Regulation before the business may provide locksmith services; providing for the purpose of this Act; providing that this Act does not limit the rights of certain individuals to engage in locksmith services; authorizing the Secretary to adopt certain regulations for the licensure and regulation of locksmiths; requiring all money collected by the Secretary to be paid into the General Fund of the State; establishing certain application procedures for obtaining a locksmith license; providing that before an individual may begin work for a licensed locksmith the licensee shall submit the individual's name to the Secretary and the individual shall apply for a national and State criminal history records check; requiring certain owners of businesses that are applicants and licensees to apply to the Central Repository for a certain criminal history records check; requiring certain applicants to submit fingerprints and a certain fee to the Central Repository; requiring the Central Repository to provide the Secretary with certain information; requiring certain information to be confidential and used for certain purposes; requiring licensees

to maintain certain general liability insurance that meets certain requirements; requiring a licensee to provide a certain notice of cancellation of a certain general liability insurance policy within a certain time period; authorizing the issuance and renewal of certain licenses by the Secretary; authorizing the issuance of certain photo identification cards by certain licensed locksmiths; providing for the expiration and renewal of certain licenses; establishing requirements for the display, carrying, replacement, and change of name for certain licenses; authorizing the Secretary to deny a license to an applicant, refuse to renew a license, reprimand a licensee, suspend or revoke a license, or impose certain penalties under certain circumstances; establishing certain hearing and appeal procedures for locksmiths; establishing certain content, keeping, reporting, and transmittal requirements for certain invoices or receipts for service; requiring certain advertisements to include the name and license number of a licensed locksmith; prohibiting certain acts; providing for certain civil and criminal penalties; requiring certain persons performing locksmith services to be licensed on or before a certain date; requiring the Secretary to submit a certain report including certain information to certain committees of the General Assembly on or before a certain date; defining certain terms; and generally relating to the licensure and regulation of locksmiths.

BY adding to
Article – Business Regulation
Section 12.5–101 through 12.5–601 to be under the new title "Title 12.5. Locksmiths"
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 522 – Senators Forehand, Conway, Garagiola, Pinsky, Pugh, Raskin, ~~and Rosapepe~~ Rosapepe, Jacobs, Mooney, and Simonaire

AN ACT concerning

Domestic Violence – Violation of Protective Order – Arrest

FOR the purpose of clarifying that an officer is required to arrest with or without a warrant and take into custody a person who the officer has probable cause to believe has violated a certain provision of an interim, temporary, or final protective order in effect at the time of the violation; clarifying that an officer is required to arrest with or without a warrant and take into custody a person who the officer has probable cause to believe has violated a certain order of protection that was issued by a court of another state or a Native American tribe under certain circumstances; making a clarifying change; and generally relating to domestic violence.

BY repealing and reenacting, with amendments,

Article – Family Law
Section 4–508.1(c) and 4–509
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Senate Bill 531 – Senators Zirkin, Frosh, Jacobs, Mooney, Muse, and Stone

AN ACT concerning

Juvenile Services – Programming – Private Facilities

FOR the purpose of requiring the Department of Juvenile Services to serve children in the juvenile services system with programming that ensures that certain facilities in this State serve no more than a certain number of children at one time; providing a certain exception; and generally relating to the Department of Juvenile Services.

BY repealing and reenacting, with amendments,
Article – Human Services
Section 9–238.1(a)
Annotated Code of Maryland
(2007 Volume and 2008 Supplement)

BY adding to
Article – Human Services
Section 9–238.1(d)
Annotated Code of Maryland
(2007 Volume and 2008 Supplement)

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

Senate Bill 561 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Boiler and Pressure Vessel Safety – Inspections

FOR the purpose of altering the boiler and pressure vessel safety law relating to applicants for a special inspector commission by repealing certain eligibility requirements; authorizing, instead of requiring, the Board of Boiler Rules to give examinations to applicants for special inspector commissions; providing that the Chief Boiler Inspector or a deputy boiler inspector shall have free access under certain circumstances to any premises in the State to investigate

the activities of a special inspector; requiring the Chief Boiler Inspector or a deputy boiler inspector to make certain inspections ~~with respect to the installation, repair, or alteration of boilers and pressure vessels,~~ to respond to and investigate certain complaints, to inspect or investigate accidents or explosions involving boilers and pressure vessels, and to monitor special inspector inspections; authorizing the Chief Boiler Inspector, a deputy boiler inspector, a special inspector, or an authorized inspection agency to make certain inspections with respect to the installation, repair, or alteration of boilers and pressure vessels; authorizing the Chief Boiler Inspector or a deputy boiler inspector to make certain inspections involving antique and model steam boilers and pressure vessels; requiring boiler and pressure vessels to be tested and maintained in a safe operating condition in accordance with certain regulations; ~~altering provisions of law so as to give the Commissioner of Labor and Industry jurisdiction jointly with the Board of Boiler Rules over the interpretation and application of certain boiler and pressure vessel inspection requirements;~~ repealing certain inspection fees; adding certain inspection fees; requiring certain insurers to develop, maintain, and make available to the Commissioner of Labor and Industry for inspection in a certain location a certain quality assurance program or to submit to the Chief Boiler Inspector certain evidence of certain accreditation; requiring the Chair of the Board of Boiler Rules to convene a certain workgroup to develop recommendations regarding certain changes to the Boiler and Pressure Vessel Safety Act on or before a certain date; and generally relating to boiler and pressure vessel safety.

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 12–907 ~~and~~, 12–909, and 12–913(a)
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 581 – Senators Frosh, Conway, Harrington, Lenett, Pinsky, ~~and Rosapepe~~ Rosapepe, and Peters

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 Environmental Matters.

Senate Bill 590 – Senators Pipkin and Della

AN ACT concerning

Business Regulation – State Amusement Ride Safety Advisory Board – Membership

FOR the purpose of altering the membership of the State Amusement Ride Safety Advisory Board; requiring that the composition of the ~~State Amusement Ride Safety Advisory~~ Board as to the race and gender of its members reflects the composition of the population of the State; prohibiting a member of the Board from serving more than a certain number of consecutive terms except for certain members initially appointed before a certain date; ~~prohibiting a member of the Board from serving more than a certain number of consecutive terms;~~ and generally relating to the membership of the State Amusement Ride Safety Advisory Board.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 3–304
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 601 – ~~Senator Zirkin~~ Senators Zirkin, Brochin, Forehand, Gladden, Mooney, Muse, Raskin, Simonaire, and Stone

AN ACT concerning

Domestic Violence – Temporary Protective Orders – Extension

FOR the purpose of altering the period of time for which a judge is authorized to extend a temporary protective order to effectuate service of the order where necessary to provide protection or for other good cause; and generally relating to temporary protective orders.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–505
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Senate Bill 602 – Senators Pinsky, Colburn, Conway, Dyson, Harrington, Lenett, ~~and Rosapepe~~ Rosapepe, and Middleton

AN ACT concerning

Dental Hygienists – Expanded Functions

FOR the purpose of altering the definition of "practice dental hygiene"; authorizing the State Board of Dental Examiners to adopt certain regulations; altering the authority of the Board to adopt certain rules and regulations concerning the administration of certain anesthesia by certain dental hygienists; authorizing certain dental hygienists to administer certain anesthesia under certain circumstances; requiring certain dental hygienists to meet certain educational and examination requirements before performing certain functions; altering a certain calculation of the number of unsupervised clinical hours worked by supervised dental hygienists under certain circumstances; and generally relating to the practice of dental hygiene.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 4–101(k), 4–205(a)(1), 4–206, and 4–308(i)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article – Health Occupations
Section 4–206.1
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Health and Government Operations.

Senate Bill 667 – Senator Raskin

AN ACT concerning

Attorney General – State Legal Business – Hiring Counsel

FOR the purpose of making more uniform certain exceptions to certain roles of the Attorney General or a designee of the Attorney General; authorizing an officer or unit of State government to employ or be represented by certain individuals under certain circumstances; and generally relating to State legal business.

BY repealing and reenacting, without amendments,
Article – State Finance and Procurement
Section 13–107
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 6–105
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 6–106
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

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

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

FOR the purpose of prohibiting a person from using a ~~senior–specific certification or professional~~ senior or retiree credential or designation in such a way as to mislead a person in connection with the offer, sale, or purchase of ~~any security or in~~ securities, in connection with receiving certain consideration from another person for advising ~~another~~ the other person as to the value, purchase, or sale of ~~any security~~ securities, or in connection with acting as a broker–dealer, agent, investment adviser, or investment adviser representative; ~~specifying the factors that must be considered in determining whether a person is using a senior–specific certification or professional designation; establishing a rebuttable presumption that a certifying or professional designating organization is not disqualified under certain provisions of this Act under certain circumstances; providing that a certification or professional designation does not include a job title within certain organizations under certain circumstances; defining a certain term;~~ requiring the Securities Commissioner of the Securities Division, by rule or order, to define what constitutes a misleading use of a senior or retiree credential or designation for a certain purpose; providing that a violation of a certain rule or order constitutes a dishonest or unethical practice for purposes of certain provisions of law; authorizing the Commissioner, by rule or order, to provide certain exemptions from certain provisions of this Act under certain circumstances; providing that certain provisions of this Act do not limit certain powers of the Commissioner; establishing certain penalties for a willful violation of certain provisions of this Act; making certain stylistic changes; making this Act an emergency measure; and generally relating to the Senior Investment Protection Act.

BY repealing and reenacting, ~~with~~ without amendments,
Article – Corporations and Associations
Section ~~11–301 and 11–302~~ 11–302(a) and 11–412
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY adding to
Article – Corporations and Associations
Section 11–305
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, ~~without~~ with amendments,
Article – Corporations and Associations
Section ~~11–412~~ 11–705(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Economic Matters.

Senate Bill 714 – Senator Forehand

AN ACT concerning

Domestic Violence – ~~Interim and Temporary~~ Protective Orders – Custody of Minor Child

FOR the purpose of authorizing a District Court Commissioner to order a law enforcement officer to use all reasonable and necessary force to enforce a temporary custody provision of an interim protective order; authorizing a judge to order a law enforcement officer to use all reasonable and necessary force to enforce a temporary custody provision of ~~an interim or~~ a temporary protective order; requiring that enforcement of a temporary custody provision of an interim, temporary, or final protective order occur after service of the protective order; and generally relating to domestic violence protective orders.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–504.1 ~~and~~, 4–505(a), and 4–506(e)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Senate Bill 736 – Senators Raskin, Forehand, and Stone

AN ACT concerning

Domestic Violence – Cruelty Toward a Pet or Service Animal

FOR the purpose of authorizing a District Court Commissioner, in a certain interim protective order, and a judge in a temporary protective order or final protective order, to order a respondent to remain away from a certain pet or service animal, to refrain from cruelty or aggravated cruelty toward the pet or service animal, or in certain circumstances, to give the pet or service animal to a certain person; providing certain penalties for failure to comply with certain relief ordered in a certain interim protective order, temporary protective order, or final protective order; defining certain terms; and generally relating to domestic violence and cruelty toward a pet or service animal.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 10–601(a), (b), and (c), 10–604(a), and 10–606(a)
Annotated Code of Maryland

(2002 Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Family Law
Section 4–501(a) and (l)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Family Law
Section 4–501(m) and (q), 4–504.1(c)(9), 4–505(a)(2)(viii), and 4–506(d)(14)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–501(m), (n), (o), (p), (q), and (r), 4–504.1(c)(7) and (8), 4–505(a)(2)(vi) and (vii), 4–506(d)(12) and (13), and 4–509(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Senate Bill 781 – Senator Haines

AN ACT concerning

Alcohol and Drug Treatment – Commitment of Defendant – Crime of Violence

FOR the purpose of prohibiting a defendant who is sentenced for a conviction of a crime of violence from being committed by a court to alcohol or drug treatment unless the defendant is eligible for parole under a certain provision of law; and generally relating to the commitment of defendants to alcohol or drug treatment.

BY repealing and reenacting, with amendments,
Article – Health – General
Section 8–507
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Senate Bill 811 – ~~Senator Muse~~ Senators Muse, Frosh, Gladden, Brochin, Forehand, Haines, Jacobs, Mooney, Raskin, Simonaire, and Stone

AN ACT concerning

Domestic Violence – Duration of Protective Order – Subsequent Act of Abuse

FOR the purpose of extending the maximum duration of a final protective order under certain circumstances; and generally relating to domestic violence and the duration of a final protective order.

BY repealing and reenacting, with amendments,
Article – Family Law
Section ~~4–506(h)~~ 4–506(b) and (h)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Senate Bill 850 – Senator Muse

AN ACT concerning

Public Safety – Electronic Control Devices – Requirements

FOR the purpose of prohibiting a person from possessing or using a certain electronic control device unless the person meets certain requirements; prohibiting a certain electronic control device from being sold, possessed, or used in the State unless the electronic control device meets certain requirements; requiring a certain manufacturer to provide a certain law enforcement agency with prompt access to certain records; establishing penalties for a violation of this Act; providing for the construction of this Act; 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 and to establish certain standards; requiring the Governor's Office of Crime Control and Prevention to submit a certain report to certain committees on or before a certain date; defining a certain term; providing for the application of this Act; and generally relating to electronic control devices.

BY adding to
Article – Criminal Law
Section 4–109
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

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)

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

QUORUM CALL

The presiding officer announced a quorum call, showing 139 Members present.

(See Roll Call No. 558)

RECESS

At 1:52 P.M. on motion of Delegate Barve the House recessed until 5:00 P.M. on Legislative Day March 24, 2009, Calendar Day Friday, March 27, 2009.

AFTER RECESS
Annapolis, Maryland
Legislative Day: March 24, 2009
Calendar Day: Friday, March 27, 2009

At 5:30 P.M. the House resumed its session and pledged Allegiance to the Flag.

Prayer by Delegate Donna Stifler of Harford County.

QUORUM CALL

The presiding officer announced a quorum call, showing 129 Members present.

(See Roll Call No. 559)

EXCUSES:
Del. Carr – family emergency
Del. Davis – late – personal
Del. Kramer – late – business
Del. Morhaim – left early – personal /family matter
Del. Smigiel – illness
Del. Stull – wife's illness
Del. F. Turner – illness

THE COMMITTEE ON WAYS AND MEANS REPORT #7

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

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

AN ACT concerning

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

HB0300/975169/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 300
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Stein" and substitute "Stein, and Manno".

AMENDMENT NO. 2

On page 5, strike beginning with "**AND**" in line 32 down through "**SECTION**" in line 33 and substitute a comma.

AMENDMENT NO. 3

On page 6, in line 7, strike "**THE**" and substitute "**AN**"; in the same line, after "**AGREEMENT**" insert "**DESCRIBED IN SUBSECTION (F)(3) OF THIS SECTION**"; and strike beginning with "Special" in line 12 down through "section." in line 13.

AMENDMENT NO. 4

On page 11, strike beginning with the second "**AND**" in line 3 down through "**SECTION**" in line 4; in line 7, strike "**COSTS**" and substitute "**PAY COSTS**"; in lines 10 and 11, strike "**MUNICIPAL CORPORATION**" and substitute "**COUNTY**"; in line 11, strike "**THE**" and substitute "**AN**"; and in the same line, after "**AGREEMENT**" insert "**DESCRIBED IN SUBSECTION (G)(3) OF THIS SECTION**".

AMENDMENT NO. 5

On page 12, in line 5, strike "in Prince George's County"; strike beginning with "bonds" in line 13 down through "County," in line 15; in line 15, strike the second comma; in line 16, strike the second "**OR**" and substitute "**BY**"; and in line 17, after "**STATE,**" insert "**OR BY THE REVENUE AUTHORITY OF PRINCE GEORGE'S COUNTY,**".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 865 – Harford County Delegation

AN ACT concerning

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

HB0865/205760/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 865
(First Reading File Bill)

On page 2, in lines 10 and 11, in each instance, strike "**MOUNTAIN**" and substitute "**MAGNOLIA**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 1017 – Harford County Delegation

AN ACT concerning

Harford County – Property Tax Exemption – Continuing Care Facility for Aged

HB1017/605360/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1017
(First 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"; in line 4, strike "exempting" 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"; strike beginning with "in" in line 5 down through "tax" in line 6; in line 7, after "to" insert "a"; in the same line, strike "exemptions" and substitute "credit"; in line 11, strike "7–206.1" and substitute "9–314(d)"; in line 17, strike "**7–206.1.**" and substitute "**9–314.**"; in line 18, strike "**(A)**" and substitute "**(D)(1)**"; and in lines 20 and 22, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively.

On page 2, in lines 1 and 2, strike "**(3)**", and "**(4)**", respectively, and substitute "**(III)**", and "**(IV)**", respectively.

AMENDMENT NO. 2

On page 2, in line 1, after the semicolon insert "**AND**"; strike beginning with the comma in line 2 down through the comma in line 3; in line 4, after "**CODE**" insert "**OR IS OWNED OR OPERATED BY A PERSON THAT IS EXEMPT FROM FEDERAL INCOME TAX UNDER § 501(C)(3) OF THE INTERNAL REVENUE CODE**"; strike beginning with "**; AND**" in line 4 down through "**COUNTY**" in line 5; in line 6, strike "**(B)**" and substitute "**(2)**"; strike beginning with "**PROPERTY**" in line 6 down through "**THE**" in line 8, inclusive, and substitute "**THE**"; in line 9, 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**"; in line 10, strike the comma; in the same line, after the second "**OR**" insert "**BY**"; in lines 10 and 13, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; and in line 13, strike "**THE**" and substitute "**A**".

AMENDMENT NO. 3

On page 2, after line 13, 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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 1370 – Charles County Delegation

AN ACT concerning

Charles County – Special Taxing Districts – Hotel Rental Taxes

HB1370/785566/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 1370
(First Reading File Bill)

On page 4, in line 26, strike "**AS AN ALTERNATIVE**" and substitute "**IN ADDITION**"; and in the same line, after "**TAXES**" insert "**OR SPECIAL TAXES**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means 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.

THE COMMITTEE ON WAYS AND MEANS REPORT #8

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

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

AN ACT concerning

Election Law – Early Voting

HB1179/775361/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1179
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, after "center;" insert "authorizing an early voting center to be located in a building that is partially occupied by an establishment that holds an alcoholic beverages license under certain circumstances; stating the finding of the General Assembly that a certain fund is inoperable; stating that a certain report supports the finding that a certain fund is inoperable; requiring the State Board to expend a certain amount from a certain fund to finance the cost to the State of implementing early voting for certain elections; requiring the Comptroller to disburse funds, at the request of the State Board, from a certain fund for the purpose of implementing early voting for certain elections;".

On page 2, in line 8, after "9–404," insert "10–101,"; and in line 13, strike "10–101 and"

AMENDMENT NO. 2

On page 4, in line 17, strike "subparagraph (iii)" and substitute "**SUBPARAGRAPHS (III) AND (IV)**"; and after line 28, insert:

"**(IV) AN EARLY VOTING CENTER MAY BE LOCATED IN A BUILDING THAT IS PARTIALLY OCCUPIED BY AN ESTABLISHMENT THAT HOLDS AN ALCOHOLIC BEVERAGES LICENSE IF:**

1. THE STATE BOARD, IN COLLABORATION WITH A LOCAL BOARD, DETERMINES THAT THE BUILDING IS A SUITABLE SITE FOR AN EARLY VOTING CENTER; AND

2. THE ENTRANCE TO A LICENSEE'S ESTABLISHMENT IS AT LEAST 100 FEET FROM THE ENTRANCE TO THE BUILDING THAT IS CLOSEST TO THE PART OF THE BUILDING WHERE THE EARLY VOTING CENTER IS LOCATED.".

AMENDMENT NO. 3

On page 8, in line 8, strike "**FRIDAY**" and substitute "**THURSDAY**"; and in line 10, strike "**7 A.M.**" and substitute "**10 A.M.**".

AMENDMENT NO. 4

On page 9, after line 21, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That:

(a) The General Assembly finds that the Fair Campaign Financing Fund established under § 15–103 of the Election Law Article is inoperable and cannot function as originally contemplated.

(b) The 2004 final report of the Study Commission on Public Funding of Campaigns in Maryland supports the finding in subsection (a) of this section.

(c) The State Board of Elections shall expend no more than $2.5 million from the Fair Campaign Financing Fund established under § 15–103 of the Election Law Article to finance the cost to the State of implementing early voting under this Act for the 2010 primary and general elections.

(d) The Comptroller shall disburse funds at the request of the State Board of Elections from the Fair Campaign Financing Fund for purposes of this section.";

and in line 22, strike "4." and substitute "5.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB1179/103826/1

BY: Delegate Frank

AMENDMENTS TO HOUSE BILL 1179
(First 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;".

AMENDMENT NO. 2

On page 8, after line 22, 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 23, strike "**(H)**" and substitute "**(I)**".

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

Affirmative – 46 Negative – 85 (See Roll Call No. 560)

FLOOR AMENDMENT

HB1179/123724/1

BY: Delegate Boteler

AMENDMENTS TO HOUSE BILL 1179
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike "State Board of Elections, in collaboration with the"; in line 8, strike the comma; in line 9, after "county;" insert "specifying that the designation of an early voting polling center requires a unanimous vote of the local board;"; and in line 11, after "Board" insert "of Elections".

AMENDMENT NO. 2

On page 8, in line 3, after "**(C)**" insert "**(1)**"; in the same line, strike "**STATE BOARD, IN COLLABORATION WITH THE**"; in line 4, strike the comma; after line 5, insert:

"**(2) THE DESIGNATION OF AN EARLY VOTING CENTER REQUIRES A UNANIMOUS VOTE OF THE LOCAL BOARD.**".

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

Affirmative – 36 Negative – 96 (See Roll Call No. 561)

FLOOR AMENDMENT

HB1179/443625/1

BY: Delegate George

AMENDMENTS TO HOUSE BILL 1179, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Committee on Ways and Means Amendments (HB1179/775361/1), in Amendment No. 1, strike beginning with "stating" in line 3 down through "elections;" in line 9.

AMENDMENT NO. 2

On page 2 of the Committee on Ways and Means Amendments, strike Amendment No. 4 in its entirety.

The preceding 2 amendments were read only.

Delegate Minnick moved the previous question.

The motion was adopted.

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

Affirmative – 38 Negative – 95 (See Roll Call No. 562)

FLOOR AMENDMENT

HB1179/533323/1

BY: Delegate Eckardt

AMENDMENTS TO HOUSE BILL 1179, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in line 18, after "changes;" insert "providing for the application of this Act; providing for a delayed effective date;".

AMENDMENT NO. 2

On page 9 of the bill, in line 23, strike "2009" and substitute "2011, and shall be applicable to all elections beginning with the 2012 general election".

AMENDMENT NO. 3

On page 1 of the Committee on Ways and Means Amendments (HB1179/775361/1), in line 7 of Amendment No. 1, after "for" insert "a"; and in the same line, strike "elections" and substitute "election".

AMENDMENT NO. 4

On page 2 of the Committee on Ways and Means Amendments, in line 11 of Amendment No. 4, strike "2010 primary and" and substitute "2012"; and in the same line, strike "elections" and substitute "election".

The preceding 4 amendments were read and rejected by a roll call vote as follows:

Affirmative – 36 Negative – 97 (See Roll Call No. 563)

Delegate Sossi moved to make the Bill a Special Order for the end of today's business.

The motion was adopted.

THE COMMITTEE ON WAYS AND MEANS REPORT #9

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 350 – Washington County Delegation

AN ACT concerning

Washington County – Board of Education – President and Members Salary

HB0350/685461/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 350
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "board;" insert "repealing a provision that requires the members of the Washington County Board of Education to have their compensation paid in a certain number of installments;".

AMENDMENT NO. 2

On page 1, strike beginning with "This" in line 19 down through "installments." in line 20.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means 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.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 578 – Carroll County Delegation

AN ACT concerning

Carroll County – Board of Education – Election of Board Officers

HB0578/745462/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 578
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first "of" insert "altering the title of the board officer of the Carroll County Board of Education from chairman to president;"; in the same line, strike "Carroll"; in the same line, strike "of Education"; in line 4, strike "president and vice president" and substitute "certain board officer"; in the same line, after "members;" insert "providing for the election of a vice president of the County Board from among its members;"; and in line 13, after "3–402" insert "and 3–403".

AMENDMENT NO. 2

On page 2, after line 3, insert:

"3–403.

(a) The **[**chairman**]** **PRESIDENT** of the county board is entitled to receive $7,500 annually as compensation and the other members are entitled to receive $6,500 each annually as compensation.

(b) The compensation of the **[**chairman**]** **PRESIDENT** and the members described in subsection (a) of this section shall be paid in four equal quarterly installments.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 639 – Harford County Delegation

AN ACT concerning

Harford County – Board of Education – Selection of Members

HB0639/255865/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 639
(First Reading File Bill)

On page 5, strike in their entirety lines 19 through 24, inclusive; and in line 25, strike "**(4)**" and substitute "**(3)**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

House Bill 727 – Delegates Eckardt, Haddaway, Smigiel, Sossi, and Walkup

AN ACT concerning

Caroline County – School Buses – Length of Operation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 948 – Delegates Kaiser, Gilchrist, Olszewski, Rice, Ross, Stukes, and Walker

AN ACT concerning

Higher Education – Part–Time Grant Program – Eligibility

HB0948/315667/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 948
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "program;" insert "limiting the number of grants that may be provided to certain students;"; and in line 9, after "18–1401" insert "and 18–1402".

AMENDMENT NO. 2

On page 2, after line 2, insert:

"18–1402.

(a) **(1)** Funds for the Part–Time Grant Program shall be allocated by the Commission to each institution of higher education based upon the number of undergraduate part–time students with demonstrated financial need who are enrolled in degree–granting programs at the institution.

(2) AN INSTITUTION OF HIGHER EDUCATION MAY USE UP TO 10% OF THE PART–TIME GRANT ALLOCATION TO PROVIDE GRANTS TO STUDENTS WHO ARE ENROLLED IN AT LEAST 3 BUT LESS THAN 6 SEMESTER HOURS OF COURSES EACH SEMESTER.

(b) Funds for the grant program for part–time students shall be as provided in the annual budget of the Commission by the Governor.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 1184 – Washington County Delegation

AN ACT concerning

Washington County – Property Tax Deferral – Seniors

HB1184/275564/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1184
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Deferral – Seniors" and substitute "Relief"; in line 3, after the first "of" insert "authorizing the governing body of Washington County or the governing body of a municipal corporation in Washington County to grant, by law, a tax credit against the county or municipal corporation property tax imposed on certain real property under certain circumstances; authorizing the county or municipal corporation to provide, by law, for the amount of the credit and certain other provisions to carry out the credit;"; in line 16, after "Act;" insert "providing for the termination of certain provisions of this Act;"; in line 16, strike "deferrals" and substitute "relief"; and in line 20, after "Section" insert "9–323(f) and".

AMENDMENT NO. 2

On page 1, after line 24, insert:

"Article – Tax – Property

9–323.

(F) (1) IN THIS SUBSECTION, "TAXABLE ASSESSMENT" MEANS THE ASSESSMENT ON WHICH THE COUNTY PROPERTY TAX RATE WAS IMPOSED IN THE PRECEDING TAXABLE YEAR, ADJUSTED BY THE PHASED–IN ASSESSMENT INCREASE RESULTING FROM A REVALUATION UNDER § 8–104(C)(1)(III) OF THIS ARTICLE, LESS THE AMOUNT OF ANY ASSESSMENT ON WHICH A PROPERTY TAX CREDIT UNDER THIS SUBSECTION IS GRANTED.

(2) THE GOVERNING BODY OF WASHINGTON COUNTY OR THE GOVERNING BODY OF A MUNICIPAL CORPORATION IN WASHINGTON COUNTY MAY GRANT, BY LAW, A TAX CREDIT AGAINST THE COUNTY OR MUNICIPAL CORPORATION PROPERTY TAX IMPOSED ON RESIDENTIAL REAL PROPERTY:

(I) THAT IS NOT A DWELLING AS DEFINED IN § 9–105 OF THIS TITLE; AND

(II) FOR WHICH THE CURRENT YEAR'S TAXABLE ASSESSMENT EXCEEDS THE PRIOR YEAR'S TAXABLE ASSESSMENT BY MORE THAN THE APPLICABLE CREDIT PERCENTAGE ESTABLISHED BY THE GOVERNING BODY UNDER PARAGRAPH (3) OF THIS SUBSECTION.

(3) THE GOVERNING BODY OF WASHINGTON COUNTY OR THE GOVERNING BODY OF A MUNICIPAL CORPORATION IN WASHINGTON COUNTY MAY PROVIDE, BY LAW, FOR:

(I) THE APPLICABLE CREDIT PERCENTAGE FOR PURPOSES OF PARAGRAPH (2)(II) OF THIS SUBSECTION;

(II) THE AMOUNT OF THE TAX CREDIT UNDER THIS SUBSECTION;

(III) ADDITIONAL ELIGIBILITY CRITERIA FOR THE TAX CREDIT UNDER THIS SUBSECTION;

(IV) REGULATIONS AND PROCEDURES FOR THE APPLICATION AND UNIFORM PROCESSING OF REQUESTS FOR THE TAX CREDIT; AND

(V) ANY OTHER PROVISION NECESSARY TO CARRY OUT THE CREDIT UNDER THIS SUBSECTION.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:".

On page 2, in line 11, strike "**AND AGE**".

AMENDMENT NO. 3

On page 3, after line 26, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That Section 1 of this Act shall be applicable to all taxable years beginning after June 30, 2009, but before July 1, 2012. Section 1 of this Act shall remain effective for a period of 3 years and 1 month and, at the end of June 30, 2012, with no further action required by the General Assembly, Section 1 of this Act shall be abrogated and of no further force and effect.";

in line 27, strike "2." and substitute "4."; in line 27, after "That" insert "Section 2 of"; strike beginning with "take" in line 27 down through "shall" in line 28; and after line 29, insert:

"SECTION 5. AND BE IT FURTHER ENACTED, That, subject to Sections 3 and 4 of this Act, this Act shall take effect June 1, 2009.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 1313 – Delegate Cardin

AN ACT concerning

Campaign Fundraising – Raffle Tickets – Limits

HB1313/555967/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1313
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Tickets" insert "and Cash Contributions"; strike beginning with "altering" in line 3 down through "activity" in line 8 and substitute "altering the maximum value of a single raffle ticket and the cumulative value of raffle tickets that an individual may purchase in connection with campaign fundraising activity conducted by certain persons; altering the maximum amount of contributions a person may make in an election cycle in cash; and generally relating to limits on cash contributions and the purchase of raffle tickets in connection with campaign fundraising activity"; and after line 13, insert:

"BY repealing and reenacting, with amendments,
Article – Election Law
Section 13–226(b)
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)".

AMENDMENT NO. 2

On page 2, in line 9, strike "$5" and substitute "**$10**"; in line 10, in each instance, strike the bracket; strike beginning with "**EXCEPT**" in line 10 down through "**AN**" in line 11; in line 11, strike "$50" and substitute "**$100**"; and strike in their entirety lines 12 through 14, inclusive.

AMENDMENT NO. 3

On page 2, after line 16, insert:

"Article – Election Law

13–226.

(b) Subject to subsection (c) of this section, a person may not, either directly or indirectly, in an election cycle make:

(1) aggregate contributions in excess of:

(i) $4,000 to any one campaign finance entity; or

(ii) $10,000 to all campaign finance entities; or

(2) a contribution of money in excess of **[**$100**]** **$200** except by check or credit card.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 1374 – Delegates Oaks and Carter

AN ACT concerning

Baltimore City School Police Officers – Baltimore City School Police Lodge Five – Employee Organization

HB1374/895169/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1374
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike beginning with the first "School" in line 2 down through "Five" in line 3 and substitute "Public Schools – School Police Officers"; strike beginning with "authorizing" in line 4 down through "definitions;" in line 6 and substitute "authorizing the public school employer in Baltimore City to designate an additional negotiating unit composed of certain police officers for purposes of collective bargaining;"; in line 11, strike "6–401" and substitute "6–505"; and strike in their entirety lines 14 through 18, inclusive.

AMENDMENT NO. 2

On pages 1 through 5, strike in their entirety the lines beginning with line 22 on page 1 through line 4 on page 5, inclusive.

On page 5, after line 4, insert:

"6–505.

(a) (1) Each public school employer may designate, as provided in this subtitle, which employee organization, if any, shall be the exclusive representative of all public school employees in a specified unit in the county.

(2) In Baltimore City, Garrett County, and Frederick County, the public school employer shall designate, as provided in this subtitle, which employee organization, if any, shall be the exclusive representative of all public school employees in a specified unit in the county.

(b) The public school employer shall determine the composition of the unit in negotiation with any employee organization that requests negotiation concerning the composition of the unit.

(c) (1) **[**There**]** **EXCEPT AS PROVIDED IN PARAGRAPH (5) OF THIS SUBSECTION, THERE** may not be more than three units in a county and a unit may not include both supervisory and nonsupervisory employees.

(2) If a county has more than three recognized units and, as of July 1, 1974, the units have exclusive representation for collective negotiations, these units may continue as negotiating units.

(3) In Baltimore County, there shall only be three nonsupervisory units in addition to the supervisory unit defined under § 6–404(c)(2) of this title.

(4) In Carroll County, beginning on October 1, 2007:

(i) There shall be no more than three units; and

(ii) All units shall be nonsupervisory units.

(5) IN BALTIMORE CITY, THE PUBLIC SCHOOL EMPLOYER MAY DESIGNATE A FOURTH UNIT COMPOSED OF ALL BALTIMORE CITY SCHOOL

POLICE OFFICERS, AS DEFINED IN § 4–318 OF THIS ARTICLE, UP TO AND INCLUDING THE RANK OF LIEUTENANT.

(d) (1) All eligible public school employees shall:

(i) Be included in one of these units; and

(ii) Have the rights granted in this subtitle.

(2) Except for an individual who is designated as management personnel or a confidential employee under this subtitle, each public school employee is eligible for membership in one of the negotiating units.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

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

HB1395/675960/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1395
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 4 down through "affidavits;" in line 5.

AMENDMENT NO. 2

On page 2, strike beginning with "**, AFFIDAVIT**" in line 12 down through "**SUBTITLE**" in line 13 and substitute "**OR AFFIDAVIT**"; in line 18, strike "**REQUIRED UNDER § 13–309 OF THIS SUBTITLE**"; in the same line, in each instance, strike the bracket; in line 19, strike "**$500**"; and strike in their entirety lines 20 and 21, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

House Bill 387 – Delegates Malone and George and Delegates 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

AN ACT concerning

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

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

Delegate George moved to make the Bill a Special Order for the end of today's business.

The motion was adopted.

House Bill 1267 – Delegates Valderrama, Ali, Anderson, Barnes, Benson, Cane, Carr, Carter, Feldman, Guzzone, Howard, Ivey, Kramer, Lee, Manno, McConkey, Pena–Melnyk, Simmons, Smigiel, V. Turner, and Waldstreicher

AN ACT concerning

Public Safety – SWAT Team Activation and Deployment – Reports

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

Read the second time and ordered prepared for Third Reading.

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

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

FLOOR AMENDMENT

HB1273/863126/1

BY: Delegate Morhaim

AMENDMENTS TO HOUSE BILL 1273
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, strike "a" and substitute "another".

AMENDMENT NO. 2

On page 2, in line 30, strike "**A**" and substitute "**ANOTHER**".

The preceding 2 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

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

AN ACT concerning

Election Law – Early Voting

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

FLOOR AMENDMENT

HB1179/883820/2

BY: Delegate Shank

AMENDMENT TO HOUSE BILL 1179
(First Reading File Bill)

On page 1, in line 10, after "hours;" insert "requiring the State Board to arrange for certain security at early voting centers during the early voting period;".

On page 8, in line 6, after "**(D)**" insert "**(1)**"; in lines 7 and 10, strike "**(1)**" and "**(2)**", respectively, and substitute "**(I)**" and "**(II)**", respectively; and after line 10, insert:

"**(2) THE STATE BOARD SHALL ARRANGE FOR 24–HOUR, AROUND–THE–CLOCK SECURITY AT EACH EARLY VOTING CENTER DURING THE EARLY VOTING PERIOD.**".

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

Affirmative – 38 Negative – 94 (See Roll Call No. 564)

Delegate O'Donnell moved to make the Bill a Special Order for the end of today's business.

The motion was adopted.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #15

Delegate Davis, Chair, for the Committee on Economic Matters 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

HB0970/323098/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 970
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "market" insert "in the county; requiring that certain persons be certified by an approved alcohol awareness program and be present at a farmers' market in the county during certain hours".

AMENDMENT NO. 2

On page 2, in line 1, strike the brackets; strike beginning with "**EXCEPT**" in line 1 down through "**NO**" in line 2; in line 22, after "**(I)**" insert "**THIS PARAGRAPH APPLIES ONLY TO WINERY SPECIAL EVENT PERMITS ISSUED FOR USE AT FARMERS' MARKETS IN PRINCE GEORGE'S COUNTY.**

(II)";

in line 23, strike "**24**" and substitute "**12**"; in line 24, strike "**PRINCE GEORGE'S COUNTY**" and substitute "**THE COUNTY**"; in line 27, strike "**(II)**" and substitute "**(III)**"; and after line 28, insert:

"**(IV) AT A FARMERS' MARKET, THE FARMERS' MARKET ADMINISTRATOR OR THE ADMINISTRATOR'S DESIGNEE AND EACH HOLDER OF A WINERY SPECIAL EVENT PERMIT OR THE HOLDER'S DESIGNEE:**

1. SHALL BE CERTIFIED BY AN APPROVED ALCOHOL AWARENESS PROGRAM; AND

2. SHALL BE PRESENT DURING THE HOURS WHEN ALCOHOL MAY BE SOLD.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

House Bill 1364 – Charles County Delegation

AN ACT concerning

Charles County – Alcoholic Beverages – License Suspensions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters 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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters 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.

Delegate Davis, Chair, for the Committee on Economic Matters 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.

Delegate Davis, Chair, for the Committee on Economic Matters 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.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 1454 – Delegate Stukes

AN ACT concerning

Baltimore City – 44th Legislative District Alcoholic Beverages – Beer, Wine, and Liquor Tasting License

HB1454/883498/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 1454
(First Reading File Bill)

On page 1, in the sponsor line, strike "Delegate Stukes" and substitute "Delegates Stukes, Kirk, and Haynes"; and in line 22, strike "**WARD 23, PRECINCT 1**" and substitute "**WARD 11, PRECINCT 5**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

House Bill 1463 – Charles County Delegation

AN ACT concerning

Charles County – Alcoholic Beverages Sales – Proximity to Churches

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters 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.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 1535 – Delegate Rudolph

EMERGENCY BILL

AN ACT concerning

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

HB1535/723198/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1535
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "an exception" and substitute "certain exceptions".

AMENDMENT NO. 2

On page 2 in line 22, on page 3 in line 22, on page 4 in line 24, on page 5 in line 26, and on page 6 in line 26, in each instance, before "Veterans" insert "**THE**".

On page 2 in line 22, on page 3 in line 22, on page 4 in line 24, on page 5 in line 26, and on page 6 in line 26, in each instance, after "Veterans Administration," insert "**THE UNITED STATES DEPARTMENT OF AGRICULTURE, THE MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT,**".

On page 2 in line 22, on page 3 in line 22, on page 4 in line 24, on page 5 in line 26, and on page 6 in line 26, in each instance, after "or" insert "**THE**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

House Bill 1541 – Frederick County Delegation

AN ACT concerning

Frederick County – Alcoholic Beverages – Sunday Sales Hours

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 1554 – Chair, Economic Matters Committee (By Request – Departmental – Housing and Community Development)

AN ACT concerning

Linked Deposit Program – Loans to Minority Business Enterprises

HB1554/883193/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 1554
(First Reading File Bill)

On page 1, in the sponsor line, before "Chair" insert "Delegate Vaughn and"; and in the same line, after "Development)" insert "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".

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 387 – Delegates Malone and George and Delegates 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

AN ACT concerning

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

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

FLOOR AMENDMENT

HB0387/493225/1

BY: Delegate George

AMENDMENTS TO HOUSE BILL 387, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

Strike the House Judiciary Committee Amendments (HB0387/552214/1) in their entirety.

On page 1 of the bill, strike lines 2 and 3 in their entirety and substitute:

"Vehicle Laws – Proof of Lawful Presence Act of 2009

FOR the purpose of 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.

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)

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

Article – Transportation

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) 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.".

AMENDMENT NO. 2

On pages 1 through 6 of the bill, strike in their entirety the lines beginning with line 4 on page 1 through line 33 on page 6, inclusive.

The preceding 2 amendments were read only.

Delegate Benson moved the previous question.

The motion was adopted.

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

Affirmative – 57 Negative – 75 (See Roll Call No. 565)

FLOOR AMENDMENT

HB0387/253929/1

BY: Delegate Bromwell

AMENDMENT TO HOUSE BILL 387, AS AMENDED
(First Reading File Bill)

Strike the House Judiciary Committee Amendments (HB0387/552214/1) in their entirety.

On page 1 of the bill, at the top of the page, insert:

"EMERGENCY BILL";

and in line 13, after "terms;" insert "making this Act an emergency measure;".

On page 6 of the bill, strike beginning with "shall" in line 34 down through "2009" in line 35 and substitute "is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.".

The preceding amendment was read only.

Delegate Benson moved the previous question.

The motion was adopted.

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

Affirmative – 60 Negative – 74 (See Roll Call No. 566)

FLOOR AMENDMENT

HB0387/153524/1

BY: Delegate Shank

AMENDMENT TO HOUSE BILL 387, AS AMENDED

On page 4 of the House Judiciary Committee Amendments (HB0387/552214/1), in Amendment No. 4, strike lines 16 and 17 in their entirety.

On page 5 of the House Judiciary Committee Amendments, in Amendment No. 4, in lines 1 and 3, strike "**(7)**" and "**(8)**", respectively, and substitute "**(6)**" and "**(7)**", respectively; in line 1, strike "**A PENDING OR**" and substitute "**AN**"; in line 2, after the semicolon, insert "**OR**"; and strike beginning with the semicolon in line 4 down through "**STATES**" in line 7.

On page 5 of the House Judiciary Committee Amendments, in Amendment No. 5, strike beginning with "**A**" in line 8 down through "**OR**" in line 10 and substitute "**AN**"; in line 11, after the semicolon, insert "**OR**"; in line 12, strike "**(4)**" and substitute "**(3)**"; and in line 13, strike "**; OR**" and substitute a period.

On page 6 of the House Judiciary Committee Amendments, in Amendment No. 5, strike in their entirety lines 1 through 3, inclusive.

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

Affirmative – 50 Negative – 76 (See Roll Call No. 567)

Delegate Kipke moved the Bill be recommitted.

The motion was rejected by a roll call vote as follows:

Affirmative – 51 Negative – 78 (See Roll Call No. 568)

FLOOR AMENDMENT

HB0387/213028/1

BY: Delegate O'Donnell

AMENDMENT TO HOUSE BILL 387
(First Reading File Bill)

On page 1, in the sponsor line, strike "O'Donnell,".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0387/713827/1

BY: Delegate Kach

AMENDMENT TO HOUSE BILL 387
(First Reading File Bill)

On page 1, in the sponsor line, strike "Kach,".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0387/563523/2

BY: Delegate Dumais

AMENDMENTS TO HOUSE BILL 387, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the bill, in the sponsor line, strike "Bohanan,", "Bromwell,", G. Clagett,", "Conway,", "DeBoy,", "Hecht,", "James,", "Mathias,", "Olszewski,", "Rudolph,", "Sossi,", and "Stull,".

AMENDMENT NO. 2

On page 1 of Judiciary Committee Amendments (HB0387/552214/1), in line 3 of Amendment No. 2, strike "Ali,"; in the same line, strike "Barve"; in line 6, strike "Hucker,"; and in the same line, strike "Manno,".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

HB0387/713023/1

BY: Delegate Jennings

AMENDMENT TO HOUSE BILL 387
(First Reading File Bill)

On page 1, in the sponsor line, strike "Jennings,".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0387/633422/1

BY: Delegate Frank

AMENDMENT TO HOUSE BILL 387
(First Reading File Bill)

On page 1, in the sponsor line, strike "Frank,".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0387/543424/1

BY: Delegate Aumann

AMENDMENT TO HOUSE BILL 387
(First Reading File Bill)

On page 1, in the sponsor line, strike "Aumann,".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0387/893122/1

BY: Delegate Boteler

AMENDMENT TO HOUSE BILL 387
(First Reading File Bill)

On page 1, in the sponsor line, strike "Boteler,".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0387/203826/1

BY: Delegate Minnick

AMENDMENT TO HOUSE BILL 387
(First Reading File Bill)

On page 1, in the sponsor line, strike "Minnick,", "Weir,", and "Olszewski,".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0387/613826/1

BY: Delegate Lafferty

AMENDMENT TO HOUSE BILL 387, AS AMENDED

On page 1 of the House Judiciary Committee Amendments (HB0387/552214/1), in line 6 of Amendment No. 2, strike "Lafferty,".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0387/513021/1

BY: Delegate Impallaria

AMENDMENT TO HOUSE BILL 387
(First Reading File Bill)

On page 1, in the sponsor line, strike "Impallaria,".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0387/833424/1

BY: Delegate McDonough

AMENDMENT TO HOUSE BILL 387
(First Reading File Bill)

On page 1, in the sponsor line, strike "McDonough,".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0387/553627/1

BY: Delegate Shewell

AMENDMENT TO HOUSE BILL 387
(First Reading File Bill)

On page 1, in the sponsor line, strike "Shewell,".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0387/523223/1

BY: Delegate Haddaway

AMENDMENT TO HOUSE BILL 387
(First Reading File Bill)

On page 1, in the sponsor line, strike "Haddaway,".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0387/213320/1

BY: Delegate Eckardt

AMENDMENT TO HOUSE BILL 387
(First Reading File Bill)

On page 1, in the sponsor line, strike "Eckardt,".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0387/513324/1

BY: Delegate Elmore

AMENDMENT TO HOUSE BILL 387
(First Reading File Bill)

On page 1, in the sponsor line, strike "Elmore,".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0387/763428/1

BY: Delegate Stocksdale

AMENDMENT TO HOUSE BILL 387
(First Reading File Bill)

On page 1, in the sponsor line, strike "Stocksdale,".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0387/793623/1

BY: Delegate Elliott

AMENDMENT TO HOUSE BILL 387
(First Reading File Bill)

On page 1, in the sponsor line, strike "Elliott,".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0387/923422/1

BY: Delegate Krebs

AMENDMENT TO HOUSE BILL 387
(First Reading File Bill)

On page 1, in the sponsor line, strike "Krebs,".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0387/583420/1

BY: Delegate Dwyer

AMENDMENT TO HOUSE BILL 387

(First Reading File Bill)

On page 1, in the sponsor line, strike "Dwyer,".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0387/833327/1

BY: Delegate Shank

AMENDMENT TO HOUSE BILL 387
(First Reading File Bill)

On page 1, in the sponsor line, strike "Shank,".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0387/653828/1

BY: Delegate Kipke

AMENDMENT TO HOUSE BILL 387
(First Reading File Bill)

On page 1, in the sponsor line, strike "Kipke,".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0387/373420/1

BY: Delegate Schuh

AMENDMENT TO HOUSE BILL 387
(First Reading File Bill)

On page 1, in the sponsor line, strike "Schuh,".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0387/503429/1

BY: Delegate McConkey

AMENDMENT TO HOUSE BILL 387
(First Reading File Bill)

On page 1, in the sponsor line, strike "Bartlett,", "Beitzel,", "Costa,", "King,", "Kipke,", "McConkey,", "Norman," "Schuh,", "Serafini,", "Smigiel,", and "Walkup,".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0387/323421/1

BY: Delegate Wood

AMENDMENT TO HOUSE BILL 387, AS AMENDED

On page 1 of the House Judiciary Committee Amendments (HB0387/552214/1), in line 2 of Amendment No. 2, strike "Wood,".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0387/613223/1

BY: Delegate Beidle

AMENDMENT TO HOUSE BILL 387
(First Reading File Bill)

On page 1, in the sponsor line, strike "Beidle,".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0387/153821/1

BY: Delegate Kelly

AMENDMENT TO HOUSE BILL 387
(First Reading File Bill)

On page 1, in the sponsor line, strike "Kelly,".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0387/753120/1

BY: Delegate Myers

AMENDMENT TO HOUSE BILL 387
(First Reading File Bill)

On page 1, in the sponsor line, strike "Myers,".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0387/603929/1

BY: Delegate Miller

AMENDMENT TO HOUSE BILL 387
(First Reading File Bill)

On page 1, in the sponsor line, strike "Miller,".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0387/443725/1

BY: Delegate Bates

AMENDMENT TO HOUSE BILL 387
(First Reading File Bill)

On page 1, in the sponsor line, strike "Bates,".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0387/973022/1

BY: Delegate McComas

AMENDMENT TO HOUSE BILL 387
(First Reading File Bill)

On page 1, in the sponsor line, strike "McComas,".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0387/263825/1

BY: Delegate Stifler

AMENDMENT TO HOUSE BILL 387
(First Reading File Bill)

On page 1, in the sponsor line, strike "Stifler,".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0387/473628/1

BY: Delegate Impallaria

AMENDMENTS TO HOUSE BILL 387, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the House Judiciary Committee Amendments (HB0387/552214/1), in line 4 of Amendment No. 3, after "of" insert "establishing that a certain driver's license or identification card may not be used to fulfill certain federal requirements related to a voter registration application; providing that certain provisions relating to providing certain voter registration information to applicants for drivers' licenses or identification cards do not apply to certain drivers' licenses or identification cards; prohibiting the Motor Vehicle Administration from providing a certain applicant for a driver's license an opportunity to apply to register to vote, including providing certain information on a certain application or making a certain oral or written inquiry;"; and in the same line, strike "Motor Vehicle".

On page 2 of the House Judiciary Committee Amendments, in line 30 of Amendment No. 3, before "BY" insert:

"BY repealing and reenacting, with amendments,
Article – Election Law
Section 3–202(b)
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Election Law
Section 3–203(a) and (b)(1)
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY adding to
Article – Election Law
Section 3–203(f)
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)".

AMENDMENT NO. 2

On page 2 of the bill, before line 13, insert:

"Article – Election Law

3–202.

(b) **(1)** The voter registration application form prescribed pursuant to the National Voter Registration Act of 1993 shall be accepted by the appropriate election official for purposes of voter registration.

(2) A DRIVER'S LICENSE OR IDENTIFICATION CARD ISSUED UNDER § 16–122 OF THE TRANSPORTATION ARTICLE IS NOT CONSIDERED A MARYLAND DRIVER'S LICENSE OR IDENTIFICATION CARD FOR PURPOSES OF THE FEDERAL REQUIREMENT TO PROVIDE A MARYLAND DRIVER'S LICENSE OR IDENTIFICATION CARD NUMBER ON A VOTER REGISTRATION APPLICATION.

3–203.

(a) The Motor Vehicle Administration shall provide the opportunity to apply to register to vote or update a voter registration record to each individual who:

(1) applies for or renews a driver's license or identification card; or

(2) changes a name or address on an existing driver's license or identification card.

(b) (1) The Motor Vehicle Administration shall inquire orally or in writing whether the applicant wishes to register to vote or update a voter registration record during the transactions specified under subsection (a) of this section.

(F) (1) THIS SECTION DOES NOT APPLY TO A DRIVER'S LICENSE OR IDENTIFICATION CARD ISSUED UNDER § 16–122 OF THE TRANSPORTATION ARTICLE.

(2) WHEN A PERSON APPLIES FOR A DRIVER'S LICENSE OR IDENTIFICATION CARD UNDER § 16–122 OF THE TRANSPORTATION ARTICLE, THE MOTOR VEHICLE ADMINISTRATION MAY NOT:

(I) PROVIDE THE APPLICANT THE OPPORTUNITY TO APPLY TO REGISTER TO VOTE;

(II) INCLUDE INFORMATION ON THE APPLICATION REGARDING REGISTERING TO VOTE; OR

(III) INQUIRE ORALLY OR IN WRITING WHETHER THE APPLICANT WISHES TO REGISTER TO VOTE OR UPDATE A VOTER REGISTRATION RECORD.".

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

Affirmative – 46 Negative – 82 (See Roll Call No. 569)

FLOOR AMENDMENT

HB0387/533326/1

BY: Delegate Kipke

AMENDMENT TO HOUSE BILL 387, AS AMENDED

On page 15 of the House Judiciary Committee Amendments (HB0387/552214/1), in line 14 of Amendment No. 14, after "**NON–MATCH;**" insert "**OR**"; and in line 18, strike "**; OR**" and substitute a period.

On pages 15 and 16 of the House Judiciary Committee Amendments, in Amendment No. 14, strike in their entirety the lines beginning with line 19 on page 15 through line 10 on page 16, inclusive.

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

Affirmative – 51 Negative – 79 (See Roll Call No. 570)

FLOOR AMENDMENT

HB0387/343025/1

BY: Delegate Sophocleus

AMENDMENT TO HOUSE BILL 387
(First Reading File Bill)

On page 1, in the sponsor line, strike "Sophocleus,".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0387/493824/1

BY: Delegate George

AMENDMENTS TO HOUSE BILL 387, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 2 of the House Judiciary Committee Amendments (HB0387/552214/1), in Amendment No. 3, strike beginning with "requiring" in line 7 down through "purposes" in line 14; and strike beginning with "requiring" in line 14 down through "plan;" in line 10.

On page 3 of the House Judiciary Committee Amendments, in lines 8 and 9 of Amendment No. 3, strike "through 16–124,".

AMENDMENT NO. 2

On page 7 of the House Judiciary Committee Amendments, in line 1 of Amendment No. 6, strike "**(I)**"; and strike beginning with "**BY**" in line 2 down through "**SECURITY**" in line 15.

AMENDMENT NO. 3

On page 9 of the House Judiciary Committee Amendments, in lines 4 and 5 of Amendment No. 10, strike "**:**

(I) **SATISFACTORY**" and substitute "**SATISFACTORY**";

and strike beginning with "**BY**" in line 6 down through "**SECURITY**" in line 18.

AMENDMENT NO. 4

On page 10 of the House Judiciary Committee Amendments, in line 7 of Amendment No. 11, strike "**(I)**".

On pages 10 and 11 of the House Judiciary Committee Amendments, in Amendment No. 11, strike beginning with "**BY**" in line 8 on page 10 through "**SECURITY**" in line 4 on page 11.

AMENDMENT NO. 5

On page 12 of the House Judiciary Committee Amendments, in lines 9 and 10 of Amendment No. 13, strike "**:**

(I) **SATISFACTORY**" and substitute "**SATISFACTORY**".

On pages 12 and 13 of the House Judiciary Committee Amendments, in Amendment No. 13, strike beginning with "**BY**" in line 11 on page 12 down through "**SECURITY**" in line 3 on page 13.

AMENDMENT NO. 6

On pages 13 through 25 of the House Judiciary Committee Amendments, strike Amendment No. 14 in its entirety.

AMENDMENT NO. 7

On page 6 of the bill, in line 17, after "expire" insert "**NOT LATER THAN**"; and strike in their entirety lines 19 through 35, inclusive, and substitute:

"**(5) (I) IF AN APPLICANT HAS TEMPORARY LAWFUL STATUS, THE ADMINISTRATION MAY NOT ISSUE TO THE APPLICANT A LICENSE TO DRIVE FOR A PERIOD THAT EXTENDS BEYOND THE EXPIRATION DATE OF THE APPLICANT'S AUTHORIZED STAY IN THE UNITED STATES OR, IF THERE IS NO EXPIRATION DATE, FOR A PERIOD LONGER THAN 1 YEAR.**

(II) NOTHING CONTAINED IN THIS PARAGRAPH MAY BE CONSTRUED TO ALLOW THE ISSUANCE OF A TEMPORARY LICENSE TO DRIVE FOR A PERIOD LONGER THAN THE PERIOD DESCRIBED IN THIS SUBSECTION.

(III) THE ADMINISTRATION SHALL INDICATE ON THE FACE AND IN THE MACHINE–READABLE ZONE OF A TEMPORARY LICENSE TO DRIVE THAT THE LICENSE IS A TEMPORARY LICENSE TO DRIVE.

(6) A HOLDER OF A TEMPORARY LICENSE TO DRIVE WHO HAD TEMPORARY LAWFUL STATUS AT THE TIME OF THE ISSUANCE OF THE TEMPORARY LICENSE TO DRIVE SHALL PRESENT SATISFACTORY DOCUMENTARY EVIDENCE OF LAWFUL STATUS IF THE HOLDER APPLIES FOR ISSUANCE OR RENEWAL OF ANY LICENSE TO DRIVE UNDER THIS SUBTITLE.

16–121.

(A) THE ADMINISTRATION SHALL REQUIRE EACH FEE FOR ISSUANCE OR RENEWAL OF AN ORIGINAL OR DUPLICATE IDENTIFICATION CARD, MOPED OPERATOR'S PERMIT, OR LICENSE TO DRIVE UNDER THIS ARTICLE TO BE PAID BY THE APPLICANT AT THE TIME OF APPLICATION.

(B) AN APPLICATION FEE UNDER THIS SECTION IS NONREFUNDABLE, REGARDLESS WHETHER THE ADMINISTRATION ISSUES OR RENEWS, REFUSES TO ISSUE OR RENEW, CANCELS, OR REQUIRES TO BE SURRENDERED AN IDENTIFICATION CARD, A MOPED OPERATOR'S PERMIT, OR A LICENSE TO DRIVE UNDER THIS ARTICLE.

16–301.

(a) A person may not knowingly or fraudulently obtain or attempt to obtain a **[**driver's**]** license **TO DRIVE OR A MOPED OPERATOR'S PERMIT** by misrepresentation.

(b) A person may not in any application for a **[**driver's**]** license **TO DRIVE OR A MOPED OPERATOR'S PERMIT**:

(1) Use a false or fictitious name;

(2) Knowingly make a false statement;

(3) Knowingly conceal a material fact;

(4) Use a false, fictitious, or fraudulently altered document; or

(5) Otherwise commit a fraud.

27–101.

(c) Any person who is convicted of a violation of any of the provisions of the following sections of this article is subject to a fine of not more than $500 or imprisonment for not more than 2 months or both:

(1) § 12–301**[**(c), (d), (e),**]****(E)** or (f) ("Special identification cards: **[**Fraud and misrepresentation**]** **UNLAWFUL USE OF IDENTIFICATION CARD** prohibited");

(12) § 16–301**, EXCEPT § 16–301(A) OR (B)** ("Unlawful **[**application for or**]** use of license");

(CC) ANY PERSON WHO IS CONVICTED OF A VIOLATION OF § 12–301(C) OR (D) OF THIS ARTICLE ("FRAUD OR MISREPRESENTATION IN OBTAINING OR APPLICATION FOR AN IDENTIFICATION CARD") OR § 16–301(A) OR (B) OF THIS ARTICLE ("FRAUD OR MISREPRESENTATION IN OBTAINING OR APPLICATION FOR A LICENSE") IS SUBJECT TO A FINE OF NOT MORE THAN $2,500 OR IMPRISONMENT FOR NOT MORE THAN 3 YEARS OR BOTH.

SECTION 3. AND BE IT FURTHER ENACTED, That the Motor Vehicle Administration shall adopt regulations to implement this Act, including regulations to implement the provisions of this Act concerning a non–match, as described in this Act, of documentation provided by an applicant to the Administration.

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 7 amendments were read and rejected by a roll call vote as follows:

Affirmative – 54 Negative – 76 (See Roll Call No. 571)

FLOOR AMENDMENT

HB0387/223922/1

BY: Delegate George

AMENDMENT TO HOUSE BILL 387
(First Reading File Bill)

On page 1, in the sponsor line, strike "Delegates Malone and George" and substitute "Delegate Malone".

The preceding amendment was read and adopted.

FLOOR AMENDMENT

HB0387/533126/1

BY: Delegate Malone

AMENDMENT TO HOUSE BILL 387
(First Reading File Bill)

On page 1, in the sponsor line, strike "Delegates Malone and" and substitute "Delegate".

The preceding amendment was read and adopted.

Delegate Dwyer moved to lay the bill on the Table.

The motion was rejected by a roll call vote as follows:

Affirmative – 49 Negative – 86 (See Roll Call No. 572)

FLOOR AMENDMENT

HB0387/443829/1

BY: Delegate Dumais

AMENDMENT TO HOUSE BILL 387
(First Reading File Bill)

On page 1, in the sponsor line, strike "Donoghue,", "Riley,", and "Sophocleus,".

The preceding amendment was read and 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 1179 – Delegates Cardin, Hixson, Olszewski, and Ross

AN ACT concerning

Election Law – Early Voting

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

FLOOR AMENDMENT

HB1179/373829/1

BY: Delegate Sossi

AMENDMENTS TO HOUSE BILL 1179
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 17, after "center;" insert "repealing a certain provision that requires the Comptroller to establish a certain tax add–on system that allows contributions to the Fund;".

On page 2, in line 8, strike "and 10–310(a)" and substitute "<u>, 10–310(a), and 15–103</u>".

<u>AMENDMENT NO. 2</u>

On page 9, after line 21, insert:

"<u>15–103.</u>

<u>(a) There is a Fair Campaign Financing Fund.</u>

<u>(b) The Comptroller shall administer the Fund in accordance with this section.</u>

<u>(c)</u> **[**<u>For each taxable year, the Comptroller shall establish a tax add–on system that allows contributions to the Fund:</u>

<u>(1) by an individual, other than a nonresident alien, filing a personal State income tax return; and</u>

<u>(2) in an amount not to exceed $500.</u>

<u>(d)</u>**]** <u>In accordance with this title, the Comptroller shall:</u>

<u>(1) credit to the Fund all money collected under this title;</u>

<u>(2) subject to the usual investing procedures for State funds, invest the money in the Fund; and</u>

<u>(3) make distributions from the Fund promptly on authorization by the State Board.</u>

[<u>(e)</u>**]** **<u>(D)</u>** <u>The Comptroller shall distribute public contributions:</u>

<u>(1) only on authorization of the State Board; and</u>

<u>(2) as to each eligible gubernatorial ticket, to the same campaign account of a single campaign finance entity established under Title 13, Subtitle 2 of this article.</u>

[(f)**]** **(E)** The Comptroller shall submit a statement of the Fund's balance to the State Board at the State Board's request and on May 15 of each year.".

The preceding 2 amendments were read and adopted.

FLOOR AMENDMENT

HB1179/873825/1

BY: Delegate Kipke

AMENDMENTS TO HOUSE BILL 1179
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 15, after "voting;" insert "requiring that the regulations and guidelines be consistent with the security policies and regulations of each local board of education regarding entry into school buildings;".

AMENDMENT NO. 2

On page 8, in line 23, after "**(H)**" insert "**(1)**"; after line 25, insert:

"**(2) THE REGULATIONS AND GUIDELINES ADOPTED UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE CONSISTENT WITH THE SECURITY POLICIES AND REGULATIONS OF EACH LOCAL BOARD OF EDUCATION REGARDING ENTRY INTO SCHOOL BUILDINGS.**".

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

Affirmative – 39 Negative – 90 (See Roll Call No. 573)

Read the second time and ordered prepared for Third Reading.

INTRODUCTION OF BILLS

Delegate Serafini moved the Bill be introduced.

The Speaker put the question: Shall the Bill be introduced?

The roll call vote resulted as follows:

Affirmative – 118 Negative – 11 (See Roll Call No. 574)

In compliance with the rules, the Bill was introduced.

House Bill 1576 – Delegates Serafini, Shank, Kelly, and Myers

AN ACT concerning

Criminal Law – Death Penalty – Evidence of Murder of Correctional Officer

FOR the purpose of providing that the requirement that the State present certain evidence in the prosecution of a murder before the defendant may be sentenced to death does not apply in a case in which a correctional officer was murdered under certain circumstances; providing that the prohibition against sentencing a defendant to death if the State relies solely on eyewitness evidence does not apply in a case in which a correctional officer is murdered under certain circumstances; making this Act contingent on the taking effect of another Act; and generally relating to the death penalty.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 2–202
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)
(As enacted by Chapter ___ (S.B. 279) of the Acts of the General Assembly of 2009)

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

QUORUM CALL

The presiding officer announced a quorum call, showing 134 Members present.

(See Roll Call No. 575)

ADJOURNMENT

At 9:36 P.M. on motion of Delegate Barve the House adjourned until 11:00 A.M. on Legislative Day March 25, 2009, Calendar Day Saturday, March 28, 2009.

Annapolis, Maryland
Legislative Day: March 25, 2009
Calendar Day: Saturday, March 28, 2009

The House met at 11:42 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Keith E. Haynes of Baltimore City.

QUORUM CALL

The presiding officer announced a quorum call, showing 132 Members present.

(See Roll Call No. 576)

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

EXCUSES:
Del. Braveboy – late – funeral
Del. Elmore – illness
Del. Ivey – funeral
Del. Reznik – late – best friend's wedding
Del. Smigiel – illness
Del. Tarrant – business
Del. F. Turner – illness

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #12

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 1263 – Delegates Hucker, O'Donnell, and Shewell

AN ACT concerning

Mercury Switch Removal from Vehicles

HB1263/130711/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1263

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Shewell" and substitute "Shewell, and Manno"; in line 9, strike "requiring" and substitute "authorizing"; in line 10, strike "status" and substitute "adequacy"; in line 11, after "days;" insert "requiring a vehicle recycler to remove mercury switches from end–of–life vehicle inventory and vehicles processed into their inventory within a certain period of time;"; in line 14, after "circumstances;" insert "providing that certain fees, fines, and penalties be deposited in the State Recycling Trust Fund;"; strike beginning with "requiring" in line 18 down through "circumstances;" in line 22 and substitute "requiring the Department to submit a certain report to the General Assembly each year on or before a certain date; establishing a certain capture rate goal for a certain year; defining certain terms;"; and in line 26, strike "and 6–905" and substitute ", 6–905, and 19–1707(f)".

AMENDMENT NO. 2

On page 2, in line 28, strike "**REMOVAL**" and substitute "**RECOVERY**".

On page 3, in line 3, after "**VEHICLES**" insert "**FOR THAT YEAR**"; and in line 6, after "**OF**" insert "**RESALE OF ITS PARTS OR**".

On page 4, in line 1, strike "**LIGHT,**" and substitute "**LIGHT OR AN**"; in line 2, strike "**SYSTEM, OR OTHER**" and substitute "**SYSTEM**"; in line 12, strike "**RECYCLING**" and substitute "**PROCESSING**"; strike beginning with "**FIXED**" in line 12 down through "**METALLIC SCRAP**" in line 15 and substitute "**FACILITY:**

(1) THAT PROCESSES IRON, STEEL, AND NONFERROUS SCRAP METAL; AND

(2) THE PRINCIPAL PRODUCT OF WHICH IS SCRAP IRON, SCRAP STEEL, AND NONFERROUS SCRAP";

in line 25, after "**(O)**" insert "**(1)**"; strike beginning with "**ACQUIRING**" in line 26 down through "**PARTS.**" in line 28 and substitute "**:**

(I) DISMANTLING, DESTROYING, OR SCRAPPING ANY VEHICLE FOR THE PURPOSE OF RESELLING ANY OF ITS USABLE PARTS; OR

(II) OTHERWISE ACQUIRING VEHICLES FOR THE BENEFIT OF THEIR PARTS OR THE MATERIALS IN THEM.

(2) NOTWITHSTANDING ANY PROVISION TO THE CONTRARY, ANY REFERENCE TO A WRECKER IN ANY STATUTE, RULE, OR REGULATION SHALL APPLY TO A VEHICLE RECYCLER.";

in line 30, strike "**A**"; in the same line, strike "**MANUFACTURER**" and substitute "**MANUFACTURERS**"; in the same line, strike "**SELLS**" and substitute "**SOLD**"; and in line 31, after "**STATE**" insert "**THAT CONTAINED MERCURY SWITCHES**".

AMENDMENT NO. 3

On page 5, in line 1, after "**(B)**", insert "**(1)**"; in the same line, strike "**A**"; in the same line, strike "**MANUFACTURER**" and substitute "**MANUFACTURERS, INDIVIDUALLY OR AS A GROUP,**"; after line 3, insert:

"**(2) A VEHICLE MANUFACTURER IN THE STATE THAT ALREADY HAS PROCESSES AND PROCEDURES IN PLACE THAT MEET OR EXCEED THE REQUIREMENTS OF THIS SECTION MAY PROPOSE THE USE OF THOSE PROCESSES AND PROCEDURES IN ITS MERCURY MINIMIZATION PLAN.**";

in line 12, after "**MATERIAL**" insert "**AND TRAINING MATERIALS**"; and in lines 26 and 29, in each instance, after "**FOR**" insert "**THE PROPER MANAGEMENT OF**".

On page 6, in lines 3 and 8, in each instance, strike "**$3**" and substitute "**$4**"; in lines 3 and 8, in each instance, after "**MERCURY**" insert "**LIGHT**"; in lines 4 and 9, in each instance, strike "**OR MERCURY SWITCH ASSEMBLY**" and substitute "**AND $6 FOR EACH ANTILOCK BREAKING SWITCH**"; in line 16, after "**SUBTITLE**" insert "**TO THE STATE RECYCLING TRUST FUND**"; in line 32, strike "**60**" and substitute "**90**"; and in line 33, strike "**SHALL**" and substitute "**MAY**".

On page 7, strike beginning with "**IF**" in line 4 down through "**THE**" in line 5 and substitute "**THE**"; in line 5, after "**IMPLEMENTATION**" insert "**OF THE MERCURY MINIMIZATION PLAN**"; in line 6, strike "**APPROVAL, OR AS OTHERWISE DETERMINED**" and substitute "**SUBMITTAL, UNLESS OTHERWISE DIRECTED**"; in line 13, strike "**APPROVE**" and substitute "**DISAPPROVE**"; in line 14, after "**THAT**" insert "**DO NOT**"; strike beginning with "**AND**" in line 15 down through

"**REQUIREMENTS**" in line 16; in line 18, after "**PLAN**" insert "**NOT DISAPPROVED**"; in line 19, strike "**APPROVAL**" and substitute "**SUBMITTAL**"; in the same line, strike "**DETERMINED**" and substitute "**DIRECTED**"; in line 24, strike "**SHALL**" and substitute "**MAY**"; and strike in their entirety lines 27 through 35, inclusive.

On page 8, in line 5, strike "**APPROVED**" and substitute "**SUBMITTED**"; and in line 8, after "**DEFICIENT**" insert "**OR NOT MEETING THE GOALS OF THIS ACT**".

AMENDMENT NO. 4

On page 8, strike beginning with "**WITHIN**" in line 17 down through "**PLAN,**" in line 19 and substitute "**ON AND AFTER DECEMBER 1, 2009,**"; in line 23, strike "**PLAN FROM**" and substitute "**PLAN:**

(I) FROM";

in line 24, after "**FACILITY**" insert "**;**

(II) FROM THE END–OF–LIFE VEHICLE AT THE TIME THE VEHICLE IS PROCESSED, BUT NOT LATER THAN 180 DAYS AFTER THE RECEIPT OF AN END–OF–LIFE VEHICLE; AND

(III) ON OR BEFORE DECEMBER 31, 2010, FOR RECYCLING, FROM THE VEHICLE RECYCLER'S INVENTORY IN EXISTENCE AS OF SEPTEMBER 30, 2009";

strike in their entirety lines 25 and 26; and in lines 27 and 30, strike "**(3)**" and "**(4)**", respectively, and substitute "**(2)**" and "**(3)**", respectively.

On page 9, in line 12, after "**MAINTAIN**" insert "**ELECTRONIC**"; in line 18, after "**BE**" insert "**KEPT FOR 3 YEARS AND**"; in line 27, after "**TRANSPORTED,**" insert "**RECYCLED,**"; and strike beginning with "**AFTER**" in line 32 down through "**SUBTITLE**" in line 34 and substitute "**BEFORE JANUARY 31 OF EACH YEAR**".

On page 10, in line 8, after "**90%**" insert "**FOR THE PREVIOUS CALENDAR YEAR**"; in line 11, strike "**END–OF–LIFE VEHICLES**" and substitute "**MERCURY SWITCHES AND MERCURY SWITCH ASSEMBLIES**"; in line 19, after "**VEHICLES**" insert "**WILL, BY THE END OF DECEMBER 2020,**"; after line 20, insert:

"**(I) AFTER DECEMBER 1, 2011, IF THE DEPARTMENT DETERMINES THAT AN INSUFFICIENT NUMBER OF MERCURY SWITCHES HAVE BEEN RECYCLED, THE DEPARTMENT MAY PROPOSE NEW STRATEGIES TO INCREASE SWITCH REMOVAL AND RECYCLING, INCLUDING ADDITIONAL FUNDING SOURCES.**

(J) (1) ON OR BEFORE OCTOBER 1 EACH YEAR, THE DEPARTMENT OF THE ENVIRONMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, ON:

(I) THE NUMBER OF MERCURY SWITCHES AND MERCURY SWITCH ASSEMBLIES RECOVERED FROM VEHICLES;

(II) THE CAPTURE RATE OF SWITCH RECOVERY ACHIEVED;

(III) THE NUMBER OF SWITCHES PROJECTED TO BE RECOVERED;

(IV) THE AMOUNT AND USE OF FUNDS PAID INTO THE STATE RECYCLING TRUST FUND FOR THE ADMINISTRATION OF THIS ACT; AND

(V) ANY RECOMMENDATIONS TO IMPROVE THE PROVISIONS OF THIS ACT OR TO INCREASE THE CAPTURE RATE OF MERCURY SWITCHES FROM VEHICLES.

(2) THE DEPARTMENT SHALL ALSO INFORM THE GENERAL ASSEMBLY IF THE DEPARTMENT DETERMINES THAT MERCURY SWITCHES IN END–OF–LIFE VEHICLES NO LONGER POSE A SIGNIFICANT RISK TO THE ENVIRONMENT OR TO PUBLIC HEALTH.";

in line 21, strike "**(I)**" and substitute "**(K)**"; and in the same line, strike "**SHALL**" and substitute "**MAY**".

AMENDMENT NO. 5

On pages 10 through 12, strike in their entirety the lines beginning with line 24 on page 10 through line 24 on page 12, inclusive, and substitute:

"**(A) A PERSON THAT VIOLATES ANY PROVISION OF § 6–905.4 OR § 6–905.5 OF THIS SUBTITLE, OR ANY REGULATION ADOPTED TO IMPLEMENT THE PROVISIONS OF § 6–905.4 OR § 6–905.5 OF THIS SUBTITLE, IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:**

(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING $1,000;

(2) FOR A SECOND OFFENSE, A FINE NOT EXCEEDING $2,500; AND

(3) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING $5,000.

(B) A PERSON THAT VIOLATES ANY PROVISION OF § 6–905.4 OR § 6–905.5 OF THIS SUBTITLE, OR ANY REGULATION ADOPTED TO IMPLEMENT THE PROVISIONS OF § 6–905.4 OR § 6–905.5 OF THIS SUBTITLE, IS LIABLE FOR A CIVIL PENALTY TO BE COLLECTED IN A CIVIL ACTION IN THE CIRCUIT COURT FOR ANY COUNTY IN THE STATE NOT EXCEEDING:

(1) $1,000 FOR A FIRST OFFENSE;

(2) $2,500 FOR A SECOND OFFENSE; OR

(3) $5,000 FOR A THIRD OR SUBSEQUENT OFFENSE.

(C) (1) IN ADDITION TO ANY OTHER REMEDIES AVAILABLE AT LAW OR IN EQUITY, AFTER AN OPPORTUNITY FOR A HEARING, THE DEPARTMENT MAY IMPOSE A FINE FOR EACH VIOLATION OF § 6–905.4 OR § 6–905.5 OF THIS SUBTITLE, OR OF ANY REGULATION ADOPTED UNDER § 6–905.4 OR § 6–905.5 OF THIS SUBTITLE, NOT EXCEEDING:

(I) $1,000 FOR A FIRST OFFENSE;

(II) $2,500 FOR A SECOND OFFENSE; OR

(III) $5,000 FOR A THIRD OR SUBSEQUENT OFFENSE.

(2) THE DEPARTMENT SHALL CONSIDER THE FOLLOWING IN ASSESSING THE FINE IN PARAGRAPH (1) OF THIS SUBSECTION:

(I) THE WILLFULNESS OF THE VIOLATION;

(II) THE EXTENT TO WHICH THE VIOLATION WAS KNOWN, BUT UNCORRECTED, BY THE VIOLATOR;

(III) THE EXTENT TO WHICH THE VIOLATION RESULTED IN ACTUAL HARM TO HUMAN HEALTH OR THE ENVIRONMENT;

(IV) THE NATURE AND DEGREE OF INJURY TO, OR INTERFERENCE WITH, GENERAL WELFARE AND HEALTH; AND

(V) THE EXTENT TO WHICH THE CURRENT VIOLATION IS PART OF A PATTERN OF THE SAME OR SIMILAR TYPE OF VIOLATION BY THE VIOLATOR.

(D) EACH DAY A VIOLATION CONTINUES IS A SEPARATE OFFENSE UNDER THIS SECTION.

(E) FINES AND PENALTIES COLLECTED UNDER THIS SECTION SHALL BE DEPOSITED IN THE STATE RECYCLING TRUST FUND.

9–1707.

(f) (1) There is a State Recycling Trust Fund.

(2) The Fund shall consist of:

(i) The newsprint recycling incentive fee;

(ii) The telephone directory recycling incentive fee collected under § 9–1709 of this subtitle;

(iii) The covered electronic device manufacturer registration fee collected under § 9–1728 of this subtitle;

(iv) **THE MERCURY LIGHT SWITCH, ANTILOCK BRAKING SWITCH, OR MERCURY SWITCH ASSEMBLY REMOVAL FEES COLLECTED UNDER § 6–905.4(C)(6)(III)3 OF THIS ARTICLE;**

(V) All fines and penalties collected under this subtitle **AND UNDER §§ 6–905.4 AND 6–905.6 OF THIS ARTICLE**;

[(v)**]** **(VI)** Money appropriated in the State budget to the Fund; and

[(vi)**]** **(VII)** Any other money from any other source accepted for the benefit of the Fund.

(3) The Secretary shall administer the Fund.

(4) The Treasurer shall hold the Fund separately and the Comptroller shall account for the Fund.

(5) At the end of each fiscal year, any unspent or unencumbered balance in the Fund that exceeds $2,000,000 shall revert to the General Fund of the State in accordance with § 7–302 of the State Finance and Procurement Article.

(6) In accordance with the State budget, the Fund shall be used only:

(i) To provide grants to the counties to be used by the counties to develop and implement local recycling plans;

(ii) To provide grants to counties that have addressed methods for the separate collection and recycling of covered electronic devices in accordance with § 9–1703(c)(1) of this subtitle;

(iii) To provide grants to municipalities to be used by the municipalities to implement local covered electronic device recycling programs; and

(iv) To carry out the purposes of the Office of Recycling under this subtitle **AND UNDER TITLE 6, SUBTITLE 9 OF THIS ARTICLE**.

(7) (i) The Treasurer shall invest the money in the Fund in the same manner as other State money may be invested.

(ii) Any investment earnings of the Fund shall be credited to the General Fund of the State.".

AMENDMENT NO. 6

On pages 12 and 13, strike in their entirety the lines beginning with line 25 on page 12 through line 19 on page 13, inclusive, and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That the capture rate goal for a mercury switch or mercury switch assembly shall be at least 90% in 2010.";

and in line 20, strike "4." 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.

Delegate McIntosh, Chair, for the Committee on Environmental Matters and Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 1305 – Delegate King

AN ACT concerning

Environment – Coal Combustion Byproducts – Department Regulations – Transport and Beneficial Use

HB1305/810814/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1305
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "adopt" and substitute "submit"; and in line 5, after "byproducts" insert "to the Joint Committee on Administrative, Executive, and Legislative Review".

AMENDMENT NO. 2

On page 2, in line 11, strike "**ADOPT**" and substitute "**SUBMIT TO THE JOINT COMMITTEE ON ADMINISTRATIVE, EXECUTIVE, AND LEGISLATIVE REVIEW**"; and in line 12, strike "**THE**" and substitute "**FUGITIVE AIR EMISSIONS FROM THE**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Beitzel moved to make the Bill a Special Order for the end of today's business.

The motion was adopted.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 1355 – Delegates Lafferty and Morhaim

AN ACT concerning

Natural Resources – Tidal Fish Licenses and Authorizations – Enforcement

HB1355/910417/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1355
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "violations;" insert "requiring the Department to adopt certain regulations in consultation with certain entities; repealing a requirement that the Department initiate certain proceedings to suspend a tidal fish license not later than a certain time;".

AMENDMENT NO. 2

On page 3, in line 4, after "Department" insert "**, IN CONSULTATION WITH THE TIDAL FISHERIES ADVISORY COMMISSION AND THE SPORT FISHERIES ADVISORY COMMISSION,**"; in line 6, strike "**ENHANCED PENALTIES FOR**"; in lines 7 and 12, in each instance, strike the bracket; in line 10, strike "and"; in line 12, strike "title." and substitute "**TITLE;**"; in lines 13 and 14, strike "**(I)**" and "**(II)**", respectively, and substitute "**(IV)**" and "**(V)**", respectively; in line 13, strike "**REPEATED**" and substitute "**ENHANCED PENALTIES FOR REPEATED**"; in line 14, strike "**VIOLATIONS**" and substitute "**ENHANCED PENALTIES FOR VIOLATIONS**"; strike in their entirety lines 17 through 21, inclusive; and in line 22, strike "**(7)**" and substitute "**(6)**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 1369 – Howard County Delegation

AN ACT concerning

Howard County Ethics Law – Application for Zoning Regulation Amendment

Ho. Co. 12–09

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 1419 – Chair, Environmental Matters Committee (By Request – Departmental – Environment)

AN ACT concerning

Department of Natural Resources – Fish and Fisheries Laws Violations – Penalties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 1517 – Montgomery County Delegation and Prince George's County Delegation

AN ACT concerning

Maryland–National Capital Park and Planning Commission – Transfer of Funds to Prince George's County

MC/PG 127–09

HB1517/680613/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1517
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Transfer" and substitute "Disbursement"; in line 3, after "County" insert "and Montgomery County"; strike beginning with the comma in line 6 down through the second "funds" in line 9 and substitute "to disburse to Prince George's County on or before certain dates certain sums of money drawn from the balances of certain funds collected in Prince George's County under certain provisions of law; requiring the Commission to disburse to Montgomery County on or before a certain date a certain sum of money drawn from the balances of certain funds collected in Montgomery County under a certain provision of law; and generally relating to certain disbursements of certain sums of money by certain dates"; in line 11, after "County" insert "and Montgomery County"; and strike in their entirety lines 12 through 16, inclusive.

AMENDMENT NO. 2

On page 1, in line 18, strike "the Laws of Maryland read as follows".

On pages 1 and 2, strike beginning with "Article" in line 19 on page 1 down through "**FUND.**" in line 6 on page 2 and substitute:

"(a) The Maryland–National Capital Park and Planning Commission is authorized and directed, subject to subsection (b) of this section, to disburse to Prince George's County in two equal installments, the first being due on December 1, 2009, and the second being due on March 1, 2010, the sum of $30,000,000 drawn from the balance of funds, then existing or reasonably estimated, collected in Prince George's County under Article 28, §§ 6–106 (b), (c), and (e) and 6–107 of the Annotated Code of Maryland.

(b) The amount of money disbursed under this section may not exceed $30,000,000 in the aggregate and may not result in a projected deficit in any of the funds specified in this section.

SECTION 2. AND BE IT FURTHER ENACTED, That:

(a) The Maryland–National Capital Park and Planning Commission is authorized and directed, subject to subsection (b) of this section, to disburse to Prince George's County in two equal installments, the first being due on December 1, 2010, and the second being due on March 1, 2011, the sum of $30,000,000 drawn from the balance of funds, then existing or reasonably estimated, collected in Prince George's County under Article 28, §§ 6–106 (b), (c), and (e) and 6–107 of the Annotated Code of Maryland.

(b) The amount of money disbursed under this section may not exceed $30,000,000 in the aggregate and may not result in a projected deficit in any of the funds specified in this section.

SECTION 3. AND BE IT FURTHER ENACTED, That:

(a) The Maryland–National Capital Park and Planning Commission is authorized and directed, subject to subsection (b) of this section, to disburse to Montgomery County, on or before October 1, 2009, the sum of $5,000,000 drawn from the balance of funds, then existing or reasonably estimated, collected in Montgomery County under Article 28, § 7–106 of the Annotated Code of Maryland.

(b) The amount of money disbursed under this section may not exceed $5,000,000 and may not result in a projected deficit in the fund specified in this section.

(c) Money disbursed under this section may only be used for the purpose of purchasing interests in real property to prevent nonagricultural uses of lands designated for agricultural preservation in Montgomery County's functional master plan for the preservation of agricultural and rural open space.".

AMENDMENT NO. 3

On page 2, in line 7, strike "2." and substitute "4."; and in line 8, strike "June" and substitute "July".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

House Bill 1564 – Delegate Stein

EMERGENCY BILL

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 1570 – Delegate Weir

AN ACT concerning

Fisheries Management – Anchored Fishing Nets – Buoy Markers

HB1570/340510/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 1570
(First Reading File Bill)

On page 1, in line 4, after "nets;" insert "altering the information that is required to be marked on certain fishing gear;"; and in line 21, strike ", address".

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 ENVIRONMENTAL MATTERS REPORT #13

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 609 – Delegates Holmes, Carr, V. Clagett, and Niemann

AN ACT concerning

Chesapeake Bay Phosphorous Reduction Act of 2009

HB0609/710416/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 609
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Niemann" and substitute "Niemann, and Manno".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 784 – Delegates James, Gaines, and Riley

AN ACT concerning

Consolidated Transportation Program – Traffic Congestion Reporting

HB0784/870919/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 784
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Reporting"; in lines 3, 6, and 8, in each instance, strike "report" and substitute "section"; in line 4, strike "on efforts" and substitute "describing activities"; in line 6, strike "measures" and substitute "activities"; in the same line, strike "should" and substitute "may"; in line 7, after "agencies" insert "or local governments"; in line 7, after "congestion" insert "and travel demand"; in line 9, after "projects" insert "that have an identified purpose of reducing congestion"; and in the same line, strike "in the State".

AMENDMENT NO. 2

On page 3, in line 4, strike "**REPORT ON THE EFFORTS**" and substitute "**SECTION DESCRIBING THE ACTIVITIES**"; in line 7, strike "**MEASURES THAT SHOULD**" and substitute "**ACTIVITIES THAT MAY**"; in line 8, after "**AGENCIES**" insert "**OR LOCAL GOVERNMENTS**"; in the same line, after "**CONGESTION**" insert "**AND TRAVEL DEMAND**"; in line 10, after "**PROJECT**" insert "**THAT HAS AN IDENTIFIED PURPOSE OF REDUCING CONGESTION**"; and in line 12, strike "**IN THE STATE**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 1331 – Delegate Conway

AN ACT concerning

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

HB1331/340717/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 1331
(First Reading File Bill)

On page 3, in line 14, strike "**(CHAPTER ___(S.B. ___/H.B. ___)(9LR3031)**" and substitute "**(CHAPTER ____(S.B. 932/H.B. 1330)**"; in line 15, after "**2009)**" insert "**OR ANY OTHER BOND BILL ENABLING ACT FOR THIS PURPOSE**"; strike beginning with "Chapter" in line 27 down through "(9lr3031)" in line 28 and substitute "Chapter ____(S.B. 932/H.B. 1330)"; and strike beginning with "Chapter" in line 28 down through "(9lr3031)" in line 29 and substitute "Chapter ____(S.B. 932/H.B. 1330)".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 1368 – Delegates Beidle and V. Clagett

AN ACT concerning

Environment – State and Private Wetlands – Improvements

HB1368/570414/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1368
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Environment – State and Private Wetlands – Improvements" and substitute "Task Force on Residential Pier Construction"; strike

beginning with "prohibiting" in line 3 down through "wetlands." in line 6 and substitute "establishing a Task Force on Residential Pier Construction; establishing the membership of the Task Force; requiring the Secretary of the Environment to request the participation of certain parties in the Task Force; providing for the designation of a chair of the Task Force; requiring the Department of the Environment to provide staff for the Task Force; prohibiting a member of the Task Force from receiving certain compensation; providing that a member of the Task Force may receive reimbursement of certain expenses; requiring the Task Force to study certain matters and make certain findings and recommendations; requiring the Task Force to report its findings and recommendations to the Governor and the General Assembly on or by a certain date; and generally relating to the Task Force on Residential Pier Construction."; strike beginning with "BY" in line 7 down through "Supplement)" in line 11; and in line 13, strike "the Laws of Maryland read as follows".

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 14 on page 1 through line 15 on page 3, inclusive, and substitute:

"(a) There is a Task Force on Residential Pier Construction.

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

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) one member of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of the Environment, or the Secretary's designee; and

(4) the following seven members, appointed by the Secretary of the Environment:

(i) one representative of a Western Shore county bordering the Chesapeake Bay;

(ii) one representative of an Eastern Shore county bordering the Chesapeake or Atlantic Coastal Bays;

(iii) one representative of the Marine Trades Association of Maryland;

(iv) one representative of the Maryland Marine Contractors Association;

(v) one representative of the Maryland Association of Realtors;

(vi) one representative of the Chesapeake Bay Foundation; and

(vii) one representative of a Maryland Riverkeeper Program.

(c) The Secretary of the Environment shall invite the following parties to participate in the Task Force:

(1) the Secretary of Natural Resources, or the Secretary's designee;

(2) the Secretary of Business and Economic Development, or the Secretary's designee; and

(3) the Executive Secretary of the Board of Public Works, or the Executive Secretary's designee.

(d) The Secretary of the Environment shall designate the chair of the Task Force.

(e) The Department of the Environment shall provide staff for the Task Force.

(f) A member of the Task Force:

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

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

(g) The Task Force shall:

(1) study and make findings regarding:

(i) existing laws, regulations, and policies related to residential pier construction and how the laws, regulations, and policies balance the needs of riparian property owners, the general public, and the environment;

(ii) the approach taken by other states regarding riparian access to navigable waters;

(iii) scientific research about environmental impacts associated with the construction of piers;

(iv) issues associated with the construction of residential piers, including:

1. the length and height of piers over marsh and the associated ecological impact;

2. the length of piers over open water, and the associated ecological impacts, including impacts on submerged aquatic vegetation and dredging;

3. construction methodologies; and

4. competing uses of the waterway, including fishing, crabbing, and recreational uses; and

(2) make recommendations regarding necessary legislation.

(h) On or before January 1, 2010, the Task Force shall report its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2009. It shall remain effective for a period of 1 year and, at the end of May 31, 2010, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters 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.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 1418 – Chair, Environmental Matters Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Agricultural Land Preservation – Condemnation of Land Under Easement

HB1418/280915/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1418
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "a" in line 3 down through "condemning" in line 4 and substitute "condemnation, for certain purposes, of"; in line 5, strike "for certain purposes," and substitute "is"; and in line 8, after "requirements;" insert "defining a certain term;".

AMENDMENT NO. 2

On page 2, in line 1, after "**(I)**" insert "**IN THIS PARAGRAPH, "ECONOMIC OR RESIDENTIAL DEVELOPMENT" DOES NOT INCLUDE:**

1. ROADS;

2. WATER LINES OR PIPELINES;

3. SEWER LINES OR PIPELINES;

4. POWER TRANSMISSION LINES OR NATURAL GAS PIPELINES; OR

5. STORMWATER OR DRAINAGE FACILITIES.

(II)";

and in line 6, strike "**(II)**" and substitute "**(III)**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 1546 – Delegate Niemann

AN ACT concerning

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

HB1546/800611/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 1546
(First Reading File Bill)

On page 1, in line 7, strike "or certain other entities".

On page 2, in lines 12 and 19, in each instance, strike the comma and substitute "**OR**"; in lines 13 and 14, strike "**, OR OTHER ENTITY ACCEPTABLE TO THE ADMINISTRATION**"; and in line 20, strike "**, OR OTHER ENTITY ACCEPTABLE TO THE ADMINISTRATION**".

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 HEALTH AND GOVERNMENT OPERATIONS REPORT #8

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 7 – Delegates Norman and Riley

AN ACT concerning

State Government – Flags – Made in USA

HB0007/836384/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 7
(First Reading File Bill)

AMENDMENT NO. 1

In the sponsor line, strike "and Riley" and substitute ", Riley, Anderson, Aumann, Barkley, Bartlett, Bates, Beidle, Beitzel, Bobo, Boteler, Branch, Bromwell, Cane, Carter, G. Clagett, Conaway, Costa, DeBoy, Donoghue, Dumais, Dwyer, Eckardt, Elliott, Elmore, Frank, George, Glenn, Haddaway, Hecht, Holmes, Hucker, Impallaria, James, Jameson, Jennings, Kach, Kelly, King, Kipke, Krebs, Kullen, Lafferty, Malone, Manno, Mathias, McComas, McConkey, McDonough, Miller, Minnick, Murphy, Myers, Niemann, O'Donnell, Oaks, Olszewski, Ramirez, Robinson, Rudolph, Schuh, Schuler, Serafini, Shank, Shewell, Smigiel, Sossi, Stein, Stifler,

Stocksdale, Stukes, Stull, Tarrant, F. Turner, Walkup, Weir, Weldon, and Wood"; in line 3, strike "a flag of the United States or a State flag" and substitute "certain flags"; and strike beginning with "; clarifying" in line 4 down through "property" in line 5.

AMENDMENT NO. 2

Strike beginning with "**(A)**" in line 15 down through "**(B)**" in line 16; and in line 17, after "**PROPERTY**" insert "**AND PURCHASED WITH STATE MONEY**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 15 – Delegate Hubbard

AN ACT concerning

Child Care Articles and Toys Containing Bisphenol–A – Prohibition

HB0015/836488/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 15
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Hubbard" and substitute "Delegates Hubbard, Manno, and V. Turner"; in line 2, strike "and Toys"; in line 3, strike "certain toys or"; in line 6, after "Act;" insert "requiring a manufacturer to indicate conspicuously on a child care article that the article does not contain bisphenol–A; requiring the Department of Health and Mental Hygiene to adopt certain regulations;"; in line 7, strike "certain terms" and substitute "a certain term"; and in line 8, strike "toys and".

AMENDMENT NO. 2

On page 1, in line 18, after "**SECTION**" insert a comma; strike beginning with the first "**THE**" in line 18 down through "**(2)**" in line 20; in line 20, strike "**CHILD**" and substitute "**CHILD**"; and strike beginning with "**A**" in line 20 down through "**TEETHING**" in line 23 and substitute "**AN EMPTY BOTTLE OR CUP TO BE FILLED WITH FOOD OR LIQUID THAT IS DESIGNED OR INTENDED BY A MANUFACTURER TO BE USED BY A CHILD UNDER THE AGE OF 3 YEARS.**

(2) IF A FEDERAL LAW REGULATING THE USE OF BISPHENOL–A IN CHILD CARE ARTICLES IS ENACTED, "CHILD CARE ARTICLE" SHALL BE DEFINED AS SPECIFIED IN THE FEDERAL LAW".

AMENDMENT NO. 3

On page 2, strike in their entirety lines 1 through 3, inclusive; in line 4, strike "**JANUARY 10, 2010**" and substitute "**JANUARY 1, 2011**"; and in line 5, strike "**CHILDREN'S TOY OR**".

AMENDMENT NO. 4

On page 2, after line 16, insert:

"**(D) IN COMPLYING WITH SUBSECTION (B) OF THIS SECTION, A MANUFACTURER SHALL INDICATE CONSPICUOUSLY ON THE CHILD CARE ARTICLE THAT THE ARTICLE DOES NOT CONTAIN BISPHENOL–A.**";

in line 17, strike "**(D)**" and substitute "**(E)**"; and after line 19, insert:

"**(F) THE DEPARTMENT SHALL ADOPT REGULATIONS TO CARRY OUT THIS SECTION.**".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 250 – Delegates Kullen, Eckardt, Bromwell, Kipke, Montgomery, Pena–Melnyk, Reznik, Riley, V. Turner, and Weldon

AN ACT concerning

Public Health – Authority to Certify Incapacity or Death – Nurse Practitioners

HB0250/326386/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 250
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Weldon" and substitute "Weldon, Nathan–Pulliam, Donoghue, Benson, Krebs, and Tarrant"; in line 2, strike "Authority to Certify Incapacity or" and substitute "Certificates of"; strike beginning with "make" in line 4 down through "to" in line 6; strike beginning with "authorizing" in line 7 down through "condition;" in line 10; in line 11, strike "authority to certify incapacity or death" and substitute "death certificates"; strike in their entirety lines 12 through 16, inclusive; and in line 19, strike "4–212, 5–602(e), 5–606, and 5–608(a)" and substitute "4–212".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 24 on page 1 through line 21 on page 2, inclusive.

On pages 5 and 6, strike in their entirety the lines beginning with line 16 on page 5 through line 33 on page 6, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 288 – Delegates Rosenberg, Mizeur, and Pena–Melnyk

AN ACT concerning

Lilly Ledbetter Fair Pay Restoration Act of 2009

HB0288/146689/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 288
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Pena–Melnyk" and substitute "Pena–Melnyk, Hammen, Tarrant, Reznik, Kullen, V. Turner, Pendergrass, Nathan–Pulliam, Donoghue, Montgomery, Benson, and Riley".

AMENDMENT NO. 2

On page 1, in line 2, strike "Fair Pay" and substitute "Civil Rights"; and strike beginning with "providing" in line 10 down through "law;" in line 12.

AMENDMENT NO. 3

On page 2, strike in their entirety lines 7 through 20, inclusive.

AMENDMENT NO. 4

On page 4, strike in their entirety lines 12 through 22, inclusive; and in line 23, strike "5." and substitute "3.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate Bates moved to make the Bill a Special Order for the end of today's business.

The motion was adopted.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 576 – Delegates Bromwell, Costa, Donoghue, Elliott, Hammen, Hubbard, Kach, Kullen, Riley, and Weldon

AN ACT concerning

Dental Hygienists – Expanded Functions

HB0576/206081/1

BY: Health and Government Operations Committee

AMENDMENT TO HOUSE BILL 576
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Weldon" and substitute "Weldon, Pendergrass, Benson, Kipke, Krebs, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Tarrant, and V. Turner".

On page 2, strike in their entirety lines 14 and 15; and in lines 16 and 18, strike "**(9)**" and "**(10)**", respectively, and substitute "**(8)**" and "**(9)**", respectively.

On page 3, strike in their entirety lines 20 through 25, inclusive; and in line 26, strike "**(IX)**" and substitute "**(VIII)**".

On page 4, in lines 1 and 3, strike "**(X)**" and "**(XI)**", respectively, and substitute "**(IX)**" and "**(X)**", respectively.

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 713 – Delegates Jones, Anderson, Barkley, Bohanan, Branch, Burns, Carter, G. Clagett, Dumais, Eckardt, Gaines, Griffith, Gutierrez, Haynes, Healey, McComas, McHale, Mizeur, Montgomery, Nathan–Pulliam, Niemann, and Taylor

AN ACT concerning

Programs for Children in Out–of–Home Placement – System for Outcomes Evaluation

HB0713/886083/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 713
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Taylor" and substitute "Taylor, Benson, Kach, Kipke, Morhaim, and V. Turner"; and strike beginning with "the" in line 9 down through "dates" in line 10 and substitute "a delayed effective date for certain provisions".

AMENDMENT NO. 2

On page 6, in line 10, strike "2010" and substitute "2011".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 782 – Delegates James, Bromwell, Haynes, and Oaks

AN ACT concerning

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

HB0782/516180/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 782
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Oaks" and substitute "Oaks, Kullen, McDonough, Montgomery, Nathan–Pulliam, and Pendergrass"; strike beginning with "consult" in line 5 down through "measures;" in line 10 and substitute "develop certain accountability measures for use in a pay–for–performance program; requiring the Department, in consultation with certain stakeholders, to make certain changes to the

program on or before a certain date and each year thereafter; requiring the Department to examine and modify the program to include improvement measures in the scoring criteria on or before certain dates; requiring the Department to score nursing facilities based on certain scoring criteria and to send a certain transmittal to certain nursing facilities on or before a certain date; requiring the Department to distribute a certain percentage of the revenues generated by a certain quality assessment beginning on a certain date; requiring the Department to implement a certain program beginning on a certain date; requiring the Department to consult with certain stakeholders to assess the State's long–term care reimbursement methodology, to conduct a certain evaluation of the methodology, and to make a certain report to the General Assembly on or before a certain date; codifying the provisions of law relating to the pay–per–performance program;"; and strike in their entirety lines 12 through 15, inclusive, and substitute:

"BY adding to

Article – Health – General

Section 19–14B–01 to be under the new subtitle "Subtitle 14B. Pay–for–Performance Program for Nursing Homes"

Annotated Code of Maryland

(2005 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 2

On pages 1 through 3, strike in their entirety the lines beginning with line 18 on page 1 through line 10 on page 3 and substitute:

"Article – Health – General

SUBTITLE 14B. PAY–FOR–PERFORMANCE PROGRAM FOR NURSING HOMES.

19–14B–01.

(A) (1) AS PROVIDED IN SUBSECTION (E) OF THIS SECTION, A PORTION OF THE REVENUES FROM THE QUALITY ASSESSMENT THAT IS ASSESSED UNDER § 19–310.1 OF THIS TITLE SHALL BE DISTRIBUTED TO NURSING FACILITIES SUBJECT TO § 19–310.1 OF THIS TITLE BASED ON ACCOUNTABILITY MEASURES THAT INDICATE QUALITY OF CARE OR A COMMITMENT TO QUALITY OF CARE.

(2) IN CONSULTATION WITH REPRESENTATIVES OF THE NURSING FACILITIES AND OTHER STAKEHOLDERS, THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE SHALL DEVELOP ACCOUNTABILITY MEASURES TO USE IN A PAY–FOR–PERFORMANCE PROGRAM THAT TAKE INTO ACCOUNT BOTH PERFORMANCE AND IMPROVEMENT.

(3) THE ACCOUNTABILITY MEASURES SHALL BE OBJECTIVE, MEASURABLE, AND WHEN CONSIDERED IN COMBINATION WITH EACH OTHER, DEEMED TO HAVE A CORRELATION TO RESIDENTS' QUALITY OF LIFE AND CARE.

(B) (1) ON OR BEFORE DECEMBER 1, 2009, AND EACH YEAR THEREAFTER, THE DEPARTMENT SHALL, IN CONSULTATION WITH REPRESENTATIVES OF NURSING FACILITIES AND OTHER INTERESTED STAKEHOLDERS, MAKE NECESSARY CHANGES TO THE PAY–FOR–PERFORMANCE PROGRAM TO DETERMINE THE EFFECT ON PROVIDERS AND TO DETERMINE IF THE MEASURES SATISFY THE REQUIREMENTS OF BEING OBJECTIVE, MEASURABLE, AND, WHEN CONSIDERED IN COMBINATION WITH EACH OTHER, HAVE A CORRELATION TO RESIDENTS' QUALITY OF LIFE AND CARE.

(2) IN PERFORMING THE REVIEW REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION, ON OR BEFORE DECEMBER 1, 2009, AND ON OR BEFORE DECEMBER 1, 2010, THE DEPARTMENT SHALL EXAMINE AND MODIFY THE PAY–FOR–PERFORMANCE PROGRAM TO INCLUDE IMPROVEMENT MEASURES IN THE SCORING CRITERIA.

(C) (1) UP TO 25% OF THE REVENUES GENERATED BY THE QUALITY ASSESSMENT UNDER § 19–301.1 OF THIS TITLE SHALL BE IN AN INCENTIVE PROGRAM TO BE DISTRIBUTED AS PROVIDED IN THIS SECTION, TO THE EXTENT FEDERAL LAW ALLOWS.

(2) THE DISTRIBUTION OF REVENUES AS PROVIDED IN THIS SECTION SHALL BE USED AS AN INCENTIVE FOR NURSING FACILITIES TO PROVIDE QUALITY CARE AND MAY NOT BE USED TO DIRECTLY OR INDIRECTLY HOLD HARMLESS ANY NURSING FACILITY.

(D) ON OR BEFORE DECEMBER 1, 2008, THE PLAN REQUIRED UNDER THIS SECTION SHALL BE SUBMITTED BY THE DEPARTMENT, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, TO THE GENERAL ASSEMBLY.

(E) ON OR BEFORE JULY 1, 2009, THE DEPARTMENT SHALL:

(I) SCORE NURSING FACILITIES BASED ON SCORING CRITERIA DEVELOPED AND REPORTED TO THE GENERAL ASSEMBLY IN THE DECEMBER 1, 2008 REPORT AS REQUIRED BY CHAPTER 200 OF THE ACTS OF THE GENERAL ASSEMBLY OF 2008; AND

(II) SEND EACH NURSING FACILITY A TRANSMITTAL WITH THE SCORING CRITERIA, THE PERFORMANCE OF THE NURSING FACILITY RELATIVE TO THE SCORING, AND THE MONIES THAT WOULD HAVE BEEN RECEIVED BY THE NURSING FACILITY USING THE SCORING CRITERIA.

(2) BEGINNING JULY 1, 2010, THE DEPARTMENT SHALL DISTRIBUTE 50% OF THE REVENUES GENERATED BY THE QUALITY ASSESSMENT THAT IS ASSESSED UNDER § 19–310.1 OF THIS TITLE AND REQUIRED FOR USE IN A PAY–FOR–PERFORMANCE PROGRAM TO NURSING FACILITIES AS PROVIDED IN THIS SECTION.

(3) BEGINNING JULY 1, 2011, THE DEPARTMENT SHALL FULLY IMPLEMENT THE PAY–FOR–PERFORMANCE PROGRAM AS PROVIDED IN THIS SECTION.

(F) (1) (I) THE DEPARTMENT SHALL CONSULT WITH REPRESENTATIVES OF NURSING FACILITIES AND OTHER STAKEHOLDERS TO ASSESS THE STATE'S LONG–TERM CARE REIMBURSEMENT METHODOLOGY AND WHETHER IT IS PROSPECTIVE AND PREDICTABLE, PROMOTES QUALITY AND EFFICIENCY, AND CONSIDERS SEVERITY.

(II) IN EVALUATING THE STATE'S REIMBURSEMENT METHODOLOGY, THE DEPARTMENT SHALL CONSIDER ALTERNATIVE

REIMBURSEMENT MECHANISMS, THE PAY–FOR–PERFORMANCE PROGRAM, AND QUALITY AND OUTCOME–BASED MEASURES.

(2) ON OR BEFORE OCTOBER 1, 2010, THE DEPARTMENT SHALL REPORT TO THE GENERAL ASSEMBLY, IN ACCORDANCE WITH § 2–1246 OF THE STATE GOVERNMENT ARTICLE, ON THE EVALUATION REQUIRED UNDER SUBSECTION (F)(1) OF THIS SECTION.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 952 – Delegates Hubbard, Costa, Krebs, and Weldon

AN ACT concerning

Continuing Care – Department of Aging and Maryland Insurance Administration – Transfer of Oversight

HB0952/516987/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 952
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Weldon" and substitute "Weldon, Hammen, Pendergrass, Benson, Bromwell, Donoghue, Elliott, Kach, Kipke, Kullen, McDonough, Montgomery, Morhaim, Nathan–Pulliam, Oaks, Pena–Melnyk, Reznik, Riley, Tarrant, and V. Turner"; strike beginning with "– Department" in line 2 down through "Oversight" in line 3 and substitute "Agreements and Related Agreements"; strike in their entirety lines 4 through 11, inclusive; and after line 11, insert:

"FOR the purpose of requiring the Department of Aging to review and approve or disapprove certain continuing care agreements and any other related

agreements within a certain number of days; authorizing the Department to submit comments to or request additional information from a provider who has submitted certain agreements to the Department; providing for the suspension of a certain review period; requiring the Department to provide a certain written notice to certain providers if the Department does not approve a certain agreement; providing for a certain appeal under certain circumstances; requiring the Department to limit its review of certain modifications to certain agreements in a certain manner; providing that certain providers are not required to submit certain agreements or requests for modification to the Department for approval; and generally relating to the oversight of continuing care.

BY repealing and reenacting, with amendments,
Article – Human Services
Section 10–445
Annotated Code of Maryland
(2007 Volume and 2008 Supplement)".

On pages 1 through 3, strike in their entirety the lines beginning with line 12 on page 1 through line 13 on page 3, inclusive.

AMENDMENT NO. 2

On page 3, in line 14, strike "2. AND BE IT FURTHER ENACTED" and substitute "1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND"; in line 16, strike "Insurance" and substitute "Human Services"; and after line 16, insert:

"10–445.

(a) (1) **(I)** If a provider's feasibility study has been approved under § 10–409 of this subtitle, the Department **[**shall decide whether to approve a continuing care agreement within 180 days after receipt of a complete agreement**], WITHIN 120 DAYS AFTER RECEIPT OF A CONTINUING CARE AGREEMENT OR ANY OTHER RELATED AGREEMENT SUBMITTED BY A PROVIDER, SHALL DETERMINE WHETHER THE AGREEMENT COMPLIES WITH THE REQUIREMENTS OF THIS SUBTITLE**.

(II) AT ANY TIME DURING THE REVIEW PROCESS, THE DEPARTMENT MAY SUBMIT COMMENTS TO OR REQUEST ADDITIONAL INFORMATION FROM THE PROVIDER TO DETERMINE WHETHER THE AGREEMENT COMPLIES WITH THE REQUIREMENTS OF THIS SUBTITLE.

(III) IF THE DEPARTMENT SUBMITS COMMENTS OR A REQUEST FOR ADDITIONAL INFORMATION UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE 120–DAY REVIEW PERIOD UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH IS SUSPENDED.

(IV) ON RECEIPT OF ANY REQUESTED INFORMATION OR MODIFICATIONS TO THE AGREEMENT NECESSITATED BY THE DEPARTMENT'S COMMENTS UNDER SUBPARAGRAPH (III) OF THIS PARAGRAPH, THE DEPARTMENT, WITHIN THE NUMBER OF DAYS REMAINING IN THE 120–DAY REVIEW PERIOD, SHALL:

1. COMPLETE ITS REVIEW TO DETERMINE WHETHER THE AGREEMENT MEETS THE REQUIREMENTS OF THIS SUBTITLE; AND

2. APPROVE OR DISAPPROVE THE AGREEMENT.

(V) 1. IF THE DEPARTMENT DOES NOT APPROVE THE AGREEMENT, THE DEPARTMENT SHALL NOTIFY THE PROVIDER IN WRITING, INCLUDING CITATIONS TO THE SPECIFIC PROVISIONS OF LAW THAT THE DEPARTMENT DETERMINED WERE NOT COMPLIED WITH IN THE AGREEMENT.

2. A PROVIDER MAY APPEAL THE DISAPPROVAL OF AN AGREEMENT UNDER SUBPARAGRAPH (IV) OF THIS PARAGRAPH UNDER THE PROVISIONS OF TITLE 10, SUBTITLE 2 OF THE STATE GOVERNMENT ARTICLE.

(2) If the Department does not act within **[**180**]** **120** days, the agreement is deemed approved.

(b) The provider shall maintain the continuing care agreement at the facility and make it available for inspection by the Department of Health and Mental Hygiene under Title 19, Subtitle 18, of the Health – General Article **AND TITLE 10, SUBTITLE 3 OF THE HEALTH – GENERAL ARTICLE**.

(C) IF A PROVIDER IS SEEKING APPROVAL FOR A MODIFICATION TO AN APPROVED CONTINUING CARE AGREEMENT OR OTHER RELATED AGREEMENT, THE DEPARTMENT SHALL LIMIT ITS REVIEW TO:

(1) THE SECTION OF THE AGREEMENT BEING MODIFIED AND ANY SECTIONS DIRECTLY AFFECTED BY THE MODIFICATION; AND

(2) ANY SECTION OF THE AGREEMENT THAT MAY HAVE BEEN AFFECTED BY A CHANGE IN THE LAW OR A REGULATION THAT WAS ENACTED AFTER THE DEPARTMENT APPROVED THE AGREEMENT.

(D) IF THE PROVIDER EXECUTES A SEPARATE ASSISTED LIVING AGREEMENT OR COMPREHENSIVE CARE AGREEMENT, THE PROVIDER IS NOT REQUIRED TO SUBMIT THE ASSISTED LIVING AGREEMENT OR COMPREHENSIVE CARE AGREEMENT OR ANY REQUESTS FOR MODIFICATIONS TO THE DEPARTMENT FOR APPROVAL.

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

On pages 3 through 76, strike in their entirety the lines beginning with line 17 on page 3 through line 8 on page 76, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

House Bill 1336 – Delegates Braveboy, Griffith, Pena–Melnyk, V. Turner, Valderrama, and Vaughn

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations 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.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

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

HB1472/866283/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1472
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after "Program;" insert "requiring the corporation's determination on the transfer of certain funds to be based on a certain risk–based capital calculation;".

On page 2, in line 22, strike "**IF**" and substitute "**IF**"; in line 24, after "**CORPORATION**" insert "**BASED ON THE CORPORATION'S ANNUAL REQUIRED STATUTORY FILING DUE MARCH 1 OF**"; and in the same line, strike "**IN**".

AMENDMENT NO. 2

On page 3, in line 7, after "**(D)**" insert "**(1)**"; in line 9, strike "**PROVIDE**" and substitute "**TRANSFER**"; and after line 11, insert:

"**(2) THE CORPORATION'S DETERMINATION ON THE TRANSFER OF FUNDS SHALL BE BASED ON THE RISK–BASED CAPITAL CALCULATION THAT IS DUE ON MARCH 1 OF THE SAME CALENDAR YEAR IN WHICH THE CORPORATION GIVES THE NOTICE 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.

Delegate Hammen, Chair, for the Committee on Health and Government Operations 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.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

House Bill 1474 – Chair, Health and Government Operations Committee (By Request – Departmental – Military)

AN ACT concerning

Maryland Emergency Management Agency – Director

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

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

HB1479/336389/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1479
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "adding" and substitute "substituting"; in the same line, strike "to" and substitute "for the Secretary of Budget and Management or a designee as a member of".

AMENDMENT NO. 2

On page 2, strike beginning with the first "the" in line 5 down through "(2)" in line 7; in line 9, strike "**(3)**" and substitute "**(2)**"; in lines 12 and 15, in each instance, strike the brackets; and in lines 12 and 15, strike "**(4)**" and "**(5)**", respectively.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations 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.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

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

EMERGENCY BILL

AN ACT concerning

Prince George's County Hospital Authority

HB1486/606382/2

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1486
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Walker" and substitute "Walker, and Benson"; in line 3, strike "altering" and substitute "extending"; in the same line, strike "scope of the"; strike beginning with "develop" in line 9 down through "circumstances" in line 10 and substitute "complete its obligations by a certain time"; strike beginning with "specifying" in line 10 down through "system;" in line 13; in line 14, strike "in the development of the plan"; strike beginning with "clarifying" in line 15 down through "deadlines" in line 17 and substitute "declaring the intent of the General Assembly".

AMENDMENT NO. 2

On page 1, in line 26, after "24–1604(b)," insert "and"; and strike beginning with ", and" in line 26 down through "(c)(1)" in line 27.

On page 2, in line 5, strike the first comma and substitute "and"; in the same line, strike ", (n),"; and in the same line, strike "(o) and".

AMENDMENT NO. 3

On page 2, in line 18, strike "**AND ADAPT**"; in lines 28 and 30, in each instance, strike the bracket.

On page 3, in lines 4 and 7, strike "**A.**" and "**B.**", respectively, and substitute "**1.**" and "**2.**", respectively; and strike beginning with "**ONLY**" in line 7 down through "**AFTER**" in line 8 and substitute "**AFTER**".

AMENDMENT NO. 4

On page 3, in line 30, before "**FULFILL**", insert "**CONTINUE TO**"; and in line 34, strike "**THE**" and substitute "**NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE**".

On page 4, in lines 1 and 8, in each instance, strike "**SATISFY**" and substitute "**SATISFIES**"; and in line 4, strike "**ANY BIDDER**" and substitute "**ONE OR MORE BIDDERS**".

On pages 4 and 5, strike in their entirety the lines beginning with line 14 on page 4 through line 2 on page 5, inclusive.

On page 5, in line 3, strike "**(O)**" and substitute "**(M)**"; and in line 4, strike "**SUBSECTIONS (M) AND (N) OF**".

AMENDMENT NO. 5

On pages 5 and 6, strike in their entirety the lines beginning with line 7 on page 5 through line 22 on page 6, inclusive.

On page 6, in line 23, strike "**(B)**" and substitute "**(A)**"; strike beginning with "**DEVELOPMENT**" in line 23 down through "**§ 24–1605(M)**" in line 24 and substitute "**TRANSFER OF THE PRINCE GEORGE'S COUNTY HEALTH CARE SYSTEM UNDER § 24–1605(K)(2)**"; in line 24, strike "**AND SUBSECTION (A) OF THIS SECTION**"; and in line 26, strike "**ADVISORS**" and substitute "**ADVISERS**".

On page 7, in line 10, strike "**(C)**" and substitute "**(B)**"; in the same line, strike "**(B)**" and substitute "**(A)**"; strike in their entirety lines 13 through 15, inclusive; in lines 16, 19, 22, and 25, strike "**(2)**", "**(3)**", "**(D)**", and "**(E)**", respectively, and substitute "**(1)**", "**(2)**", "**(C)**", and "**(D)**", respectively; in line 18, strike "**OR**" and

substitute "**AND**"; and in lines 22 and 25, in each instance, strike "**(B)**" and substitute "**(A)**".

AMENDMENT NO. 6

On pages 7 through 9, strike in their entirety the lines beginning with line 29 on page 7 through line 5 on page 9, inclusive.

On page 9, after line 5, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the Authority continue its bid review process and proceed towards a final agreement on the transfer of the Prince George's County health care system as provided under Section 1 of this Act and any agreements in effect on January 1, 2009, relating to the transfer of the health care system shall remain in effect consistent with Section 1 of this Act.";

and in line 6, 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.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1542 – Delegate Haddaway

AN ACT concerning

Health – Regulation and Permitting of Egg Sellers at Farmers' Markets

HB1542/836889/2

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1542
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; in the sponsor line, strike "Delegate Haddaway" and substitute "Delegates Haddaway, Donoghue, Eckardt, Elmore, Mathias, Cane, Rudolph, Conway, Kach, Krebs, Kullen, McDonough, Pena–Melnyk, Riley, and Tarrant"; in line 2, strike "Regulation and Permitting of Egg Sellers at Farmers' Markets" and substitute "Licensing of Food Establishments – Exception for Egg Producers"; strike beginning with "making" in line 3 down through "terms;" in line 8 and substitute "exempting certain persons who produce shell eggs and sell the shell eggs directly to the public from a certain food establishment licensing requirement; making this Act an emergency measure;"; in line 9, strike "regulation and permitting" and substitute "exemption"; in the same line, strike "selling eggs at farmers' markets" and substitute "from food establishment licensing requirements"; in line 12, strike "21–211(a)" and substitute "21–305(a) and (b)"; and strike in their entirety lines 15 through 19, inclusive.

AMENDMENT NO. 2

On page 1, after line 22, insert:

"21–305.

(a) Except as otherwise provided in this subtitle, a person may not operate a food establishment unless the person is licensed by the Department.

(b) (1) A separate license is required for each food establishment that a person owns or operates.

(2) Except in Baltimore City, the provisions of this subsection may require a license for each location where vending machines are operated, but may not require a separate license for each individual vending machine.

(3) Except in Baltimore City, vending machine locations used exclusively for prepackaged and commercially sealed foods that are not potentially hazardous, as defined by regulation, are not required to be licensed.

(4) In Baltimore City, a license may be required for each individual vending machine.

(5) An excluded organization may operate a food establishment without a license unless the excluded organization has been issued a license under § 21–304(a)(2)(ii) of this subtitle.

(6) A LICENSE IS NOT REQUIRED FOR A PERSON WHO:

(I) PRODUCES SHELL EGGS;

(II) SELLS THE SHELL EGGS DIRECTLY TO THE PUBLIC; AND

(III) IS REGISTERED WITH OR INSPECTED BY THE SECRETARY OF AGRICULTURE UNDER § 4–310 OR § 4–311.1 OF THE AGRICULTURE ARTICLE.

[(6)**] (7)** Nothing in this subtitle shall preempt the right of a county to require a permit under the authority provided by a local law, ordinance, or regulation if this subtitle does not require the food establishment to obtain a State license.".

On pages 1 and 2, strike in their entirety the lines beginning with line 23 on page 1 through line 16 on page 2, inclusive.

On page 2, in lines 17 and 18, strike "shall take effect October 1, 2009" and substitute "is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations 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.

SPECIAL ORDERS

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

House Bill 1305 – Delegate King

AN ACT concerning

Environment – Coal Combustion Byproducts – Department Regulations – Transport and Beneficial Use

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

FLOOR AMENDMENT

HB1305/513420/1

BY: Delegate Beitzel

AMENDMENT TO HOUSE BILL 1305, AS AMENDED
(First Reading File Bill)

On page 2 of the bill, strike beginning with the colon in line 11 down through "**(1)**" in line 12; and strike beginning with "**; AND**" in line 13 down through "**STATE**" in line 15.

In the Environmental Matters Committee Amendments (HB1305/810814/1), in line 3 of Amendment No. 2, strike "**FUGITIVE**" and substitute "**FUGITIVE**".

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

Affirmative – 35 Negative – 94 (See Roll Call No. 577)

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #10

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

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

HB0689/312913/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 689
(First 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;"; in line 23, strike "and 3–819.2(a)"; and in line 28, 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 28 on page 3 down through "**ACT**" in line 4 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 "a" in line 15 down through "Act" in line 21 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 28 on page 4 down through "**ACT**" in line 4 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 11 down through "**ACT**" in line 19 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 11 down through "**ACT**" in line 19 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 pages 5 and 6, strike beginning with "**A**" in line 25 on page 5 down through "**ACT**" in line 4 on page 6 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 pages 6 and 7, strike beginning with the second "**A**" in line 25 on page 6 down through "**ACT**" in line 6 on page 7 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 "**A**" in line 10 down through "**ACT**" in line 18 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 6 down through "**NEEDS**" in line 10 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**".

On page 4, strike beginning with the first "the" in line 23 down through "child" in line 25 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 19 down through "**CHILD**" in line 22 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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 1042 – Delegates Ivey, Anderson, Barnes, Benson, Carr, Dumais, Lee, Montgomery, Ramirez, Valderrama, and Vaughn

AN ACT concerning

Public Safety – Possession of Ammunition for Firearms – Penalties

HB1042/112814/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1042
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "Act;" insert "defining certain terms;"; in line 21, after "**(A)**" insert "**(1)**"; in the same line, strike the comma and substitute "**THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(2)";

and after line 22, insert:

"**(3) "CRIME OF VIOLENCE" HAS THE MEANING STATED IN § 5–101 OF THE PUBLIC SAFETY ARTICLE.**".

AMENDMENT NO. 2

On page 2, strike beginning with the sixth "**§**" in line 4 down through "**§ 5–609,**" in line 5; and in line 8, strike "**LESS THAN 2 YEARS**" and substitute "**MORE THAN 1 YEAR**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary and Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1099 – Delegates Ramirez, Anderson, Barnes, Carter, Dumais, Kramer, McConkey, Rosenberg, Schuler, Simmons, Smigiel, Valderrama, and Vallario

AN ACT concerning

Mental Health – Local Correctional Facilities – Incarcerated Individuals with Mental Illness

HB1099/392710/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1099
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Vallario" and substitute "Vallario, Nathan–Pulliam, and Tarrant".

AMENDMENT NO. 2

On page 1, in line 22, strike "**120**" and substitute "**60**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 1118 – Delegates Lee, Ali, Boteler, Bronrott, Cane, Carr, DeBoy, Dumais, Hecht, Howard, Kipke, McComas, McDonough, Robinson, Shewell, F. Turner, Valderrama, and Walkup

AN ACT concerning

Personal and Business Documents – Use in Judicial and Administrative Proceedings

HB1118/332212/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1118
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 and 3, and substitute "Criminal Trial – Evidence – Account Records"; and strike beginning with "as" in line 5 down through "evidence" in line 7 and substitute "in criminal trials without the presence or testimony of certain persons under certain circumstances; providing for certain procedures; and generally relating to the admissibility of certain personal and business documents in a criminal trial under certain circumstances".

AMENDMENT NO. 2

On page 1, strike in their entirety lines 8 through 13, inclusive, and substitute:

"BY adding to
Article – Courts and Judicial Proceedings
Section 10–106
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 3

On page 1, strike in their entirety lines 16 through 21, inclusive, and substitute:

"Article – Courts and Judicial Proceedings

10–106.

(A) THIS SECTION APPLIES ONLY TO THE FOLLOWING PERSONAL OR BUSINESS ACCOUNT RECORDS:".

AMENDMENT NO. 4

On page 2, in lines 1 and 2, in each instance, after "**BANK**" insert "**, SAVINGS AND LOAN ASSOCIATION, AND CREDIT UNION**"; and in lines 3, 4, 5, 6, 7, and 8, in each instance, after "**CREDIT**" insert "**OR DEBIT**".

AMENDMENT NO. 5

On page 2, after line 8, insert:

"**(B) THIS SECTION APPLIES ONLY TO A CRIMINAL TRIAL.**

(C) (1) (I) SUBJECT TO THE PROVISIONS OF THIS SECTION, AN ACCOUNT RECORD MAY BE AUTHENTICATED BY THE TESTIMONY OF A HOLDER OF THE ACCOUNT OR ANY OTHER PERSON WITH PERSONAL KNOWLEDGE OF THE ACCOUNT, WITHOUT THE PRESENCE OR TESTIMONY OF THE CUSTODIAN OF THE ACCOUNT RECORD, AND ADMITTED AS EVIDENCE IN A CRIMINAL TRIAL.

(II) A FINDER OF FACT MAY ATTACH WHATEVER WEIGHT TO THE TESTIMONY CONCERNING AN ACCOUNT RECORD THAT THE FINDER OF FACT DEEMS APPROPRIATE.

(2) THE ACCOUNT RECORD SHALL BE ADMITTED UNDER THIS SECTION ON TESTIMONY:

(I) IDENTIFYING THE ACCOUNT RECORD; AND

(II) 1. IDENTIFYING THE PROVIDER OF THE ACCOUNT DOCUMENT;

2. EXPLAINING THE CIRCUMSTANCES SURROUNDING THE RECEIPT OF THE ACCOUNT RECORD;

3. DESCRIBING THE ACCOUNT RECORD PROVIDED; AND

4. STATING FACTS ESTABLISHING THE RELEVANCE OF THE ACCOUNT RECORD TO THE CRIMINAL TRIAL.

(D) (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION, IF THE STATE DECIDES TO OFFER THE ACCOUNT RECORD WITHOUT THE TESTIMONY OF THE CUSTODIAN OF THE ACCOUNT RECORD, THE STATE, AT LEAST 30 DAYS BEFORE TRIAL, SHALL:

(I) NOTIFY IN WRITING THE DEFENDANT OR THE DEFENDANT'S ATTORNEY OF THE STATE'S INTENTION;

(II) DELIVER TO THE DEFENDANT OR THE DEFENDANT'S ATTORNEY A COPY OF THE ACCOUNT RECORD TO BE OFFERED; AND

(III) FILE A COPY OF THE NOTICE WITH THE CLERK OF THE COURT.

(2) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, IF THE DISTRICT COURT IS DEPRIVED OF JURISDICTION UNDER CIRCUMSTANCES IN WHICH A DEFENDANT IS ENTITLED TO AND DEMANDS A JURY TRIAL, OR APPEALS FROM THE DISTRICT COURT TO THE CIRCUIT COURT, THE STATE IS NOT REQUIRED TO PROVIDE A SECOND NOTICE TO THE DEFENDANT OR FILE A SECOND NOTICE WITH THE CLERK OF THE COURT.

(3) (I) IF THE DEFENDANT DEMANDS THE CUSTODIAN OF THE ACCOUNT RECORD TO BE PRESENT AND TESTIFY AT TRIAL, THE DEFENDANT SHALL NOTIFY THE COURT AND THE STATE IN WRITING NO LATER THAN 20 DAYS BEFORE TRIAL.

(II) IF THE DISTRICT COURT IS DEPRIVED OF JURISDICTION UNDER CIRCUMSTANCES IN WHICH A DEFENDANT IS ENTITLED TO AND DEMANDS A JURY TRIAL, OR APPEALS FROM THE DISTRICT COURT TO A CIRCUIT COURT, THE DEFENDANT SHALL NOTIFY THE CIRCUIT COURT AND THE STATE IN WRITING NO LATER THAN 20 DAYS BEFORE TRIAL.

(III) IF THE TIMELY AND PROPER NOTICE REQUIRED UNDER THIS PARAGRAPH IS PROVIDED BY THE DEFENDANT, THE ACCOUNT RECORD IS INADMISSIBLE WITHOUT THE TESTIMONY OF THE CUSTODIAN OF THE ACCOUNT RECORD.

(4) FAILURE TO GIVE TIMELY AND PROPER NOTICE CONSTITUTES A WAIVER OF THE DEFENDANT'S RIGHT TO THE PRESENCE AND TESTIMONY OF THE CUSTODIAN OF THE ACCOUNT RECORD.".

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 WAYS AND MEANS REPORT #10

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 122 – Calvert County Delegation

AN ACT concerning

Calvert County – Education – School Personnel – Employee Service or Representation Fee

HB0122/925563/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 122
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Calvert County Delegation" and substitute "Delegates Kullen, Proctor, and Vallario"; in line 2, after "Education –" insert "Certificated"; in lines 2 and 3, strike "Employee Service or Representation Fee" and substitute "Collective Bargaining Representation Fees"; in line 4, after the second "the" insert "Board of Education of"; in the same line, strike "Board of Education"; in the same line, after "negotiate" insert "a certain fee"; in line 5, strike "employee organization a service or representation fee" and substitute "certificated employee organization"; in line 6, strike "nonmember school employees" and substitute "nonmembers"; in the same line, strike "purposes; requiring" and substitute "representation;"; strike beginning with "the" in line 7 down through "date;" in line 10; strike beginning with "the" in line 10 down through "the" in line 12 and substitute "education and collective bargaining fees for certain certificated school personnel in"; in line 12, strike "Board of Education"; after line 12, insert:

"BY repealing and reenacting, without amendments,
Article – Education
Section 6–401 and 6–407(a) and (b)
Annotated Code of Maryland

(2008 Replacement Volume)";

and in line 15, strike "6–407 and 6–504" and substitute "6–407(d)".

AMENDMENT NO. 2

On page 1, after line 20, insert:

"6–401.

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

(b) "Employee organization" means an organization that:

(1) Includes certificated employees of a public school employer or individuals of equivalent status in Baltimore City; and

(2) Has as one of its main purposes the representation of the employees in their relations with that public school employer.

(c) (1) "Home and hospital teacher" means a teacher employed by a public school employer to provide instructional services to a public school student who is unable to function effectively in the classroom setting due to the student's medical, physical, or emotional condition.

(2) A home and hospital teacher may teach in:

(i) A private home;

(ii) A hospital;

(iii) A therapeutic center;

(iv) A school; or

(v) Any other appropriate site.

(d) (1) "Public school employee" means a certificated professional individual who is employed by a public school employer or an individual of equivalent status in Baltimore City, except for a county superintendent or an individual

designated by the public school employer to act in a negotiating capacity as provided in § 6–408(b) of this subtitle.

(2) In Montgomery County, "public school employees" include:

(i) Certificated and noncertificated substitute teachers employed by the public school employer for at least 7 days before March 1 of the school fiscal year ending June 30, 1978, and each year after; and

(ii) Home and hospital teachers employed by the public school employer for at least 7 days before March 1 of the school fiscal year ending June 30, 2000, and each year after.

(3) In Baltimore County, "public school employee" includes:

(i) A secondary school nurse, an elementary school nurse, and a special school nurse; and

(ii) Supervisory noncertificated employees as defined under § 6–501(h) of this title.

(4) In Frederick County, "public school employee" includes a social worker employed by a public school employer.

(5) In Prince George's County, "public school employee" includes home and hospital teachers and Junior Reserve Officer Training Corps (JROTC) instructors.

(6) In Charles County and Garrett County, "public school employee" includes Junior Reserve Officer Training Corps (JROTC) instructors.

(7) In Carroll County, "public school employee" includes supervisory noncertificated employees as defined under § 6–501(h) of this title.

(e) "Public school employer" means a county board of education or the Baltimore City Board of School Commissioners.".

On pages 2 and 3, strike in their entirety the lines beginning with line 7 on page 2 through line 19 on page 3, inclusive.

On page 3, strike beginning with "**IN**" in line 26 down through "**(3)**" in line 29.

On pages 3 through 6, strike in their entirety the lines beginning with line 31 on page 3 through line 32 on page 6, inclusive.

On page 6, in line 34, strike "July" and substitute "October".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 714 – Delegates Donoghue, Pena–Melnyk, and Costa

AN ACT concerning

Loan Assistance Repayment and Practice Assistance for Physicians

HB0714/455663/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 714
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "program;" insert "establishing the Maryland Loan Assistance Repayment Program Fund; providing for the composition of the Fund and expenditures from the Fund;"; in line 6, after "Physicians;" insert "specifying that money in the Fund shall be used by the Office of Student Financial Assistance in the Maryland Higher Education Commission to administer the Program;"; in line 7, strike "of Student Financial Assistance".

AMENDMENT NO. 2

On page 3, after line 34, insert:

"**(D) "FUND" MEANS THE MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FUND.**

(E) "PRIMARY CARE" INCLUDES:

(1) PRIMARY CARE;

(2) FAMILY MEDICINE;

(3) INTERNAL MEDICINE;

(4) OBSTETRICS;

(5) PEDIATRICS;

(6) GERIATRICS;

(7) EMERGENCY MEDICINE; AND

(8) PSYCHIATRY.".

On page 4, in line 1, strike "**(D)**" and substitute "**(F)**".

AMENDMENT NO. 3

On page 4, after line 3, insert:

"**(A) (1) THERE IS A MARYLAND LOAN ASSISTANCE REPAYMENT PROGRAM FUND IN THE STATE.**

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

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

(4) THE FUND SHALL BE INVESTED AND REINVESTED IN THE SAME MANNER AS OTHER STATE FUNDS.

(5) ANY INVESTMENT EARNINGS OF THE FUND SHALL BE PAID INTO THE FUND.

(B) THE FUND CONSISTS OF:

(1) REVENUE GENERATED THROUGH AN INCREASE, AS APPROVED BY THE HEALTH SERVICES COST REVIEW COMMISSION, TO THE RATE STRUCTURE OF ALL HOSPITALS IN ACCORDANCE WITH § 19–211 OF THE HEALTH – GENERAL ARTICLE; AND

(2) ANY OTHER MONEY FROM ANY OTHER SOURCE ACCEPTED FOR THE BENEFIT OF THE FUND.

(C) EXPENDITURES FROM THE FUND SHALL BE MADE BY AN APPROPRIATION IN THE ANNUAL STATE BUDGET OR BY AN APPROVED BUDGET AMENDMENT AS PROVIDED UNDER § 7–209 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(D) THE MONEY IN THE FUND SHALL BE USED BY THE OFFICE TO ADMINISTER THE PROGRAM.

18–2803.";

in lines 6 and 31, strike "**18–2803.**" and "**18–2804.**", respectively, and substitute "**18–2804.**" and "**18–2805.**", respectively.

On page 5, in lines 1, 12, 19, 24, and 27, strike "**18–2803**", "**18–2803(B)**", "**18–2805.**", "**18–2804**", and "**18–2804**", respectively, and substitute "**18–2804**", "**18–2804(B)**", "**18–2806.**", "**18–2805**", and "**18–2805**", respectively; strike beginning with "**FUNDING**" in line 2 down through "**RESOURCES**" in line 3 and substitute "**MONEY IN THE FUND**"; in line 4, after "**WHO**" insert "**:**

(1)";

in the same line, strike "**PRACTICES**" and substitute "**PRACTICES**"; in line 6, after "**SPECIALTY**" insert a semicolon; and in line 7, strike "**COMMITS**" and substitute:

"**(2) COMMITS**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means 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.

Delegate Hixson, Chair, for the Committee on Ways and Means 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.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

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

HB0795/215061/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 795
(First Reading File Bill)

On page 1, in line 6, after "by" insert "the"; and in line 8, after "for" insert "the".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 1061 – Delegates Mizeur, Barkley, Bobo, Bronrott, Carr, Dumais, Glenn, Healey, Hecht, Manno, and Rosenberg

AN ACT concerning

Earned Income Credit Information Act

HB1061/825060/2

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1061
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "prepare certain tables" and substitute "publish certain information"; and in line 7, after "credit;" insert "providing that an employee may not pursue a private cause of action against an employer for the employer's failure to provide certain notice;".

AMENDMENT NO. 2

On page 2, in line 23, strike "**FOR**" and substitute "**ON OR BEFORE JANUARY 1 OF**"; and in line 24, strike "**PREPARE TABLES THAT SHOW THE WAGE INTERVALS ELIGIBLE**" and substitute "**PUBLISH THE MAXIMUM INCOME ELIGIBILITY**".

AMENDMENT NO. 3

On page 3, in line 1, after "**(B)**" insert "**(1)**"; in the same line, after "**SHALL**" insert "**ANNUALLY**"; in the same line, after "**PROVIDE**" insert "**ELECTRONIC OR**"; in lines 4, 6, 8, and 11, strike "**(1)**", "**(2)**", "**(3)**", and "**(4)**", respectively, and substitute "**(I)**", "**(II)**", "**(III)**", and "**(IV)**", respectively; and after line 12, insert:

"**(2) AN EMPLOYER MAY PROVIDE THE NOTICE REQUIRED UNDER THIS SUBSECTION TO:**

(I) ALL EMPLOYEES; OR

(II) EMPLOYEES WITH WAGES THAT ARE LESS THAN OR EQUAL TO THE MAXIMUM INCOME ELIGIBILITY PUBLISHED UNDER SUBSECTION (A) OF THIS SECTION.

(C) AN EMPLOYEE MAY NOT PURSUE A PRIVATE CAUSE OF ACTION AGAINST AN EMPLOYER FOR THE EMPLOYER'S FAILURE TO PROVIDE THE NOTICE REQUIRED UNDER SUBSECTION (B) OF THIS SECTION.".

AMENDMENT NO. 4

On page 3, in line 15, strike "2008" and substitute "2009".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 1212 – Delegates Hixson, Barnes, Bromwell, George, Gilchrist, Hecht, and F. Turner

AN ACT concerning

Horse Racing – Purse Dedication Account – Allocation of Funds

HB1212/335264/1

BY: Committee on Ways and Means

AMENDMENT TO HOUSE BILL 1212
(First Reading File Bill)

On page 1, in the sponsor line, strike "George,".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Delegate Jennings moved to make the Bill a Special Order for the end of today's business.

The motion was adopted.

Delegate Hixson, Chair, for the Committee on Ways and Means and Delegate Davis, Chair, for the Committee on Economic Matters 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

HB1429/965164/1

BY: Committee on Ways and Means and Economic Matters Committee

AMENDMENT TO HOUSE BILL 1429
(First Reading File Bill)

On page 3, strike in their entirety lines 1 through 3, inclusive; in line 4, strike "3." and substitute "2."; and in line 5, after "2009" insert ", and shall be applicable to all BRAC Revitalization and Incentive Zones designated after October 1, 2008".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 578)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #42

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 – 133 Negative – 0 (See Roll Call No. 579)

The Bill was then sent to the Senate.

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 – 134 Negative – 0 (See Roll Call No. 580)

The Bill was then sent to the Senate.

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 – 134 Negative – 0 (See Roll Call No. 581)

The Bill was then sent to the Senate.

House Bill 1326 – Frederick County Delegation

AN ACT concerning

Frederick County – State's Attorney – Annual Salary

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

Affirmative – 134 Negative – 0 (See Roll Call No. 582)

The Bill was then sent to the Senate.

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 – 123 Negative – 11 (See Roll Call No. 583)

The Bill was then sent to the Senate.

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 – 132 Negative – 1 (See Roll Call No. 584)

The Bill was then sent to the Senate.

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 – 133 Negative – 0 (See Roll Call No. 585)

The Bill was then sent to the Senate.

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 – 135 Negative – 0 (See Roll Call No. 586)

The Bill was then sent to the Senate.

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 – 133 Negative – 1 (See Roll Call No. 587)

The Bill was then sent to the Senate.

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 – 135 Negative – 0 (See Roll Call No. 588)

The Bill was then sent to the Senate.

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 – 135 Negative – 0 (See Roll Call No. 589)

The Bill was then sent to the Senate.

House Bill 1522 – Delegates Mathias and Conway

AN ACT concerning

Worcester County – Liquor Control Board – Borrowing Limit

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

Affirmative – 131 Negative – 0 (See Roll Call No. 590)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #43

House Bill 87 – Delegate Anderson (By Request – Baltimore City Administration)

AN ACT concerning

~~**Criminal Procedure – No Good Time for Gun Crime**~~
Crimes – Violation of Restriction Against Possession of Regulated Firearm – Penalties

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

Affirmative – 131 Negative – 0 (See Roll Call No. 591)

The Bill was then sent to the Senate.

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

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

Affirmative – 135 Negative – 0 (See Roll Call No. 592)

The Bill was then sent to the Senate.

House Bill 312 – The Speaker (By Request – Administration) and Delegates Ali, Barnes, Beidle, Bronrott, Carr, V. Clagett, Frush, Glenn, Healey, Holmes, Howard, Hucker, Lafferty, Lee, Malone, Montgomery, Niemann, Pena–Melnyk, Stein, Stukes, ~~and Valderrama~~ Valderrama, Cane, O'Donnell, Sossi, and Weir

AN ACT concerning

Aquaculture – Shellfish – Leasing

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

Affirmative – 134 Negative – 0 (See Roll Call No. 593)

The Bill was then sent to the Senate.

House Bill 366 – Delegates Rosenberg, Anderson, Braveboy, Carter, Dumais, Pena–Melnyk, Ramirez, V. Turner, Valderrama, and Waldstreicher

AN ACT concerning

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

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

Affirmative – 135 Negative – 0 (See Roll Call No. 594)

The Bill was then sent to the Senate.

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 – 135 Negative – 0 (See Roll Call No. 595)

The Bill was then sent to the Senate.

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 – 135 Negative – 0 (See Roll Call No. 596)

The Bill was then sent to the Senate.

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

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

Affirmative – 132 Negative – 0 (See Roll Call No. 597)

The Bill was then sent to the Senate.

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

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

Affirmative – 135 Negative – 0 (See Roll Call No. 598)

The Bill was then sent to the Senate.

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 – 135 Negative – 0 (See Roll Call No. 599)

The Bill was then sent to the Senate.

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 – 134 Negative – 0 (See Roll Call No. 600)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #44

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 – 133 Negative – 0 (See Roll Call No. 601)

The Bill was then sent to the Senate.

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 – 134 Negative – 0 (See Roll Call No. 602)

The Bill was then sent to the Senate.

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

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

Affirmative – 135 Negative – 0 (See Roll Call No. 603)

The Bill was then sent to the Senate.

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 – 127 Negative – 7 (See Roll Call No. 604)

The Bill was then sent to the Senate.

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

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

Affirmative – 135 Negative – 0 (See Roll Call No. 605)

The Bill was then sent to the Senate.

House Bill 487 – Delegate Montgomery

AN ACT concerning

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

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

Affirmative – 134 Negative – 0 (See Roll Call No. 606)

The Bill was then sent to the Senate.

House Bill 538 – Delegates Jones, Branch, Burns, Nathan–Pulliam, and Robinson

AN ACT concerning

Foster Care – Tuition Exemption – Expanded Eligibility

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

Affirmative – 135 Negative – 0 (See Roll Call No. 607)

The Bill was then sent to the Senate.

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 – 125 Negative – 10 (See Roll Call No. 608)

The Bill was then sent to the Senate.

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 – 134 Negative – 0 (See Roll Call No. 609)

The Bill was then sent to the Senate.

House Bill 639 – Harford County Delegation

AN ACT concerning

Harford County – Board of Education – Selection of Members

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

Affirmative – 134 Negative – 1 (See Roll Call No. 610)

The Bill was then sent to the Senate.

House Bill 641 – Delegates Pena–Melnyk ~~and Oaks~~, Oaks, Benson, Donoghue, Kullen, Montgomery, Morhaim, Nathan–Pulliam, Pendergrass, Reznik, Riley, Tarrant, and V. Turner

AN ACT concerning

Minority Business Enterprise Program – Participation by Race or Gender

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

Affirmative – 135 Negative – 0 (See Roll Call No. 611)

The Bill was then sent to the Senate.

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

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

Affirmative – 132 Negative – 3 (See Roll Call No. 612)

The Bill was then sent to the Senate.

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

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

Affirmative – 110 Negative – 23 (See Roll Call No. 613)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #45

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 – 135 Negative – 0 (See Roll Call No. 614)

The Bill was then sent to the Senate.

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

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

Affirmative – 134 Negative – 0 (See Roll Call No. 615)

The Bill was then sent to the Senate.

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 – 134 Negative – 0 (See Roll Call No. 616)

The Bill was then sent to the Senate.

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 – 135 Negative – 0 (See Roll Call No. 617)

The Bill was then sent to the Senate.

House Bill 879 – Frederick County Delegation

AN ACT concerning

Divestiture from Iran and Sudan – Frederick County Retirement and Pension System

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

Affirmative – 134 Negative – 0 (See Roll Call No. 618)

The Bill was then sent to the Senate.

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 – 103 Negative – 32 (See Roll Call No. 619)

The Bill was then sent to the Senate.

House Bill 931 – Cecil County Delegation

AN ACT concerning

Cecil County – Public Facilities Bond Bill

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

Affirmative – 135 Negative – 0 (See Roll Call No. 620)

The Bill was then sent to the Senate.

House Bill 976 – Carroll County Delegation

AN ACT concerning

Carroll County – Public Facilities Bonds

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

Affirmative – 134 Negative – 0 (See Roll Call No. 621)

The Bill was then sent to the Senate.

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 – 134 Negative – 0 (See Roll Call No. 622)

The Bill was then sent to the Senate.

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 – 134 Negative – 0 (See Roll Call No. 623)

The Bill was then sent to the Senate.

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 – 133 Negative – 0 (See Roll Call No. 624)

The Bill was then sent to the Senate.

THE COMMITTEE ON APPROPRIATIONS REPORT #8

Delegate Conway, Chair, for the Committee on Appropriations 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

HB0085/654163/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 85
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Walker" and substitute "Walker, and Holmes"; in line 4, strike "certain textbook adoption processes,"; in line 5, strike "affirmations" and substitute "acknowledgments"; in line 7, strike "affirmation and"; in line 10, after "revisions," insert "and"; strike beginning with the third comma in line 10 down through "price" in line 11; in line 11, after "requiring" insert ", subject to a certain exception,"; strike beginning with "requiring" in line 15 down through "notifications;" in line 17; in line 19, after "time" insert "subject to a certain extension under certain circumstances; prohibiting certain institutions from encouraging or promoting the creation or sale of certain types of textbooks"; strike beginning with "requiring" in line 19 down through "circumstances;" in line 21; and strike beginning with "requiring" in line 22 down through "date;" in line 27.

On page 2, in line 1, after "report" insert "to the Maryland Higher Education Commission"; in the same line, after "regarding" insert "certain efforts to lower the cost of certain textbooks and"; and in line 3, after "date" insert "and report to the Governor and the General Assembly on or before a certain date".

AMENDMENT NO. 2

On page 2, in line 29, after "**SALE**" insert "**AND IS LICENSED BY THE COMPTROLLER UNDER TITLE 11, SUBTITLE 7 OF THE TAX – GENERAL ARTICLE**"; on page 3, in line 10, after the second comma, insert "**OR**"; strike beginning with the first comma in line 11 down through "**EDITIONS**" in line 12; after line 12, insert:

"**(III) "CUSTOM TEXTBOOK" DOES NOT INCLUDE PURELY AESTHETIC CHANGES TO A COLLEGE TEXTBOOK WHEN COMPARED WITH A PRIOR EDITION OF A COLLEGE TEXTBOOK SUCH AS COMMEMORATIVE EDITIONS.**"; in line 24, strike "**A**"; in the same line, strike "**TEXTBOOK**" and substitute "**COURSE MATERIAL**"; in line 25, after "**EACH**" insert "**TEXTBOOK**"; strike beginning with "**PRINTING**" in line 25 down through "**TEXTBOOK**" in line 26 and substitute "**OTHER COURSE MATERIAL, INCLUDING BUNDLES**"; after line 26, insert:

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

in lines 27 and 30, strike "**(8)**" and "**(9)**", respectively, and substitute "**(9)**" and "**(10)**", respectively; and after line 35, insert:

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

AMENDMENT NO. 3

On page 4, strike beginning with "**WHOLESALE**" in line 7 down through "**ANY,**" in line 8 and substitute "**THE PRICE**"; strike in their entirety lines 9 and 10; in line 11, strike "**(III)**" and substitute "**(II)**"; in line 15, strike "**AND**"; after line 15, insert:

"**(III) 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**";

strike in their entirety lines 18 through 23, inclusive; and in lines 24 and 27, strike "**(3)**" and "**(4)**", respectively, and substitute "**(2)**" and "**(3)**", respectively.

AMENDMENT NO. 4

On page 5, in lines 9, 18, and 21, in each instance, strike "**AFFIRM AND**"; in line 12, strike "**IDENTIFYING**" and substitute "**SELECTING**"; in line 24, after "**TEXTBOOK**" insert "**AS REPORTED BY THE PUBLISHER UNDER SUBSECTION (E) OF THIS SECTION**"; in line 26, strike "**JUSTIFIED**" and substitute "**APPROPRIATE**"; in line 30, strike "**AND**"; and in line 33, after "**MARKET**" insert "**; AND**

5. THAT AN INTEGRATED TEXTBOOK IS NOT SUBJECT TO SUBSECTION (F)(3) OF THIS SECTION".

AMENDMENT NO. 5

On page 6, in line 1, strike "**WHO**" and substitute "**THAT**"; strike beginning with "**AT**" in line 8 down through "**THE**" in line 9 and substitute "**OF THE**"; strike beginning with "**AVAILABLE**" in line 9 down through "**PUBLIC**" in line 12; in line 20, strike "**EXPRESSED AS AN ITEMIZED LIST**"; after line 23, insert:

"**(V) A LIST OF TEXTBOOKS THAT ARE CLASSIFIED AS INTEGRATED TEXTBOOKS.**";

strike in their entirety lines 24 and 25, inclusive; after line 30, insert:

"**(3) THE PROVISIONS OF THIS SUBSECTION SHALL BE MET, TO THE EXTENT PRACTICABLE, ON OR BEFORE OCTOBER 1, 2009 BUT NO LATER THAN JULY 1, 2010.**";

and in line 31, strike "**A**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, A**".

AMENDMENT NO. 6

On page 7, strike beginning with "**WHOLESALE**" in line 3 down through "**ANY,**" in line 4 and substitute "**PRICE INFORMATION**"; and after line 10, insert:

"**(4) WITH THE PERMISSION OF A FACULTY MEMBER, A CAMPUS BOOKSTORE MAY SELL COLLEGE TEXTBOOKS AND SUPPLEMENTAL MATERIAL IN A DIFFERENT MANNER THAN AS SELECTED AND ORDERED BY THE FACULTY MEMBER FOR THE PURPOSE OF PROVIDING USED COLLEGE TEXTBOOKS, PRIOR EDITIONS, OR OTHER LOWER–COST OPTIONS TO STUDENTS.**";

strike in their entirety lines 11 through 26, inclusive; in line 27, strike "**(3)**" and substitute "**(G) (1)**"; in line 29, after "**TO**" insert "**BOOKSTORES,**"; in the same line, after "**STUDENTS**" insert a comma; on page 8, in line 1, strike "**PARAGRAPH (4)**" and substitute "**PARAGRAPHS (3) AND (4)**"; in line 2, strike "**1 WEEK**" and substitute "**30 DAYS**"; strike beginning with "**PROVISION**" in line 2 down through "**SUBSECTION**" in line 3 and substitute "**SELECTION BY A FACULTY MEMBER OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL**"; strike in their entirety lines 4 and 5, inclusive; after line 5, insert:

"**2. WHEN THE SELECTION BY A FACULTY MEMBER OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL IS FINALIZED.**";

after line 12, insert:

"**(2) THE INFORMATION MADE AVAILABLE UNDER PARAGRAPH (1) 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.";

in line 13, strike "**(4)**" and substitute "**(3)**"; in line 14, after "**BOOKSTORE**" insert a comma; strike beginning with "**THAT**" in line 14 down through "**AND**" in line 15; in line 15, after "**STUDENTS**" insert a comma; in line 16, strike "**(3)**" and substitute "**(1)**"; in line 17, strike "**A**" and substitute "**THE SELECTION OF THE PARTICULAR**"; in line 20, 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 the same line, strike "**A**" and substitute "**:**

1. A";

in line 21, strike "**A**" and substitute "**THE PARTICULAR**"; in line 23, after "**FINALIZED**" insert "**; AND**

2. THE RETURN POLICY OF THE CAMPUS BOOKSTORE OR OTHER BOOKSTORE, AS APPROPRIATE";

and after line 23, insert:

"**(4) (I) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, UPON REQUEST TO AN INSTITUTION, AN EXTENSION OF TIME MAY BE GRANTED TO A FACULTY MEMBER OR A CAMPUS BOOKSTORE 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.

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

AMENDMENT NO. 7

On page 8, strike in their entirety lines 24 through 33, inclusive.

AMENDMENT NO. 8

On page 9, strike in their entirety lines 3 through 15, inclusive; in line 16, strike "3." and substitute "2."; in the same line, strike "That, on" and substitute "That:

(a) On";

in line 17, strike "2010" and substitute "2011"; strike beginning with "Governor" in line 18 down through "Assembly," in line 19 and substitute "Maryland Higher Education Commission"; in line 19, after "regarding" insert "efforts to lower the cost of textbooks for their students and"; in line 20, strike "15–112(c)(4)" and substitute "15–112(c)(3)"; strike line 21 in its entirety; in line 22, strike "(a)" and substitute "(b)"; in the same line, strike "Maryland Higher Education"; in line 30, strike the second "and"; and in line 37, after "content" insert "; and

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

On page 10, in line 1, strike "(b)" and substitute "(c)"; in the same line, strike "Maryland Higher Education"; in line 2, 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,"; in the same line, after "the" insert "compilation, the"; in line 3, strike "(a)" and substitute "(b)"; in the same line, after "section" insert a comma; in the same line, strike "make"; in line 4,

after "programs" insert a comma; in the same line, strike "and"; strike beginning with "including" in line 4 down through "Assembly," in line 6 and substitute ", and statewide policy initiatives that will further ameliorate the high cost of undergraduate and graduate education as impacted by textbook prices"; in line 6, strike "subsection (a) of"; in line 7, strike "5." and substitute "3."; and on page 11, in line 2, strike "and"; in line 4, after "purchasing" insert "; and

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

and in line 12, strike "6." and substitute "4.".

The preceding 8 amendments were read only.

Delegate Krebs moved to make the Bill and Amendments a Special Order for the end of today's business.

The motion was adopted.

Delegate Conway, Chair, for the Committee on Appropriations and Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 710 – Delegates Aumann, Anderson, Barkley, Bates, Beitzel, Boteler, Branch, G. Clagett, Conaway, Conway, Costa, DeBoy, Eckardt, Frank, Gaines, Griffith, Gutierrez, Haddaway, Haynes, James, Jennings, Kach, Krebs, Lafferty, Levy, Malone, Mathias, McComas, McDonough, McHale, Minnick, Morhaim, Olszewski, Robinson, Rudolph, Schuh, Shewell, Sophocleus, Sossi, Stein, Stocksdale, Stull, Walkup, Weir, Weldon, and Wood

AN ACT concerning

Higher Education – Edward T. Conroy Tuition Waiver Program – Establishment

HB0710/444468/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 710

(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "Tuition" in line 2 down through "Establishment" in line 3 and substitute "Memorial Scholarship Program – Alterations"; and strike beginning with "repealing" in line 4 down through "Program." in line 13 and substitute "authorizing certain persons to apply to certain postsecondary institutions for the Edward T. Conroy Memorial Scholarship Program rather than to the Office of Student Financial Assistance in the Maryland Higher Education Commission; authorizing certain postsecondary institutions to determine eligibility for the scholarships; requiring certain postsecondary institutions to report to the Commission by certain dates the number of eligible recipients for the scholarships; requiring the Commission to allocate funds to certain postsecondary institutions for eligible recipients; prohibiting the Office of Student Financial Assistance from awarding initial scholarships after a certain date; authorizing the Office to renew scholarships if the initial application occurred prior to a certain date; and generally relating to the Edward T. Conroy Memorial Scholarship Program.

BY repealing and reenacting, without amendments,
Article – Education
Section 18–601(a), (c), and (f)
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Education
Section 18–601(b), (d), (g), and (h)
Annotated Code of Maryland
(2008 Replacement Volume)

BY adding to
Article – Education
Section 18–601(g)
Annotated Code of Maryland
(2008 Replacement Volume)";

and strike in their entirety lines 14 through 23, inclusive.

AMENDMENT NO. 2

On page 2, strike beginning with "Section(s)" in line 2 down through "That" in line 4; and after line 6, insert:

"18–601.

(a) (1) In this section the following words have the meanings indicated.

(2) "Disabled public safety employee" means a State or local public safety employee who sustains an injury in the line of duty that:

(i) Precludes the individual from continuing to serve or be employed as a State or local public safety employee; and

(ii) In the case of a volunteer member of a fire department or ambulance or rescue company or squad, precludes the member from continuing to be employed in the nonpublic safety occupation in which the member is engaged at the time of the injury.

(3) "Surviving spouse" means a person who has not remarried.

(4) "State or local public safety employee" means a person who is:

(i) A career or volunteer member of a:

1. Fire department;

2. Ambulance company or squad; or

3. Rescue company or squad;

(ii) A law enforcement officer;

(iii) A correctional officer; or

(iv) A member of the Maryland National Guard who was a resident of this State at the time of death.

(5) "Victim of the September 11, 2001 terrorist attacks" means a Maryland resident who was killed as a result of the attacks on the World Trade Center in New York City, the attack on the Pentagon in Virginia, or the crash of United Airlines Flight 93 in Pennsylvania.

(b) There is a program of scholarships that are awarded **BY ELIGIBLE POSTSECONDARY INSTITUTIONS** under this section.

(c) The Program is the Edward T. Conroy Memorial Scholarship Program.

(d) A person may apply to **[**the Office**]** **AN ELIGIBLE POSTSECONDARY INSTITUTION** for a scholarship under this section if the person:

(1) Except as provided in item (3)(iii) of this subsection and subsection (e) of this section, is a resident of Maryland;

(2) (i) Is accepted for admission or enrolled in the regular undergraduate, graduate or professional program at an eligible institution; or

(ii) Is enrolled in a 2–year terminal certificate program in which the course work is acceptable for transfer credit for an accredited baccalaureate program in an eligible institution; and

(3) (i) Is at least 16 years old and a son or daughter of a member of the armed forces who:

1. Died as a result of military service after December 7, 1941;

2. Suffered a service connected 100% permanent disability after December 7, 1941; or

3. Was declared to be a prisoner of war or missing in action, if that occurred on or after January 1, 1960 as a result of the Vietnam conflict, and if the child was born prior to or while the parent was a prisoner of war or missing in action;

(ii) Was a prisoner of war on or after January 1, 1960 as a result of the Vietnam conflict and was a resident of this State at the time the person was declared to be a prisoner of war or missing in action;

(iii) 1. A. Is at least 16 years old and a son or daughter of any State or local public safety employee killed in the line of duty; or

B. Is the surviving spouse of any State or local public safety employee killed in the line of duty; and

2. Is a resident of any state;

(iv) 1. Is a disabled public safety employee;

2. Is at least 16 years old and a son or daughter of a disabled public safety employee who sustains an injury in the line of duty that renders the public safety employee 100% disabled; or

3. Is the surviving spouse of a disabled public safety employee who sustains an injury in the line of duty that renders the public safety employee 100% disabled;

(v) Is a veteran, as defined under § 9–901 of the State Government Article, who:

1. Suffers a service connected disability of 25% or greater; and

2. Has exhausted or is no longer eligible for federal veterans' educational benefits; or

(vi) Is at least 16 years old and a son or daughter of or the surviving spouse of a victim of the September 11, 2001 terrorist attacks.

(f) A scholarship awarded under this section:

(1) May be used for the tuition and mandatory fees at any eligible institution; and

(2) May not:

(i) Exceed the equivalent annual tuition and mandatory fees of a resident undergraduate student at the 4–year public institution of higher education within the University System of Maryland, other than the University of Maryland

University College and University of Maryland, Baltimore, with the highest annual expenses for a full–time resident undergraduate; and

(ii) Be less than the lesser of:

1. $3,000; or

2. The equivalent annual tuition and mandatory fees of a resident of the institution attended by the recipient of the scholarship.

(G) (1) EACH POSTSECONDARY INSTITUTION SHALL DETERMINE THE ELIGIBILITY OF PERSONS WHO APPLY TO THE INSTITUTION FOR THE EDWARD T. CONROY MEMORIAL SCHOLARSHIP PROGRAM.

(2) FUNDS FOR THE EDWARD T. CONROY MEMORIAL SCHOLARSHIP PROGRAM SHALL BE ALLOCATED BY THE COMMISSION TO EACH POSTSECONDARY INSTITUTION BASED ON THE NUMBER OF ELIGIBLE RECIPIENTS ATTENDING EACH INSTITUTION.

(3) IN OCTOBER AND FEBRUARY OF EACH YEAR, EACH POSTSECONDARY INSTITUTION SHALL REPORT TO THE COMMISSION THE NUMBER OF ELIGIBLE RECIPIENTS ATTENDING THE INSTITUTION.

(4) THE COMMISSION SHALL ALLOCATE FUNDS FOR AWARDS TO POSTSECONDARY INSTITUTIONS UPON VERIFICATION OF ELIGIBLE RECIPIENTS ATTENDING THE INSTITUTIONS.

(5) IF FUNDS CANNOT BE ALLOCATED IN THE FISCAL YEAR IN WHICH AWARDS ARE MADE, PRIORITY SHALL BE GIVEN TO ALLOCATING FUNDS FOR THOSE AWARDS IN THE FOLLOWING FISCAL YEAR.

[(g)**] (H)** (1) Each recipient of a scholarship under this section may hold the award for 5 years of full–time study or 8 years of part–time study.

(2) **[**The Office may not award more than 15 scholarships annually**]** **THE NUMBER OF ELIGIBLE RECIPIENTS** under subsection (d)(3)(v) of this section **SHALL BE LIMITED TO 15 EACH YEAR**.

(3) An award provided under subsection (d)(3)(vi) of this section may not exceed the amount specified in subsection (f)(2) of this section when combined with any other scholarship received by a student based on the student's status as a child or spouse of a victim of the September 11, 2001 terrorist attacks.

[(h)**] (I)** The Commission:

(1) May accept any gift or grant from any person for the Edward T. Conroy Scholarship Fund;

(2) Shall use any gift or grant that it receives for a scholarship from the Program; and

(3) Shall deposit any gift or grant that it receives for the Program with the State Treasurer in a nonbudgeted account.".

AMENDMENT NO. 3

On pages 2 through 5, strike in their entirety the lines beginning with line 7 on page 2 through line 10 on page 5, inclusive, and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That the Office of Student Financial Assistance in the Maryland Higher Education Commission may not award an initial scholarship or grant under the student financial assistance programs specified in Section 1 of this Act after June 30, 2010. The office may renew a scholarship or grant after June 30, 2010, if the individual received an initial scholarship or grant before that date.".

On page 5, in line 12, strike "July" and substitute "October".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

House Bill 735 – Delegates Jones and Bronrott

AN ACT concerning

State Personnel – At–Will Employment – Reforms and Reports

HB0735/894061/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 735
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Bronrott" and substitute ", G. Clagett, Bronrott, Aumann, Bates, DeBoy, Stocksdale, Bohanan, Gaines, Sophocleus, and Guzzone".

AMENDMENT NO. 2

On page 1, strike beginning with "requiring" in line 5 down through "criteria;" in line 8; in line 8, after "Secretary" insert "of Budget and Management"; in line 10, strike "management service"; strike beginning with "providing" in line 10 down through "service;" in line 13; in line 18, strike "professional service position" and substitute "position in the skilled service or professional service"; in the same line, after "circumstances;" insert "requiring the Department to adopt certain regulations relating to the recruitment for and appointment to certain positions;"; in line 23, after "System;" insert "establishing the Joint Committee on Fair Practices and State Personnel Oversight; specifying the membership of the Joint Committee; specifying the duties of the Joint Committee; repealing certain provisions of law relating to the Joint Committee on Fair Practices; making certain conforming changes;"; in line 25, strike the third "a"; and in lines 27 and 29, in each instance, after "date" insert "of certain years".

AMENDMENT NO. 3

On page 2, in line 5, strike "4–201" and substitute "2–302(e)"; and in the same line, strike "5–208, 6–402, 6–403," and substitute "5–206,".

On page 3, in line 10, after "Section" insert "2–10A–08 and"; and after line 12, insert:

"BY repealing
Chapter 347 of the Acts of the General Assembly of 1996

Section 7 1.".

AMENDMENT NO. 4

On page 3, after line 15, insert:

"2–302.

(e) (1) At least annually, the Secretary shall report on the Equal Employment Opportunity Program established in § 5–202 of this article to the **[**Legislative**]** Joint Committee on Fair Practices **AND STATE PERSONNEL OVERSIGHT**.

(2) The head of a personnel system in the Legislative and Judicial branches may report periodically on equal employment opportunity programs and policies in effect in that personnel system to the **[**Legislative**]** Joint Committee on Fair Practices **AND STATE PERSONNEL OVERSIGHT**.".

On page 5, after line 17, insert:

"5–206.

(a) The Governor, with the advice of the Joint Committee on **[**Fair Practices,**]** **FAIR PRACTICES AND STATE PERSONNEL OVERSIGHT,** shall appoint an Equal Employment Opportunity Coordinator.

(b) The Coordinator shall:

(1) administer and enforce the Program; and

(2) investigate and, as appropriate, resolve complaints that involve allegations of violations of this subtitle.".

AMENDMENT NO. 5

On pages 3 and 4, strike in their entirety the lines beginning with line 16 on page 3 through line 17 on page 4, inclusive.

On page 4, in line 20, after "report" insert "**COVERING ALL UNITS OF THE EXECUTIVE BRANCH OF STATE GOVERNMENT, INCLUDING A UNIT WITH AN**

INDEPENDENT PERSONNEL SYSTEM,"; and strike beginning with the first "the" in line 22 down through "including" in line 23.

On page 5, strike beginning with the colon in line 8 down through "**(II)**" in line 11.

On pages 5 through 7, strike in their entirety the lines beginning with line 18 on page 5 through line 19 on page 7, inclusive.

AMENDMENT NO. 6

On page 8, in line 8, after "**A**" insert "**POSITION IN THE SKILLED SERVICE OR**"; in the same line, strike "**POSITION**"; strike beginning with "**FROM**" in line 13 down through "**CANDIDATES**" in line 14; and in line 20, strike "**UNDER GUIDELINES ISSUED BY THE SECRETARY.**" and substitute "**IN ACCORDANCE WITH REGULATIONS ADOPTED BY THE DEPARTMENT.**

(III) THE DEPARTMENT SHALL ADOPT REGULATIONS TO IMPLEMENT THIS PARAGRAPH.".

On page 9, in line 7, strike "or"; and in line 10, after "position" insert "**; OR**

(4) IN ACCORDANCE WITH REGULATIONS ADOPTED UNDER § 7–201(A)(2)(III) OF THIS SUBTITLE".

AMENDMENT NO. 7

On page 15, after line 1, insert:

"**2–10A–08.**

(A) THERE IS A JOINT COMMITTEE ON FAIR PRACTICES AND STATE PERSONNEL OVERSIGHT.

(B) (1) THE JOINT COMMITTEE CONSISTS OF EIGHT MEMBERS.

(2) OF THE EIGHT MEMBERS:

(I) FOUR SHALL BE MEMBERS OF THE SENATE, APPOINTED BY THE PRESIDENT OF THE SENATE; AND

(II) FOUR SHALL BE MEMBERS OF THE HOUSE OF DELEGATES, APPOINTED BY THE SPEAKER OF THE HOUSE.

(C) THE MEMBERS OF THE JOINT COMMITTEE SERVE AT THE PLEASURE OF THE PRESIDING OFFICER WHO APPOINTED THEM.

(D) THE PRESIDENT AND THE SPEAKER JOINTLY SHALL APPOINT A SENATOR AND A DELEGATE TO SERVE AS COCHAIRS.

(E) THE JOINT COMMITTEE SHALL HAVE OVERSIGHT OVER:

(1) EMPLOYMENT POLICIES AND PERSONNEL SYSTEMS IN THE EXECUTIVE BRANCH OF STATE GOVERNMENT, INCLUDING:

(I) THE STATE PERSONNEL MANAGEMENT SYSTEM;

(II) THE MARYLAND DEPARTMENT OF TRANSPORTATION'S HUMAN RESOURCES MANAGEMENT SYSTEM; AND

(III) THE PERSONNEL SYSTEMS OF STATE INSTITUTIONS OF HIGHER EDUCATION;

(2) MATTERS IN STATE GOVERNMENT OF EQUAL EMPLOYMENT OPPORTUNITY POLICIES AND PRACTICES; AND

(3) PROCUREMENT PRACTICES MADE UNDER EXECUTIVE ORDER.

(F) THE PURPOSES OF THE JOINT COMMITTEE ARE TO:

(1) REVIEW REPORTS;

(2) EVALUATE THE EFFECTIVENESS OF PROGRAMS, POLICIES, AND PRACTICES; AND

(3) IDENTIFY AREAS OF CONCERN AND, AS APPROPRIATE, RECOMMEND CORRECTIVE MEASURES TO THE GOVERNOR AND THE GENERAL ASSEMBLY.".

AMENDMENT NO. 8

On page 15, after line 25, insert:

"Chapter 347 of the Acts of 1996

SECTION 7. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

[1. Legislative Joint Committee on Fair Practices.

(a) There is a Joint Committee on Fair Practices, which has oversight over matters in State government of equal employment opportunity policies and practices and procurement practices made under Executive Order.

(b) The Joint Committee shall be comprised of:

(1) three members of the Senate, appointed by the President of the Senate; and

(2) three members of the House of Delegates, appointed by the Speaker of the House.

(c) The purpose of the Joint Committee shall be to:

(1) review reports;

(2) evaluate the effectiveness of programs, policies, and practices; and

(3) identify areas of concern, and, as appropriate, recommend corrective measures to the Governor and the General Assembly.**]**".

AMENDMENT NO. 9

On page 15, in lines 6 and 12, in each instance, strike "**TITLE, AND NAME**" and substitute "**AND TITLE**"; and in line 9, strike "**AND (3)(II)**".

On page 16, in line 1, strike "November 1, 2010" and substitute "July 1, 2011"; in line 3, strike "2011" and substitute "2012"; and in line 7, strike "July" and substitute "October".

The preceding 9 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

House Bill 787 – Delegates Conway, Malone, Beitzel, Cane, DeBoy, Mathias, and Rudolph

AN ACT concerning

Emergency Responders – Death Benefits and Funeral Expenses

HB0787/164960/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 787
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Rudolph" and substitute "Rudolph, Aumann, Bates, Bohanan, Branch, G. Clagett, Gaines, Guzzone, Jones, Proctor, Sophocleus, Stocksdale, and Wood"; 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 Budget and Management 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.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

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

HB1081/134361/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1081
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, after "provided;" insert "repealing a requirement that a certain grantee provide and expend a certain matching fund;"; strike beginning with "requiring" in line 12 down through "streets;" in line 13; in line 15, after "grantees;" insert "providing that the Department of the Interior may not be required to become a party to a certain grant agreement; repealing a requirement that certain grantees grant a certain easement to the Maryland Historical Trust;"; and after line 17, insert:

"BY repealing and reenacting, with amendments,
Chapter 196 of the Acts of the General Assembly of 1998
Section 1

BY repealing and reenacting, with amendments,
Chapter 555 of the Acts of the General Assembly of 1999, as amended by Chapter 30 of the Acts of the General Assembly of 2001, Chapter 188 of the Acts of the General Assembly of 2002, Chapter 550 of the Acts of the

General Assembly of 2006, and Chapter 219 of the Acts of the General Assembly of 2008
Section 1

BY repealing and reenacting, with amendments,
Chapter 440 of the Acts of the General Assembly of 2000, as amended by Chapter 94 of the Acts of the General Assembly of 2007
Section 1

BY repealing and reenacting, with amendments,
Chapter 582 of the Acts of the General Assembly of 2000
Section 1".

On page 1, after line 25, insert:

"BY repealing and reenacting, with amendments,
Chapter 462 of the Acts of the General Assembly of 2001
Section 1

BY repealing and reenacting, with amendments,
Chapter 650 of the Acts of the General Assembly of 2001
Section 1

BY repealing and reenacting, with amendments,
Chapter 680 of the Acts of the General Assembly of 2001, as amended by Chapter 32 of the Acts of the General Assembly of 2003, Chapter 30 of the Acts of the General Assembly of 2004, and Chapter 219 of the Acts of the General Assembly of 2008
Section 1".

AMENDMENT NO. 2

On page 2, in line 6, after "Item" insert "DE02.01(A) and"; in the same line, after "ZA00" insert "(EE) and"; after line 6, insert:

"BY repealing and reenacting, with amendments,
Chapter 204 of the Acts of the General Assembly of 2003
Section 12(3) Item (I) and (V)";

in line 10, after "(AV)" insert ", (BD), and (BF)"; in the same line, after "(O)" insert "and (Q)";

in line 13, after "ZA01" insert "(AY) and"; in the same line, after "ZA02" insert "(K) and"; after line 13, insert:

"BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005, as amended by Chapter 85 of the Acts of the General Assembly of 2007
Section 1(3) Item ZA01(BM)";

in line 21, strike "ZA00(T)" and substitute "ZA01(BT)";

in line 25, after "ZA01(CA)" insert "and (CP)"; in the same line, after "ZA02" insert "(AZ) and";

strike beginning with "ZA00(P)" in line 28 down through "(BH)" in line 29 and substitute "ZA01(C), (AM), (AS), (AT), (BA), and (BG) and ZA02(D), (AW), (AX), (BH), and (BS)";

in line 32, after "Item" insert "RD00(A),"; in the same line, strike "and (S)"; in the same line, after "ZA01" insert "(F),"; in the same line, strike "and (BQ,)" and substitute "(BQ), and (CF)"; in line 33, after "ZA02" insert "(C),"; in the same line, strike "and (BB)" and substitute ", (BB), (BF), and (BH)"; and after line 33, insert:

"BY adding to
Chapter 336 of the Acts of the General Assembly of 2008
Section 1(3) Item RD00(A–1) and (A–2)".

AMENDMENT NO. 3
On page 2, after line 35, insert:

"Chapter 196 of the Acts of 1998

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 Baltimore

City – St. James Academy Education Center Loan of 1998 in a total principal amount equal to the lesser of (i) $500,000 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 St. James Academy (referred to hereafter in this Act as "the grantee") for the repair, renovation, reconstruction, construction, and capital equipping of a building at 1008 West Lafayette Street for use as a comprehensive education center for children and youth.

(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, in kind contributions, or 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, 2000, 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) No portion of the proceeds of the loan or any of the matching funds may be used for the furtherance of sectarian religious instruction, or in connection with the design, acquisition, or construction of any building used or to be used as a place of sectarian religious worship or instruction, or in connection with any program or department of divinity for any religious denomination. Upon the request of the Board of Public Works, the grantee shall submit evidence satisfactory to the Board that none of the proceeds of the loan or any matching funds have been or are being used for a purpose prohibited by this Act.

(7) 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.

Chapter 555 of the Acts of 1999, as amended by Chapter 30 of the Acts of 2001, Chapter 188 of the Acts of 2002, Chapter 550 of the Acts of 2006, and Chapter 219 of the Acts of 2008

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 Baltimore City – **[**Community Initiatives**]** **BLUFORD DREW JEMISON** Academy Loan of 1999 in a total principal amount equal to the lesser of (i) $200,000 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 **[**Community Initiatives**]** **BLUFORD DREW JEMISON ACADEMY**, Inc. (referred to hereafter in this Act as "the grantee") for the planning, design, construction, renovation, reconstruction, repair, and capital equipping of the **[**Community Initiatives**]** **BLUFORD DREW JEMISON** Academy, an educational institution to serve underserved inner–city students **[**from kindergarten through grade 12 in a multi–cultural urban environment**]**.

(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, **[**2004**]** **2011**, 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) No portion of the proceeds of the loan or any of the matching funds may be used for the furtherance of sectarian religious instruction, or in connection with the design, acquisition, or construction of any building used or to be used as a place of sectarian religious worship or instruction, or in connection with any program or department of divinity for any religious denomination. Upon the request of the Board of Public Works, the grantee shall submit evidence satisfactory to the Board that none of the proceeds of the loan or any matching funds have been or are being used for a purpose prohibited by this Act.

(7) 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, **[**2009**]** **2011**. If any funds authorized by this Act remain unexpended or unencumbered after June 1, **[**2009**]** **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.

Chapter 440 of the Acts of 2000, as amended by Chapter 94 of the Acts of 2007

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 Baltimore City – Park Heights **[**Golf Range and Family Sports Park**]** **SPORTS COMPLEX** Loan of 2000 in a total principal amount equal to the lesser of (i) **[**$250,00**]** **$250,000** 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 Park Heights Golf Range and Family Sports Park, Inc.**]** **MAYOR AND CITY COUNCIL OF BALTIMORE CITY** (referred to hereafter in this Act as "the grantee") for the planning, design, construction, and capital equipping of a **[**family sports park, golf driving range, miniature golf park, and related buildings, to be located on Reisterstown Road in Baltimore, Maryland**]** **SPORTS COMPLEX AND RELATED AMENITIES, LOCATED IN BALTIMORE CITY**.

(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. The fund may consist of real property. No part of the fund may consist of in kind contributions or 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 encumbered by the Board of Public Works or expended for the purposes provided in this Act no later than June 1, **[**2009**]** **2011**.".

On page 4, after line 38, insert:

"(EE)	Park Heights **[**Golf Range and Family**]** Sports Complex. Provide a grant to the **[**Board of Directors of the Park Heights Golf Range and Family Sports Park, Inc.**]** **MAYOR AND CITY COUNCIL OF BALTIMORE CITY** to assist in the acquisition, design, and construction of the Park Heights **[**Golf Range and Family**]** Sports Complex**. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROCEEDS OF THE LOAN MUST BE ENCUMBERED BY THE BOARD OF PUBLIC WORKS OR EXPENDED FOR THE PURPOSES PROVIDED IN THIS ACT NO LATER THAN JUNE 1, 2011** (Baltimore City)	500,000".

AMENDMENT NO. 4

On page 3, after line 22, insert:

"Chapter 462 of the Acts of 2001

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 – Ebenezer Community Life Center Loan of 2001 in a total principal amount equal to the lesser of (i) $100,000 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 Ebenezer Community Development Corporation (referred to hereafter in this Act as "the grantee") for the design, renovation, reconstruction, and capital equipping of two existing buildings on Whitfield Chapel Road in Lanham, and the design and construction and capital equipping of a new wing, to serve as a mixed educational, administrative, and fellowship complex.

(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 in kind contributions. The fund may consist of real property and 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, 2003, 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) No portion of the proceeds of the loan or any of the matching funds may be used for the furtherance of sectarian religious instruction, or in connection with the design, acquisition, or construction of any building used or to be used as a place of sectarian religious worship or instruction, or in connection with any program or department of divinity for any religious denomination. Upon the request of the Board of Public Works, the grantee shall submit evidence satisfactory to the Board that none of the proceeds of the loan or any matching funds have been or are being used for a purpose prohibited by this Act.

(7) 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.".

On page 5, after line 8, insert:

"Chapter 204 of the Acts of 2003

SECTION 12. AND BE IT FURTHER ENACTED, That:

(3)

(I)	Bethel **[**Recreation Center**]** **SENIOR FACILITIES**. Provide a grant equal to the lesser of (i) $250,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Union Bethel A.M.E. Church for the planning, design, construction, and capital equipping of the Bethel **[**Recreation Center for use as a gymnasium, cafe and bookstore, and community meeting area**]** **SENIOR FACILITIES**, located in Brandywine. Notwithstanding the provisions of Section 12(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, 2011, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Prince George's County)	250,000
(V)	Ebenezer Community Life Center. Provide a grant equal to the lesser of (i) $200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Ebenezer Community Development Corporation for	

the renovation, reconstruction, and capital equipping of two existing buildings on Whitfield Chapel Road in Lanham, and the construction and capital equipping of a new wing, to serve as a mixed educational, administrative, and fellowship complex. Notwithstanding the provisions of Section 12(5) of this Act, the matching fund may include real property or funds expended prior to the effective date of this Act**. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROCEEDS OF THE LOAN MUST BE ENCUMBERED BY THE BOARD OF PUBLIC WORKS OR EXPENDED FOR THE PURPOSES PROVIDED IN THIS ACT NO LATER THAN JUNE 1, 2011** (Prince George's County) 200,000".

On page 7, after line 20, insert:

"ZA01 LOCAL SENATE INITIATIVES

(BT) Ebenezer Community Life Center. Provide a grant equal to the lesser of (i) $150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Ebenezer Community Development Corporation for the planning, design, construction, renovation, reconstruction, and capital equipping of the Community Life Center, located in Lanham. 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**. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROCEEDS OF THE LOAN MUST BE ENCUMBERED BY THE BOARD OF PUBLIC WORKS OR EXPENDED FOR THE PURPOSES PROVIDED IN THIS ACT NO LATER THAN JUNE 1, 2011** (Prince George's County) 150,000".

AMENDMENT NO. 5

On page 2, before line 36, insert:

"Chapter 582 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 – Bethel **[**Recreation Center**]** **SENIOR FACILITIES** Loan of 2000 in a total principal amount equal to the lesser of (i) $250,000 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 Trustees of Union Bethel A.M.E. Church (referred to hereafter in this Act as "the grantee") for the planning, design, construction, and capital equipping of the Bethel **[**Recreation Center for use as a gymnasium, cafe and bookstore, and community meeting area**]** **SENIOR FACILITIES**, to be located in Brandywine, Maryland.

(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. The fund may consist of real property, in kind contributions, or 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) No portion of the proceeds of the loan or any of the matching funds may be used for the furtherance of sectarian religious instruction, or in connection with the design, acquisition, or construction of any building used or to be used as a place of sectarian religious worship or instruction, or in connection with any program or department of divinity for any religious denomination. Upon the request of the Board of Public Works, the grantee shall submit evidence satisfactory to the Board that none of the proceeds of the loan or any matching funds have been or are being used for a purpose prohibited by this Act.

(7) 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.".

On page 3, after line 22, insert:

"Chapter 650 of the Acts of 2001

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 – Bethel **[**Recreation Center**]** **SENIOR FACILITIES** Loan of 2001 in a total principal amount equal to the lesser of (i) $250,000 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 Trustees of Union Bethel A.M.E. Church (referred to hereafter in this Act as "the grantee") for the planning, design, construction, and capital equipping of the Bethel **[**Recreation Center for use as a gymnasium, cafe and bookstore, and community meeting area**]** **SENIOR FACILITIES**, to be located in Brandywine, Maryland.

(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. The fund may consist of real property, in kind contributions, or 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, 2003, 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) No portion of the proceeds of the loan or any of the matching funds may be used for the furtherance of sectarian religious instruction, or in connection with the design, acquisition, or construction of any building used or to be used as a place of sectarian religious worship or instruction, or in connection with any program or department of divinity for any religious denomination. Upon the request of the Board of Public Works, the grantee shall submit evidence satisfactory to the Board that none of the proceeds of the loan or any matching funds have been or are being used for a purpose prohibited by this Act.

(7) 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.".

On page 6, after line 3, insert:

"(AY) Bethel **[**Recreation Center**]** **SENIOR FACILITIES**. Provide a grant equal to the lesser of (i) $250,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Union Bethel A.M.E. Church, Inc. for the planning, design, construction, and capital equipping of the Bethel **[**Recreation Center for use as a gymnasium, cafe and bookstore, and

community meeting area**]** **SENIOR FACILITIES**, located in Brandywine. 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**. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2011, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Prince George's County) ..... 250,000".

AMENDMENT NO. 6

On page 5, before line 24, insert:

"(BF) Marlton Gazebo. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the Marlton Gazebo Foundation for the planning, design, construction, repair, reconstruction, and capital equipping of the Marlton Gazebo, located in Upper Marlboro. Notwithstanding Section 13(5) of this Act, the matching fund may consist of in kind contributions **OR FUNDS EXPENDED PRIOR TO THE EFFECTIVE DATE OF THIS ACT** (Prince George's County) 100,000".

On page 9, after line 25, insert:

"(BA) Marlton Gazebo. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the Marlton Gazebo Foundation for the planning, design, construction, repair, reconstruction, and capital equipping of the Marlton Gazebo, located in Upper Marlboro**[**, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust**]**. 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 (Prince George's County) 100,000".

AMENDMENT NO. 7

On page 6, after line 10, insert:

"(K) **[**Tipton Airport Control Tower**]** **BENSON–HAMMOND HOUSE RENOVATION**. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the **[**Anne Arundel County Tipton Airport Authority**]** **BOARD OF DIRECTORS OF THE ANNE ARUNDEL COUNTY HISTORICAL SOCIETY, INC.** for the **REPAIR,** renovation**, RECONSTRUCTION, AND CAPITAL EQUIPPING** of the **[**control tower at Tipton Airport for use as an educational exhibit and organizational meeting place**]** **BENSON–HAMMOND HOUSE AND RELATED OUTBUILDINGS**, located in **[**Odenton**]** **LINTHICUM**. 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 (Anne Arundel County) 100,000".

AMENDMENT NO. 8

On page 6, after line 16, insert:

"Chapter 445 of the Acts of 2005, as amended by Chapter 85 of the Acts of 2007

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

(3) ZA01 LOCAL HOUSE OF DELEGATES INITIATIVES

(BM) Sotterley Plantation. 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 **HISTORIC** Sotterley **[**Foundation**]**, Inc. for the planning, design, acquisition, construction, installation, and capital equipping of **[**security upgrades**]** **EXISTING**

FACILITIES for Sotterley Plantation, located in Hollywood, subject to a requirement that the grantee grant and convey an historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions and the grantee must present evidence that a matching fund will be provided by June 1, **[**2009**]** **2011** (St. Mary's County) ..... 50,000".

AMENDMENT NO. 9

On page 8, after line 3, insert:

"(CP) Our House Youth Home. Provide a grant equal to the lesser of (i) $175,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Our House Youth Home, Inc. for the construction and capital equipping of a new dormitory at Our House Youth Home, located in Olney, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the grantee has until June 1, **[**2009**]** **2010**, to present evidence that a matching fund will be provided (Montgomery County) 175,000".

On page 8, after line 4, insert:

"(AZ) Our House Youth Home. Provide a grant equal to the lesser of (i) $250,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Our House Youth Home, Inc. for the construction and capital equipping of a new dormitory at Our House Youth Home, located in Olney, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the grantee has until June 1, **[**2009**]** **2010**, to present evidence that a matching fund will be provided (Montgomery County) 250,000".

AMENDMENT NO. 10

On page 8, after line 27, insert:

"(C) Martin Luther King, Jr., National Memorial Project. Provide a grant equal to the lesser of (i) $250,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Washington, D.C. Martin Luther King, Jr., National Memorial Project Foundation, Inc. for the design and construction of a national memorial to Martin Luther King, Jr., located in Washington, D.C. **PROVIDED THAT THE DEPARTMENT OF THE INTERIOR MAY NOT BE REQUIRED TO BECOME A PARTY TO THE GRANT AGREEMENT** (Statewide) .. 250,000".

On page 9, after line 26, insert:

"(D) Martin Luther King, Jr., National Memorial Project. Provide a grant equal to the lesser of (i) $250,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Washington, D.C. Martin Luther King, Jr., National Memorial Project Foundation, Inc. for the design and construction of a national memorial to Martin Luther King, Jr., located in Washington, D.C. **PROVIDED THAT THE DEPARTMENT OF THE INTERIOR MAY NOT BE REQUIRED TO BECOME A PARTY TO THE GRANT AGREEMENT** (Statewide) 250,000".

AMENDMENT NO. 11

On page 12, after line 20, insert:

"(BF) Capitol Heights Municipal Building. Provide a grant equal to the lesser of (i) $150,000 or (ii) the amount of the matching fund provided, to the Mayor and Town Council of the Town of Capitol Heights for the acquisition, planning, design, construction, repair,

renovation, and reconstruction of a municipal building, located in Capitol Heights**. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE MATCHING FUND MAY CONSIST OF REAL PROPERTY OR FUNDS EXPENDED PRIOR TO THE EFFECTIVE DATE OF THIS ACT** (Prince George's County) 150,000".

AMENDMENT NO. 12

On page 3, after line 22, insert:

"Chapter 680 of the Acts of 2001, as amended by Chapter 32 of the Acts of 2003, Chapter 30 of the Acts of 2004, and Chapter 219 of the Acts of 2008

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 – Palmer Park Boys and Girls Club Loan of 2001 in **[**a**]** **THE** total principal amount **[**equal to the lesser**]** of **[**(i)**]** $200,000 **[**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 Palmer Park Boys and Girls Club, Inc. (referred to hereafter in this Act as "the grantee") for the

planning, design, repair, renovation, and capital equipping of a facility at Barlowe Road in Palmer Park to house the Palmer Park Boys and Girls Club.

(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. The fund may consist of real property, in kind contributions, or 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, 2005, 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, **[**2009.**]** **2011.** If any funds authorized by this Act remain unexpended or unencumbered after June 1, **[**2009,**]** **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.".

On page 10, after line 14, insert:

"(BS) Palmer Park Boys and Girls Club. Provide a grant equal to **[**the lesser of (i)**]** $175,000 **[**or (ii) the amount of the matching fund provided**]**, to the Board of Directors of the Palmer Park Boys and Girls Club,

	Inc. for the planning, design, repair, renovation, and capital equipping of the Palmer Park Boys and Girls Club facility, located in Palmer Park**[**. 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**]** (Prince George's County)	175,000".

On page 11, after line 38, insert:

"(CF)	Palmer Park Boys and Girls Club. Provide a grant equal to **[**the lesser of (i)**]** $200,000 **[**or (ii) the amount of the matching fund provided**]**, to the Board of Directors of the Palmer Park Boys and Girls Club, Inc. for the planning, design, repair, renovation, and capital equipping of the Palmer Park Boys and Girls Club facility, located in Palmer Park**[**. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property**]** (Prince George's County)	200,000".

AMENDMENT NO. 13

On page 11, strike beginning with ", subject" in line 24 down through "Trust" in line 26.

On page 12, strike beginning with ", subject" in line 6 down through "Trust" in line 8.

AMENDMENT NO. 14

On page 8, strike beginning with the first "County" in line 30 down through "County" in line 31 and substitute "**MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION**".

On page 9, strike beginning with the first "County" in line 29 down through "County" in line 30 and substitute "**MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION**".

AMENDMENT NO. 15

On page 9, after line 25, insert:

"(BG) Delta Alumnae Community Development Center. 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 Prince George's County Delta Alumnae Foundation, Inc. for the acquisition, planning, design, construction, and capital equipping of a community development center, located in **[**Suitland.**]** **PRINCE GEORGE'S COUNTY.** 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** (Prince George's County) ..... 100,000".

On page 12, after line 20, insert:

"(BH) Delta Alumnae Community Development Center. Provide a grant equal to the lesser of (i) $150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Prince George's County Delta Alumnae Foundation for the acquisition, planning, and design of a community development center, located in **[**Suitland.**]** **PRINCE GEORGE'S COUNTY.** 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** (Prince George's County) .. 150,000".

AMENDMENT NO. 16

On page 5, after line 23, insert:

"(BD) Ivy Youth and Family Center. Provide a grant equal to the lesser of (i) $300,000 or (ii) the amount of the

matching fund provided, to the Board of Directors of Ivy Community Charities of Prince George's County, Inc. for the acquisition, planning, design, construction, and capital equipping of the Ivy Youth and Family Center, located in **[**Landover**]** **PRINCE GEORGE'S COUNTY**. Notwithstanding Section 13(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 **AND THE GRANTEE MUST PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED BY JUNE 1, 2011** (Prince George's County) 300,000".

On page 5, after line 35, insert:

"(Q) Ivy Youth and Family Center. Provide a grant equal to the lesser of (i) $200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Ivy Community Charities of Prince George's County, Inc. for the acquisition, planning, design, construction, and capital equipping of the Ivy Youth and Family Center, located in **[**Landover**]** **PRINCE GEORGE'S COUNTY**. Notwithstanding Section 13(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 **AND THE GRANTEE MUST PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED BY JUNE 1, 2011** (Prince George's County) 200,000".

AMENDMENT NO. 17

On page 11, after line 1, insert:

"(F) National Children's Museum. Provide a grant equal to the lesser of (i) $1,000,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the National Children's Museum, Inc. for the acquisition, **PLANNING, DESIGN,** construction, and

capital equipping of the National Children's Museum, located in Oxon Hill. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act (Statewide) 1,000,000";

and after line 39, insert:

"(C) National Children's Museum. Provide a grant equal to the lesser of (i) $1,000,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the National Children's Museum, Inc. for the acquisition, **PLANNING, DESIGN,** construction, and capital equipping of the National Children's Museum, located in Oxon Hill. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act (Statewide) 1,000,000".

AMENDMENT NO. 18

On page 4, after line 37, insert:

"(3) DE02.01 BOARD OF PUBLIC WORKS

STATE GOVERNMENT CENTER – ANNAPOLIS
(Anne Arundel County)

(A) Legislative Facilities. Provide a portion of the funds to design, construct, renovate, and equip legislative facilities in Annapolis**. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROCEEDS OF THIS LOAN MUST BE ENCUMBERED BY THE BOARD OF PUBLIC WORKS OR EXPENDED FOR THE PURPOSES PROVIDED IN THIS ACT NO LATER THAN JUNE 1, 2011** 19,750,000".

AMENDMENT NO. 19

On page 10, in line 18, after "(3)" insert:

"RD00 ST. MARY'S COLLEGE OF MARYLAND
(St. Mary's County)

(A)	Anne Arundel Hall Reconstruction. Provide funds for detailed design of the Anne Arundel Hall reconstruction **[**and initial construction funds to prepare the site for the federally–funded pedestrian bridge**]**	**[**1,050,000**]** **250,000**
(A–1)	**REPLACEMENT FACILITIES. PROVIDE FUNDS FOR THE DESIGN AND CONSTRUCTION OF A STORAGE FACILITY AND WOODSHOP**	**660,000**
(A–2)	**METAL STORAGE BUILDING. PROVIDE FUNDS FOR THE CONSTRUCTION AND EXPANSION OF THE NEW METAL STORAGE BUILDING**	**140,000**".

AMENDMENT NO. 20

On page 7, strike beginning with "ZA00" in line 11 down through "600,000" in line 20.

On page 8, strike beginning with "ZA00" in line 17 down through "600,000" in line 26.

On page 10, strike beginning with "(S)" in line 32 down through "600,000" in line 40.

The preceding 20 amendments were read only.

Delegate Jones moved the Bill be recommitted.

The motion was adopted.

Delegate Conway, Chair, for the Committee on Appropriations 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.

THE COMMITTEE ON APPROPRIATIONS REPORT #9

Delegate Conway, Chair, for the Committee on Appropriations 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

HB1192/404661/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1192
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "a report" and substitute "certain reports"; in the same line, strike "Budget and Management" and substitute "Information Technology"; in line 4, after "date;" insert "requiring certain nonpublic institutions of higher education to submit certain reports to a certain association; requiring a certain association to submit a certain report by a certain date;"; in line 5, strike "the report" and substitute "certain reports"; in line 6, after "Department" insert ", in consultation with the Department of Budget and Management,"; strike beginning with "that" in line 8 down through "year" in line 11; and strike in their entirety lines 19 through 23, inclusive.

AMENDMENT NO. 2

On page 2, strike beginning with "**BUDGET**" in line 5 down through "**MANAGEMENT**" in line 6 and substitute "**INFORMATION TECHNOLOGY**"; in line 11, after "**(4)**" insert "**(I)**"; in line 12, strike "**MONEY**" and substitute "**$50,000 OR MORE**"; after line 14, insert:

"**(II) "STATE AID" DOES NOT INCLUDE REIMBURSEMENTS TO PROVIDERS PARTICIPATING IN A STATE PROGRAM.**";

in line 15, after "**(1)**" insert "**(I)**"; and in lines 18, 19, 21, 23, 26, and 28, strike "**(2)**", "**(I)**", "**(II)**", "**(III)**", "**(IV)**", and "**(V)**", respectively, and substitute "**(II)**", "**1.**", "**2.**", "**3.**", "**4.**", and "**5.**", respectively; and after line 29, insert:

"**(2) (I) A NONPUBLIC INSTITUTION OF HIGHER EDUCATION THAT RECEIVES STATE AID AS PROVIDED IN § 17–101 OF THE EDUCATION ARTICLE, OR A GRANT THROUGH THE STATE CAPITAL BUDGET, SHALL SUBMIT A REPORT TO THE MARYLAND INDEPENDENT COLLEGE AND UNIVERSITY ASSOCIATION ON OR BEFORE SEPTEMBER 1 AFTER THE CLOSE OF EACH FISCAL YEAR IN WHICH THE GRANTEE RECEIVES STATE AID.**

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

1. A SUMMARY OF THE PURPOSE FOR WHICH THE STATE AID WAS EXPENDED;

2. A DESCRIPTION OF HOW THE STATE AID SERVED THE CITIZENS OF THE STATE; AND

3. THE ALIGNMENT OF THE USES OF THE STATE AID WITH THE GOALS DEFINED IN THE MARYLAND STATE PLAN FOR POSTSECONDARY EDUCATION.

(III) THE MARYLAND INDEPENDENT COLLEGE AND UNIVERSITY ASSOCIATION SHALL SUBMIT A REPORT TO THE DEPARTMENT ON OR BEFORE OCTOBER 1 AFTER THE CLOSE OF EACH FISCAL YEAR, WHICH

SHALL SUMMARIZE THE INFORMATION REPORTED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH.".

AMENDMENT NO. 3

On page 3, in line 1, strike "**REPORT**" and substitute "**REPORTS REQUIRED UNDER THIS SUBSECTION**"; in line 2, after "**DEPARTMENT**" insert "**, AFTER CONSULTATION WITH THE DEPARTMENT OF BUDGET AND MANAGEMENT,**"; and in line 3, after "**DEPARTMENT**" insert "**, IN CONSULTATION WITH THE DEPARTMENT OF BUDGET AND MANAGEMENT,**".

AMENDMENT NO. 4

On pages 3 and 4, strike in their entirety the lines beginning with line 10 on page 3 through line 4 on page 4, inclusive, and substitute:

"**(D) THE OFFICE OF LEGISLATIVE AUDITS MAY CONDUCT AN AUDIT OR REVIEW OF A GRANTEE IN ACCORDANCE WITH §§ 2–1221 THROUGH 2–1227 OF THE STATE GOVERNMENT ARTICLE.**".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

House Bill 1330 – Delegate Conway

AN ACT concerning

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

HB1330/174065/1

BY: Appropriations Committee

AMENDMENT TO HOUSE BILL 1330

(First Reading File Bill)

On page 3, strike beginning with "Chapter" in line 5 down through "(9lr3035)" in line 6 and substitute "Chapter____(S.B. 931/H.B. 1331)"; and strike beginning with "Chapter" in line 6 down through "(9lr3035)" in line 7 and substitute "Chapter____(S.B. 931/H.B. 1331)".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations 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.

Delegate Conway, Chair, for the Committee on Appropriations 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.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #16

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 1304 – Delegates Love, Beidle, V. Clagett, Costa, George, King, Kipke, McConkey, Schuh, and Sophocleus

AN ACT concerning

Anne Arundel County – Alcoholic Beverages Act of 2009

HB1304/683294/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1304
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike beginning with "Delegates" down through "Sophocleus" and substitute "Anne Arundel County Delegation"; in line 3, strike "altering" and substitute "imposing"; in lines 10 and 11, strike "establishing a certain nonrefundable license renewal fee" and substitute "requiring the Anne Arundel County Board of License Commissioners to prepare an annual budget; specifying the contents of the budget; requiring the Board to submit the budget to the Comptroller for approval and to transmit the budget after it is approved to certain delegations in the General Assembly on or before a certain date; authorizing the Board to engage the services of a certain person for a certain purpose; requiring the county government to provide the Board with certain information"; strike beginning with "and" in line 11 down through "license" in line 12; in line 13, strike "fees" and substitute "fee"; in line 14, strike "and special outdoor entertainment licenses"; in lines 16 and 17, strike "altering the annual salary of the attorney for the Board;"; and strike beginning with "5–101(c)(1)" in line 26 down through "(d)(2)," in line 28.

On pages 1 and 2, strike beginning with the second "and" in line 28 on page 1 down through "8–202.1(f)," in line 1 on page 2 and substitute ", 10–204(c),".

On page 2, in line 1, strike "and (5)(iii)"; after line 4, insert:

"BY repealing
Article 2B – Alcoholic Beverages
Section 5–201(c)(3)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)";

strike beginning with "5–101(a)(1)," in line 7 down through "7–101(b)(1)(i)," in line 9; in line 9, strike "(e)(1), (h)(3), and"; in line 10, strike "8–202.1(a) and (c)(1),"; in line 15, after "8–202(j)," insert "and"; and strike ", and 10–301(u)".

AMENDMENT NO. 2

On page 3, strike in their entirety lines 6 through 13, inclusive; strike beginning with "(1)" in line 15 down through "**$480**." in line 17; on pages 3 through 6, strike in their entirety the lines beginning with line 25 on page 3 through line 8 on page 6, inclusive; on pages 6 and 7, strike in their entirety the lines beginning with line 18 on page 6 through line 4 on page 7, inclusive; and on page 7, strike in their entirety lines 23 through 27, inclusive.

AMENDMENT NO. 3

On page 9, strike lines 7 through 10, inclusive, and substitute:

"10–204.

(c) (1) Except for licenses granted to places of business located in the City of Annapolis, the Anne Arundel County Board of License Commissioners shall:

(i) Collect all alcoholic beverages license fees; and

(ii) Issue all alcoholic beverages licenses authorized under this article for Anne Arundel County.

(2) (i) The Anne Arundel County Board of License Commissioners shall remit to the county all fees collected by the Board.

(ii) The county shall pay from the receipts the salaries and expenses of the Board and of its employees, as approved by the State Comptroller, and shall devote the balance of the receipts to the general purposes of the county.

(3) (I) FOR EACH FISCAL YEAR BEGINNING JULY 1 AND ENDING JUNE 30 OF THE SUBSEQUENT YEAR, THE ANNE ARUNDEL COUNTY BOARD OF LICENSE COMMISSIONERS SHALL PREPARE AN ANNUAL BUDGET THAT LISTS ALL SIGNIFICANT COMPONENTS OF THE BOARD'S REVENUE AND EXPENSES, INCLUDING PAYROLL, RENT, AND COSTS OF JANITORIAL SERVICES AND UTILITIES.

(II) THE BOARD SHALL:

1. SUBMIT THE BUDGET TO THE COMPTROLLER FOR APPROVAL; AND

2. AFTER THE BUDGET REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH IS APPROVED BY THE COMPTROLLER, BUT ON OR BEFORE JANUARY 15 OF EACH YEAR, TRANSMIT THE BUDGET AND RECOMMENDATIONS REGARDING WHETHER ADJUSTMENTS SHOULD BE MADE TO ALCOHOLIC BEVERAGES LICENSE FEES TO THE CHAIR OF THE ANNE ARUNDEL COUNTY SENATE DELEGATION AND THE CHAIR OF THE ANNE ARUNDEL COUNTY HOUSE DELEGATION IN THE GENERAL ASSEMBLY.

(III) TO HELP PREPARE THE BUDGET:

1. THE BOARD MAY ENGAGE THE SERVICES OF AN OUTSIDE FINANCIAL ADVISOR; AND

2. THE COUNTY GOVERNMENT SHALL PROVIDE TO THE BOARD ALL INFORMATION REASONABLY REQUESTED BY THE BOARD.

[(3)**]** **(4)** The City Clerk of the City of Annapolis shall:

(i) Collect all alcoholic beverages license fees for licenses granted to places of business located in the City of Annapolis; and

(ii) Issue all alcoholic beverages licenses authorized under this article for the City of Annapolis.

[(4)**]** **(5)** (i) The City Clerk of the City of Annapolis shall remit to the City of Annapolis all fees collected by the City Clerk.

(ii) The City of Annapolis shall devote the receipts to the general purposes of the City.".

AMENDMENT NO. 4

On page 10, in line 5, strike "**$200**" and substitute "**$100**"; in line 8, strike "**(I)**"; strike beginning with "**ISSUE**" in line 8 down through "**LICENSE**" in line 9 and substitute "**GRANT PERMISSION**"; strike beginning with the period in line 12 down through "**THE**" in line 15 and substitute "**TO PROVIDE THE**"; and strike beginning with the semicolon in line 17 down through "**BOARD**" in line 23.

On page 11, strike in their entirety lines 16 through 18, inclusive.

On page 12, in line 10, strike "**(I)**"; strike beginning with "may" in line 11 down through "**BOTH**" in line 12 and substitute a comma; and in line 13, after "County" insert "**, MAY IMPOSE THE FOLLOWING PENALTIES:**

(I) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING $2,500;

(II) FOR A SECOND OFFENSE, A FINE NOT EXCEEDING $2,500 OR SUSPENSION OF THE LICENSE FOR A PERIOD NOT EXCEEDING 120 DAYS OR BOTH; OR

(III) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING $2,500 OR A SUSPENSION OF THE LICENSE FOR A PERIOD TO BE DETERMINED BY THE BOARD OR BOTH".

On page 12, strike in their entirety lines 14 through 16, inclusive.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 1555 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Financial Institutions – Enhanced Supervision – Branch Banking

HB1555/193391/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1555
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after "branches;" insert "providing that this Act does not limit the authority of an out–of–state bank to establish additional branches in the State;"; and in line 21, after "2–108(b)" insert ", 5–808(a), and 6–906(a)".

AMENDMENT NO. 2

On page 2, after line 23, insert:

"5–808.

(a) The Commissioner may order any banking institution to cease and desist from:

(1) An unsafe or unsound banking practice;

(2) A practice that is injurious to the public interest; or

(3) A violation of a law, rule, or regulation that relates to the Commissioner's supervision of the institution.";

and in line 31, after "**PRACTICE;**" insert "**OR**".

On page 3, strike beginning with the semicolon in line 2 down through "**INSTITUTION**" in line 5.

On page 6, after line 13, insert:

"6–906.

(a) The Commissioner shall order any credit union to cease and desist from:

(1) An unsafe or unsound practice;

(2) A practice that is injurious to the public interest; or

(3) A violation of laws or rules or regulations that relate to the Commissioner's supervision of the credit union.";

in line 21, after "**PRACTICE;**" insert "**OR**"; and strike beginning with the semicolon in line 23 down through "**UNION**" in line 25.

AMENDMENT NO. 3

On page 8, after line 9, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That this Act does not limit the authority of an out–of–state bank to establish additional branches in this State as permitted under the federal Riegle–Neal Interstate Banking and Branching Efficiency Act of 1994, including the provisions of the Act codified as 12 U.S.C. §§ 36(d), (e)(1), and (g)(2)(B), 1828 (d)(4)(B)(ii), and 1831u(d)(2), if the out–of–state bank's application to establish a branch in this State is approved by the Federal Deposit Insurance Corporation or the Office of the Comptroller of the Currency before July 1, 2009.";

and in line 10, 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.

SPECIAL ORDERS

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

House Bill 1212 – Delegates Hixson, Barnes, Bromwell, George, Gilchrist, Hecht, and F. Turner

AN ACT concerning

Horse Racing – Purse Dedication Account – Allocation of Funds

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

FLOOR AMENDMENT

HB1212/903423/1

BY: Delegate Jennings

AMENDMENTS TO HOUSE BILL 1212
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "Fund," insert "the Maryland Racing Commission for certain purposes,".

AMENDMENT NO. 2

On page 2, in line 17, strike the brackets; in the same line, strike "**89%**"; in line 18, strike the second "and"; and in line 19, after "Fund" insert "**; AND**

(3) 4% TO THE MARYLAND RACING COMMISSION TO BE USED TO SUPPLEMENT PURSES, PREMIUMS, AND AWARDS FOR MARYLAND–BRED HORSES AFTER CONSULTATION WITH THE MARYLAND–BRED ADVISORY COMMITTEE".

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

Affirmative – 47 Negative – 82 (See Roll Call No. 625)

Read the second time and ordered prepared for Third Reading.

House Bill 155 – Delegates Kach and Boteler

AN ACT concerning

Physicians – Licensure – Liability Insurance Coverage

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

FLOOR AMENDMENT

HB0155/253627/1

BY: Delegates Morhaim and Kach

AMENDMENTS TO HOUSE BILL 155, AS AMENDED
(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Economic Matters Committee Amendments (HB0155/843992/4), in line 3 of Amendment No. 2, strike "certification" and substitute "verification or other documentation"; strike beginning with "exempting" in line 4 down through "requirements;" in line 5; and in line 6, strike "certification" and substitute "verification or other documentation".

AMENDMENT NO. 2

On page 2 of the Economic Matters Committee Amendments, in Amendment No. 3, strike beginning with "**ANY**" in line 3 down through "**2.**" in line 4; in line 6, strike "**3.**" and substitute "**2.**"; in line 17, after "**IN**" insert "**A FREESTANDING AMBULATORY CARE FACILITY IN**"; and strike beginning with "**, WHETHER**" in line 17 down through "**LOCATION**" in line 19.

On page 3 of the Economic Matters Committee Amendments, in line 7 of Amendment No. 3, strike "**(F)**" and substitute "**(E)**"; and in line 7 of Amendment No. 4, strike "**PROVIDE PROOF**" and substitute "**ATTEST**".

AMENDMENT NO. 3

On page 2 of the bill, in line 10, after "**10**" insert "**BUSINESS**".

AMENDMENT NO. 4

On page 4 of the Economic Matters Committee Amendments, in Amendment No. 4, strike beginning with "**(E)**" in line 3 down through "**PATIENTS.**" in line 11; and

in line 3 of Amendment No. 5, strike "**CERTIFICATION**" and substitute "**VERIFICATION OR OTHER DOCUMENTATION APPROVED BY THE BOARD**".

On page 5 the Economic Matters Committee Amendments, in lines 4 and 5 of Amendment No. 5, strike "**CERTIFICATION OF MAINTENANCE**" and substitute "**VERIFICATION OR OTHER DOCUMENTATION APPROVED BY THE BOARD**"; in line 7, strike "**(I)**" and substitute "**(1)**"; and in line 15, strike "**CERTIFICATION**" and substitute "**VERIFICATION OR DOCUMENTATION**".

AMENDMENT NO. 5

On page 4 of the bill, in line 3, strike "**, AFTER PROVIDING**" and substitute "**SHALL PROVIDE**"; and strike beginning with "**, SHALL**" in line 3 down through "**LICENSEE**" in line 4 and substitute "**AND THE LICENSEE SHALL BE SUBJECT TO DISCIPLINE BY THE BOARD UNDER §§ 14–404 AND 14–405.1 OF THIS TITLE**".

The preceding 5 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 295 – The Speaker (By Request – Administration) and Delegates Ali, Barve, Beidle, Cane, Carr, V. Clagett, Feldman, Gaines, Gutierrez, Guzzone, Healey, Howard, Hucker, Lee, Mizeur, Montgomery, and Niemann

AN ACT concerning

Smart, Green, and Growing – Annual Report – Smart Growth Measures and Indicators and Implementation of Planning Visions

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

FLOOR AMENDMENT

HB0295/793522/1

BY: Delegate Beitzel

AMENDMENT TO HOUSE BILL 295, AS AMENDED
(First Reading File Bill)

On page 7 of the Environmental Matters Committee Amendments (HB0295/550618/1), in line 2 of Amendment No. 5, strike "**OR**"; and in line 5, after "**AREA**" insert "**; OR**

(III) TO A COUNTY WITH LESS THAN 5% OF ITS GEOGRAPHIC AREA IN A PRIORITY FUNDING AREA".

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

Affirmative – 45 Negative – 86 (See Roll Call No. 626)

Delegate Walkup moved to make the Bill a Special Order for the end of today's business.

The motion was adopted.

House Bill 819 – The Speaker (By Request – Administration) and Delegates Glenn, Ali, Anderson, Barkley, Barnes, Barve, Beidle, Benson, Bobo, Bohanan, Branch, Braveboy, Bromwell, Bronrott, Burns, Cane, Cardin, Carr, Carter, G. Clagett, V. Clagett, Conaway, DeBoy, Doory, Dumais, Feldman, Frush, Gaines, Gilchrist, Griffith, Gutierrez, Guzzone, Hammen, Harrison, Haynes, Healey, Hecht, Heller, Hixson, Holmes, Howard, Hubbard, Hucker, Ivey, James, Jones, Kaiser, Kelly, Kirk, Kramer, Kullen, Lafferty, Lee, Levi, Love, Malone, Manno, McConkey, McHale, McIntosh, Mizeur, Montgomery, Morhaim, Murphy, Nathan–Pulliam, Niemann, Oaks, Olszewski, Pena–Melnyk, Pendergrass, Proctor, Reznik, Rice, Riley, Robinson, Rosenberg, Ross, Schuler, Stein, Stukes, Tarrant, Taylor, F. Turner, V. Turner, Valderrama, Vallario, Vaughn, and Waldstreicher

AN ACT concerning

Workplace Fraud Act of 2009

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

FLOOR AMENDMENT

HB0819/953326/1

BY: Delegate Krebs

AMENDMENTS TO HOUSE BILL 819, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Economic Matters Committee Amendments (HB0819/163992/1), in line 15 of Amendment No. 1, strike "requiring" and substitute "providing that, under certain circumstances, work performed by certain independent contractors who are subject to certain agreements are exempt from covered employment for the purposes of unemployment insurance; providing that certain independent contractors subject or party to certain agreements are not covered employees for purposes of workers' compensation; requiring"; and in line 18, strike ", 9–315.1," and substitute ", 8–206(g), 9–237, 9–315.1,".

AMENDMENT NO. 2

On page 23 of the bill, after line 32, insert:

"8–206.

(G) WORK IS NOT COVERED EMPLOYMENT WHEN PERFORMED BY AN INDEPENDENT CONTRACTOR WHO PROVIDES HOME AND COMMUNITY–BASED SERVICES FOR THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, IF THE SECRETARY IS SATISFIED THAT:

(1) THE INDIVIDUAL PROVIDING CARE IS SUBJECT TO OR PARTY TO AN AGREEMENT WITH A HOME CARE ENTITY LICENSED BY THE OFFICE OF HEALTH CARE QUALITY; AND

(2) THE AGREEMENT STATES EXPRESSLY THAT THE INDIVIDUAL PROVIDING CARE KNOWS:

(I) OF THE RESPONSIBILITY TO PAY STATE AND FEDERAL INCOME TAXES; AND

(II) THAT THE WORK IS NOT COVERED EMPLOYMENT FOR THE PURPOSES OF UNEMPLOYMENT INSURANCE.".

AMENDMENT NO. 3

On page 13 of the Economic Matters Committee Amendments, in line 2 of Amendment No. 12, strike "**9–315.1.**" and substitute:

"**9–237.**

AN INDEPENDENT CONTRACTOR WHO PROVIDES HOME AND COMMUNITY–BASED SERVICES FOR THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE, INCLUDING AN INDIVIDUAL PROVIDING CARE SUBJECT TO OR A PARTY TO AGREEMENTS WITH A HOME CARE ENTITY LICENSED BY THE OFFICE OF HEALTH CARE QUALITY, IS NOT A COVERED EMPLOYEE.

9–315.1.".

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

Affirmative – 28 Negative – 90 (See Roll Call No. 627)

Read the second time and ordered prepared for Third Reading.

House Bill 831 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Steel Jaw Leghold or Body–Gripping Traps – Prohibition

MC 922–09

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT ADOPTED.

FLOOR AMENDMENT

HB0831/143524/1

BY: Delegate Impallaria

AMENDMENTS TO HOUSE BILL 831
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, after "County;" insert "authorizing the owner or lessee of property in Montgomery County to have a private contractor use, set, place, or maintain a trap on the owner's or lessee's property under certain circumstances;".

AMENDMENT NO. 2

On page 2, in line 12, strike "**IN**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, IN**"; and after line 17, insert:

"**(3) (I) THE OWNER OR LESSEE OF PROPERTY IN MONTGOMERY COUNTY MAY HAVE A PRIVATE CONTRACTOR USE, SET, PLACE, OR MAINTAIN A TRAP ON THE OWNER'S OR LESSEE'S PROPERTY IN THE COUNTY IF:**

1. THE OWNER OR LESSEE REQUESTS THAT THE DEPARTMENT SET A TRAP ON THE OWNER'S OR LESSEE'S PROPERTY IN THE COUNTY; AND

2. THE DEPARTMENT FAILS TO SET A TRAP ON THE PROPERTY WITHIN 30 DAYS OF THE DATE THE REQUEST IS MADE.

(II) 1. A TRAP SET ON PROPERTY BY A PRIVATE CONTRACTOR UNDER THIS SECTION MAY ONLY REMAIN IN PLACE FOR A PERIOD OF 11 MONTHS.

2. AT THE EXPIRATION OF THE 11 MONTH PERIOD UNDER THIS SUBPARAGRAPH, THE OWNER OR LESSEE MAY MAKE A NEW REQUEST TO THE DEPARTMENT TO HAVE A TRAP SET.".

The preceding 2 amendments were withdrawn.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #14

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 783 – Delegates James, Bohanan, and Gaines

AN ACT concerning

Transfer Tax – Program Open Space Bonds – Land Acquisition

HB0783/420816/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 783
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Land" insert "and Easement"; strike beginning with "authorizing" in line 3 down through "proceeds;" in line 6 and substitute "providing that, in addition to other funding, Program Open Space funding may be provided in the State Consolidated Capital Bond Funding Program or in separate bond enabling acts; providing that a bond enabling act that provides funding for a particular Program Open Space purpose may not affect the allocation of funds for certain other purposes; providing for the reduction of the distribution of revenues in a certain special fund in an amount equal to the debt service for a certain fiscal year; authorizing, on a certain request, the creation of a State Debt in the amount of Sixty Million Dollars ($60,000,000), the proceeds to be used for certain land acquisition and easement purchases of the State under certain circumstances; providing generally for the issuance and sale of bonds evidencing the loan under certain circumstances; imposing a certain tax on certain instruments of writing and pledging the proceeds of the tax for certain payments under certain circumstances; requiring the proceeds of a certain tax to be used for the payment of principal and interest on certain bonds under certain circumstances; altering the distribution of the proceeds of a certain tax under certain circumstances; authorizing the Department of Natural Resources to purchase certain real property based on an offer by the State that is less than a certain appraisal; stating the intent of the General Assembly that certain bonds not be included in a certain calculation unless and until the bonds have been issued; authorizing the Comptroller under certain circumstances to advance certain funds for certain land acquisition and easement purchases of the State; providing that bonds issued under this Act are not subject to a certain termination provision;"; in lines 8 and 9, strike beginning with the first "the" in line 8 down through "of" in line 9; in line 9, strike "bonds" and substitute "funding"; in lines 10 and 15, in each instance, strike "adding to" and substitute "repealing and reenacting, with amendments,"; in line 12, strike "5–902.1" and substitute "5–902(c) and 5–903(a)(2)"; and in line 17, strike "13–209(h)" and substitute "13–209(a)".

AMENDMENT NO. 2

On pages 1 and 2, strike in their entirety the lines beginning with line 23 on page 1 through line 24 on page 2, inclusive, and substitute:

"5–902.

(c) (1) To effectuate the purposes of this section, the General Assembly has established a **TRANSFER TAX** funding program under **[**Chapter 403 of the Acts of the General Assembly of 1969**]** **TITLE 13, SUBTITLE 2 OF THE TAX – PROPERTY ARTICLE**.

(2) **IN ADDITION TO OR IN LIEU OF THE FUNDING UNDER PARAGRAPH (1) OF THIS SUBSECTION, PROGRAM OPEN SPACE FUNDING MAY BE PROVIDED IN THE STATE CONSOLIDATED CAPITAL BOND FUNDING PROGRAM OR IN A SEPARATE BOND ENABLING ACT.**

(3) In any fiscal year in which funding for Program Open Space is provided through the State Consolidated Capital Bond Funding Program or other bond enabling act, **UNLESS OTHERWISE PROVIDED BY THE ENABLING ACT, [**the debt allocations shall be provided to the Department of Natural Resources and**]** the Department shall allocate **THE** funds **[**among local governing bodies according to the apportionment formula**]** **AS** described in § 5–903 of this subtitle.

(4) A BOND ENABLING ACT THAT PROVIDES FUNDING FOR A PARTICULAR PROGRAM OPEN SPACE PURPOSE MAY NOT AFFECT THE ALLOCATION OF FUNDS UNDER § 5–903 OF THIS SUBTITLE.

5–903.

(a) (2) (i) 1. Of the remaining funds not appropriated under paragraph (1) of this subsection:

A. One half of the funds shall be used for recreation and open space purposes by the Department and the Historic St. Mary's City Commission; and

B. 20% of the funds or $21,000,000, whichever is greater, shall be appropriated to the Forest and Park Service in the Department to operate State forests and parks.

2. Except as otherwise provided in this section, any funds the General Assembly appropriates to the State under this subsection shall be used only for land acquisition projects.

(ii) At least $1,500,000 of the State's share of funds available under subparagraph (i)1A of this paragraph for this program shall be utilized to make grants to Baltimore City for projects which meet park purposes. The grants shall be in addition to any funds Baltimore City is eligible to receive under subsection (b) of this section, and may be used for acquisition or development. In order for Baltimore City to be eligible for a State grant, the Department shall review projects or land to be acquired within Baltimore City, and upon the Department's recommendation, the Board of Public Works may approve projects and land including the cost. Title to the land shall be in the name of the Mayor and City Council of Baltimore City. The State is not responsible for costs involved in the development or maintenance of the land.

(iii) 1. A portion of the State's share of funds available under subparagraph (i)1A of this paragraph for this program not to exceed $8,000,000 for each fiscal year may be transferred by an appropriation in the State budget to the Rural Legacy Program under Subtitle 9A of this title.

2. In each fiscal year, up to $2 million of the funds transferred under this subparagraph to the Rural Legacy Program may be used to purchase zero coupon bonds for easements.

3. Sums allocated to the Rural Legacy Program may not revert to the General Fund of the State.

(IV) THE DEPARTMENT MAY ACQUIRE REAL PROPERTY UNDER SUBPARAGRAPH (I)1A OF THIS PARAGRAPH BASED ON AN OFFER BY THE STATE THAT IS LESS THAN THE LOWEST APPROVED APPRAISAL FOR THE PROPERTY.".

AMENDMENT NO. 3

On page 2, strike beginning with "**(H)**" in line 27 down through "**ARTICLE.**" in line 32 and substitute:

"(a) (1) **BEFORE ANY OTHER DISTRIBUTION UNDER THIS SECTION, IN ANY FISCAL YEAR THAT BONDS SECURED BY A PLEDGE OF THE STATE**

TRANSFER TAX ARE OUTSTANDING, THE REVENUE FROM THE TRANSFER TAX SHALL BE USED TO PAY, AS AND WHEN DUE, THE PRINCIPAL OF AND INTEREST ON THE BONDS.

(2) The Department shall deduct the cost of administering the transfer tax from the taxes collected under this title and credit those revenues to the fund established under § 1–203.3 of the Corporations and Associations Article.

[(2)**] (3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, [**After**] AFTER** deducting the revenues required under **[**paragraph (1)**] PARAGRAPHS (1) AND (2)** of this subsection, the revenue from transfer tax is payable to the Comptroller for deposit in a special fund.

(4) IN ANY FISCAL YEAR IN WHICH TRANSFER TAX REVENUE IS USED TO PAY DEBT SERVICE ON OUTSTANDING BONDS UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE DISTRIBUTION OF REVENUES IN THE SPECIAL FUND UNDER THIS SECTION AND AS SPECIFIED IN SUBPARAGRAPH (I)1A OF § 5–903(A)(2) OF THE NATURAL RESOURCES ARTICLE, FOR STATE LAND ACQUISITION, OR TO THE AGRICULTURAL LAND PRESERVATION FUND TO THE EXTENT ANY DEBT SERVICE IS ATTRIBUTABLE TO THAT FUND, SHALL BE REDUCED BY AN AMOUNT EQUAL TO THE DEBT SERVICE FOR THE FISCAL YEAR.".

AMENDMENT NO. 4

On page 2, after line 32, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That:

(1) On request of the Secretary of Natural Resources, the Board of Public Works may borrow money and incur special obligation indebtedness through a special obligation loan to be known as the Program Open Space Acquisition Opportunity Loan of 2009 in the total principal amount up to $60,000,000. This loan shall be evidenced by the issuance, sale, and delivery of Maryland Program Open Space bonds authorized, issued, sold, and delivered in accordance with a resolution adopted by the Board of Public Works.

(2) The bonds to evidence the loan or installments of the 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, only on approval by the Board of Public Works, for the following public purposes: as a grant to the Department of Natural Resources for:

(a) the acquisition by the State of land for Program Open Space only if the cost of the land to be acquired is supported by current appraisals and the land presents a unique acquisition opportunity, as a result of:

(i) the reduced price of the land; or

(ii) the extraordinary location or environmental value of the land; and

(b) on the request of the Secretary of Agriculture, up to $5,000,000 of the proceeds may be transferred to the Agricultural Land Preservation Fund for the purchase of easements that present unique opportunities as a result of:

(i) the reduced price of the easements; or

(ii) the extraordinary location or agricultural value of the easements.

(4) A State transfer tax is imposed on instruments of writing as provided under Title 13, Subtitle 2 of the Tax – Property Article and is hereby pledged to the extent necessary 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) The proceeds of the sale of these bonds may not be used to reimburse the State for the acquisition of land prior to the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the $60,000,000 of Program Open Space bonds authorized by this Act not be included as State tax supported debt by the Capital Debt Affordability Committee, in accordance with § 8–112 of the State Finance and Procurement Article, unless and until the bonds authorized by this Act have been issued.

SECTION 4. AND BE IT FURTHER ENACTED, That the Comptroller may, upon the request of the Department of Natural Resources, advance funds for land acquisition opportunity purposes under this Act, provided that if special obligation bonds have not been issued under the authority of this Act, the Board of Public Works shall within 1 year issue Program Open Space bonds under the authority of this Act in an amount at least equivalent to the amount of the funds so advanced.

SECTION 5. AND BE IT FURTHER ENACTED, That the bond authorization under Section 1 of this Act is not subject to § 8–128 of the State Finance and Procurement Article.".

AMENDMENT NO. 5

On page 2, in line 33, strike "2." and substitute "6."; and in line 34, strike "July" and substitute "June".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0783/653929/1

BY: Delegate O'Donnell

AMENDMENTS TO HOUSE BILL 783, AS AMENDED

AMENDMENT NO. 1

On page 1 of the Environmental Matters Committee Amendments (HB0783/420816/1), in Amendment No. 1, strike beginning with "stating" in line 19 down through "issued;" in line 20.

AMENDMENT NO. 2

On page 7 of the Environmental Matters Committee Amendments, in Amendment No. 4, strike in their entirety lines 1 through 5, inclusive; in lines 6 and 12, strike "4." and "5.", respectively, and substitute "3." and "4.", respectively; and in line 1 of Amendment No. 5, strike "6." and substitute "5.".

The preceding 2 amendments were read and rejected.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters 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.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 1510 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County Metropolitan Commission – System Improvement Charges

HB1510/470419/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1510
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "System Improvement Charges" and substitute "Revisions and Corrections"; in line 3, after "of" insert "repealing a requirement that each sanitary district in St. Mary's County be a separate taxing district; repealing a prohibition against a certain adverse effect as a result of a change of sanitary district lines; altering the notice requirements for certain water supply and sewerage system studies and plans; repealing a requirement that the County Commissioners of St. Mary's County make a certain decision; repealing a provision making the Mattapany District exempt from certain provisions of law; repealing a requirement that certain sums be repaid out of certain bonds issued for a particular sanitary district; altering the calculation of the total amount of certain bonds that the St. Mary's Metropolitan Commission may issue; altering the procedures for retiring and paying the interest on certain bonds; altering the required procedures for bids for construction; altering the amount the Commission may expend on certain goods, materials, or services without advertising and receiving competitive bids; making it discretionary rather than mandatory that the Commission impose and collect a reasonable collection fee under certain circumstances; requiring a certain charge to apply uniformly to certain types of properties; repealing certain due dates for certain charges; authorizing certain services rates to include State or federally mandated fees or charges; repealing a requirement that the cost of a certain meter be at the sole expense of the Commission; renaming a certain benefit assessment to be a System Improvement Charge; establishing a right of entry to certain locations under certain circumstances; altering a certain exemption from a certain charge applied to church property;"; in line 7, after "allocated;" insert "repealing a certain recordkeeping requirement; requiring a certain charge to be paid in perpetuity under certain circumstances when a property is acquired in a certain manner; requiring a certain court order to provide for payment for certain charges in a certain manner; altering the conditions under which a certain condemning authority is required to pay certain charges; making stylistic and technical changes;"; and in the same line, strike "a system improvement charge imposed by".

AMENDMENT NO. 2

On page 1, in line 9, strike "without" and substitute "with"; in line 11, strike "113–29 A." and substitute "113–1 A., 113–3 B., 113–4, 113–5 A. and C., 113–6 A., 113–7 A., 113–8, 113–12, 113–14 A. and C., 113–16 B., 113–19, 113–22, 113–26, 113–27 B. and C., and 113–29"; in line 14, strike "and reenacting, with amendments,"; in line 16, strike "113–29 B.(1)" and substitute "113–5 B."; and after line 18, insert:

"BY repealing and reenacting, without amendments,

The Public Local Laws of St. Mary's County

Section 113–14 B.

Article 19 – Public Local Laws of Maryland
(2007 Edition and October 2008 Supplement, as amended)".

AMENDMENT NO. 3

On page 1, after line 21, insert:

"113–1.

A. For the purpose of carrying out the provisions of this chapter, the sanitary districts created are under the jurisdiction of the Commission of seven (7) voting members and one (1) nonvoting member. Each voting member of the Commission shall be appointed by the Board of County Commissioners of St. Mary's County as follows: one (1) member from each of the first, third, sixth, seventh and eighth districts, one (1) member from the second and ninth election districts and one (1) member from the fourth and fifth election districts. Each voting member shall reside in the election district he represents, be a resident taxpayer of the county and be a qualified voter. The voting members of the Commission shall be appointed **[**for**]** **AND SHALL SERVE AT LEAST ONE (1) [**a**]** three–year term and shall serve until their successors are appointed and have qualified. The nonvoting member of the commission shall be the commanding officer of the Patuxent River Naval Air Station or a designated representative of the commanding officer. The nonvoting member shall represent the interests of the United States Navy with respect to the water and sewer services provided by the Commission to the Patuxent River Naval Air Station and the Webster Field Annex. The nonvoting member shall serve until the succeeding commanding officer is appointed. If the commanding officer designates a representative, the representative shall serve at the pleasure of the commanding officer and may be replaced at any time. Those persons serving as members of the Commission immediately prior to June 1, 1976, shall continue to serve in their respective positions until the expiration of their terms. As the term of each voting member expires, his successor shall be appointed by the Board of County Commissioners of St. Mary's County. Except for a nonvoting member, any vacancy in the membership of the Commission shall be filled by appointment by the Board of County Commissioners of St. Mary's County for the unexpired term.

113–3.

B. The creation of the sanitary districts is adopted, approved, ratified and confirmed. The sanitary districts are designated and constituted for the purpose of this

chapter to be separate sanitary districts **AND[**,**]** are subject to all of the provisions of this chapter **[**and are separate taxing districts for the purposes of this chapter**]**.

113–4.

The sanitary district boundary lines of any sanitary district may be changed by the adoption by the Commission of a resolution which shall refer to a plat of St. Mary's County upon which the revised sanitary district lines are shown clearly and which sets forth findings that the change in the boundary lines of any sanitary district is necessary or desirable for the public health, safety and welfare of the residents within the revised sanitary districts and the revised sanitary districts are feasible from an engineering and financial standpoint. **[**However, outstanding bonds or other obligations may not in any manner be adversely affected by any change of sanitary district lines.**]** The resolution is not legally effective until it is approved by the County Commissioners of St. Mary's County after public hearing held following not less than ten (10) days' notice in one (1) or more newspapers having a general circulation in St. Mary's County and until a copy of the resolution and plat is recorded among the land records of St. Mary's County. Upon approval by the County Commissioners of St. Mary's County and filing of the plat and resolution as provided in this subsection, the revised sanitary districts are designated and constituted for the purpose of this chapter to be separate sanitary districts, are subject to all the provisions of this chapter **[**and are separate taxing districts**]**. The filing of the plat and resolution constitutes legal notice to the public of the action of the Commission and the County Commissioners.

113–5.

A. The Commission shall cause studies, plans and estimates to be made for water supply and sewerage systems in those portions of St. Mary's County in which the Commission determines that the facilities are necessary and may divide each sanitary district into water and sewerage districts in such a way as shall, in its judgment, best serve the needs of the various communities and shall promote convenience and economy of installation and operation. Whenever, and as, the studies and plans are completed, the Commission shall give notice by publication in one (1) newspaper published within the county for three (3) weeks **[**and by handbills posted and circulated in the localities where improvements are contemplated**]**. The Commission shall state in the notice the probable cost of the contemplated improvements and shall further state in it that plans of the improvements may be inspected at the Commission's office and that any person interested in the

improvements will be heard by the Commission at a time to be specified in the notice, but not less than ten (10) days after first publication of it. If ten (10) residents and landowners in the sanitary district in which the improvements are contemplated, within ten (10) days after the last of the publications of the notice, file a petition with the Commission protesting against the proposed improvements, the Commission shall grant them a hearing within fifteen (15) days after the petition is filed in the office of the Commission and after not less than five (5) days' notice of the time and place of the hearing by advertisement published in one (1) newspaper published within the county and by personal notices addressed to any one (1) or more persons whose names are signed to the petition. After due hearing, the Commission shall decide upon the reasonableness of the objections stated in the petition and shall dispose of them by written order concurred in by a majority of the Commissioners. The order shall be published in the same manner as notices are required to be published, and a copy of which shall be mailed to any one (1) or more of the petitioners. If the petitioners are not satisfied with the Commission's decision, they have the right to take and enter, within ten (10) days after the last publication of the order, an appeal to the County Commissioners of St. Mary's County, who shall review the Commission's decision and decide on the necessity and propriety of the improvements contemplated **[**and whether the district can stand the cost of them**]**. The decision of the County Commissioners is final.

[B. The foregoing provisions of this section are not applicable to the proposed sewer system, including necessary modifications and changes, for the Mattapany Sanitary District shown on the plats of the sanitary district recorded among the land records of St. Mary's County in Liber M.R.F. 1, Folios 2 to 5, inclusive, in a plat book indexed "St. Mary's County Metropolitan Commission," such proposed sewer system having been approved by the Commission and by the County Commissioners of St. Mary's County. The Commission, without further public hearing, may, in its discretion, proceed with the financing and construction of the sewer system.**]**

[C.**]** B. For the purpose of providing for the studies, plans, organization and any other expenses or costs of any water or sewerage facilities **[**in any sanitary district**]**, the County Commissioners may furnish the Commission from time to time any sum that the County Commissioners deem proper, all of which shall be repaid out of the next bond issue, if any**[**, for the particular sanitary district**]**. If the County Commissioners do not expect bonds to be issued **[**for the particular sanitary district**]** within two (2) years of the date on which the sum is furnished to the Commission, the County Commissioners may waive repayment of the advances. The authority for

advances granted by this subsection is in addition to other advances authorized by this chapter.

113–6.

A. For the purpose of providing funds for the design, construction, establishment, purchase or condemnation of water supply and sewerage systems in any of the sanitary districts, the Commission, upon the approval of the County Commissioners of St. Mary's County, is authorized and empowered to issue bonds, from time to time, upon the full faith and credit of St. Mary's County, in such amounts as it may deem to be necessary to carry on its work, but at no time shall the total issue of bonds **[**in any sanitary district**]** for all purposes under this chapter exceed twenty–five (25) percent of the total value of the property assessed for county taxation purposes within **ALL OF** the sanitary **[**district**]** **DISTRICTS IN WHICH PUBLIC WATER OR SEWER FACILITIES ARE LOCATED**. Subject to the conditions contained herein, the form, tenor, manner of selling and all other matters relating to the issuance of bonds under this chapter shall be prescribed in a resolution to be adopted by the St. Mary's County Metropolitan Commission prior to sale of the bonds. The issuance of such bonds may not be subject to any limitations or conditions contained in any other law, and the Commission may sell such bonds in such manner, either at public or private sale, and for such price, as it may determine to be for the best interests of the Commission and the County Commissioners of St. Mary's County. The bonds shall be serial bonds issued upon the serial maturing plan and in such denominations as shall be determined by the Commission. The bonds may be redeemable before maturity at the option of the Commission at such price and under such terms and conditions as may be fixed by the Commission prior to the issuance of the bonds, shall bear interest at such rate or rates payable semiannually, as shall be determined by a resolution of the St. Mary's County Metropolitan Commission adopted prior to the delivery of the bonds, and shall mature in not more than thirty (30) years after date of issue and shall be forever exempt from state, city and county taxation as hereinafter provided. They shall be issued under the signature and seal of the Commission and shall be unconditionally guaranteed as to payment of both principal and interest by the County Commissioners of St. Mary's County, a political subdivision of the State of Maryland, which guaranty shall be endorsed on each of the bonds in the following language: "The payment of interest when due and the principal at maturity is guaranteed by the County Commissioners of St. Mary's County, Maryland." Such endorsement shall be signed on each of the bonds by the President and by the Clerk of the Board of County Commissioners of the county, or another person lawfully assigned to the functions of

the Clerk, within ten (10) days after the bonds are presented by the Commission to them for endorsement.

113–7.

A. For the purpose of retiring the bonds authorized to be issued by this chapter and of paying the interest thereon, the Commission**, BY AND THROUGH THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY,** shall cause to be levied, against all assessable property within the sanitary districts **[**for which the bonds have been issued, by the County Commissioners of St. Mary's County, annually**] IN WHICH PUBLIC WATER OR SEWER FACILITIES ARE LOCATED,** so long as any of the bonds are outstanding and not paid, **[**a**] AN ANNUAL** tax sufficient to provide the sum which the Commission may deem sufficient and necessary, in conjunction with any amounts as the Commission may estimate that it will be able to collect out of the **[**benefit assessments**] SYSTEM IMPROVEMENT CHARGES, CAPITAL CONTRIBUTION CHARGES,** and charges levied by it but not yet paid and any further funds then available for the purpose, to meet the interest on the bonds as it becomes due and to pay the principal thereof as the bonds mature. The tax shall be determined, levied, collected and paid over in the manner following, that is to say, at least seventy–five (75) days before July 1 of each year, the County Commissioners shall certify to the Commission the whole valuation of the assessable property within **[**each sanitary district**] THE SANITARY DISTRICTS IN WHICH PUBLIC WATER OR SEWER FACILITIES ARE LOCATED**. The Commission shall then determine in the manner above prescribed the amount which it deems necessary to be raised during the ensuing year for the payment of interest on outstanding bonds and principal of all serial bonds maturing in the year, and after deducting all amounts in hand**,** or in contemplation**,** applicable to payments of the principal of and interest on the bonds as hereinbefore and hereinafter in the chapter provided, it shall determine the number of cents per one hundred dollars ($100.00) necessary to raise the amount **[**for each such sanitary district**] NEEDED** and shall certify same to the Board of County Commissioners at least sixty (60) days before July 1 of each year. The County Commissioners in their next annual levy shall levy the tax on all land and improvements and all other property assessed for county tax purposes within the **[**respective sanitary district,**] SANITARY DISTRICTS IN WHICH PUBLIC WATER OR SEWER FACILITIES ARE LOCATED,** which tax shall be levied and collected and have the same priority rights, bear the same interest and penalties and in every respect be treated the same as county taxes. The tax so levied for the ensuing year shall be collected by the tax collecting authorities, and every one hundred twenty (120) days they shall remit the

whole amount of the tax so collected to the Commission. From the money so received, together with the amount in hand to the credit of fund or funds for the payment of the principal of and interest on the bonds, the Commission shall first pay all of the principal of and interest on the bonds as it becomes due and shall then deposit the residue of the moneys in some bank or banks in the county to the joint credit of the County Commissioners and the Commission. The Commission is authorized to pay the interest on any bonds it may issue out of the proceeds of the sale of the bonds, but not more than two (2) years' interest may be expended. Nothing contained in this section or in this chapter shall be construed as in any manner relieving the County Commissioners of St. Mary's County of its unconditional pledge of its full faith and credit and unlimited taxing power to the payment of principal of and interest on any bonds issued by the Commission pursuant to Section 161.

113–8.

Whenever the studies and plans for water supply or sewerage systems for any sanitary district shall have been completed and the Commission shall have decided, after opportunity for a hearing has been given, to proceed with the construction thereof, it shall advertise, by notice in one (1) newspaper published in St. Mary's County and such newspapers and technical press as it may deem proper, for bids for the construction of said system or systems, in part or as a whole, as in its judgment may appear advisable. The contract shall be let to the lowest responsible bidder or the Commission may reject any and all bids, and if, in its discretion, the prices quoted are unreasonable or unbalanced, it may readvertise the work or any part of it**,** or may do **OR CAUSE TO BE DONE** any part or all of the work by **[**day labor,**] THE COMPETITIVE PROCUREMENT OF GOODS, MATERIALS, OR SERVICES [**provided that at any time the**]. THE** Commission **[**may, in its discretion,**] MAY NOT** expend **[**for day labor for construction work**] ON THE GOODS, MATERIALS, OR SERVICES** an amount and exceeding **[**five**] TEN** thousand dollars **[**($5,000.00)**] ($10,000)** without having procured those goods, materials, or services by advertising or receiving **COMPETITIVE** bids. All such contracts shall be protected by such bonds, penalties and conditions as the Commission may require, all of which shall be enforced in any court having jurisdiction.

113–12.

A. (1) In this section, the following words have the meanings indicated.

(2) CAPITAL CONTRIBUTION CHARGE means an amount based on capital costs that is imposed and collected on a new EDU connection to a water supply or sewerage system under this Chapter.

(3) CONNECTION CHARGE means a **[**capital contribution charge**]** **CAPITAL CONTRIBUTION CHARGE** or connection fee.

(4) CONNECTION FEE means an amount based on the cost of connection that is imposed on a new connection to a water supply or sewerage system under this Chapter.

(5) EDU means an equivalent dwelling unit.

(6) PUBLICATION means notice to all persons having any interest in the property.

B. (1) For every new water or sewer connection made under this Chapter, the Commission **[**shall**]** **MAY** impose and collect a reasonable connection fee, that is not less than the actual cost of connection.

(2) The connection fee shall be uniform throughout a designated service area for connections of those sizes and classes for which average costs reasonably may be ascertainable, and for all other connections, the connection fee shall be an amount not less than the actual cost of the connection.

(3) The Commission may revise the connection fee annually.

(4) Connection fees collected by the Commission shall be applied to paying the actual cost of the connections.

(5) The connection fee shall be due and payable to the Commission at the time the property owner makes an application or is otherwise required to connect to a water main or sewer.

(6) If the property owner fails to make the connection by the time required by the Commission as set forth in § 113–10 of this Chapter, the connection fee shall become due and payable on the connection deadline date, shall be assessed immediately, and shall be subject to the rules of collection provided in subsection D of this section.

C. (1) In addition to the connection fee, the commission shall impose and collect a **[**capital contribution charge**]** **CAPITAL CONTRIBUTION CHARGE** for each new EDU connected to a water supply or sewerage system under this Chapter.

(2) The **[**capital contribution charges**]** **CAPITAL CONTRIBUTION CHARGES** collected shall be used by the Commission to pay:

(A) The capital costs of construction new water supply or sewer collection systems, to the extent that the projects are identified in the Commission's six–year capital improvement plan;

(B) The capital cost of central treatment facility capacity expansion, as the projects are identified in the Commission's six–year capital improvement plan;

(C) Existing bonds issued as of October 1, 2007, to fund the costs of central treatment facility capacity expansions, but limited to that portion of existing debt corresponding to any unallocated capacity that exists on October 1, 2007; and

(D) Existing bonds issued as of October 1, 2007, to fund the costs of constructing water supply or sewer collection systems, but limited that portion of existing debt corresponding to any unallocated capacity that exists on October 1, 2007.

(3) (A) The **[**capital contribution charge**]** **CAPITAL CONTRIBUTION CHARGE** shall be assessed on a per EDU basis and shall be a uniform charge assessed equally to **PROPERTIES OF SIMILAR CLASSIFICATION THROUGHOUT** all sanitary districts. **THERE SHALL BE A UNIFORM RATE APPLICABLE TO RESIDENTIAL PROPERTIES AND A UNIFORM RATE APPLICABLE TO COMMERCIAL PROPERTIES.**

(B) The Commission may revise the **[**capital contribution charge**]** **CAPITAL CONTRIBUTION CHARGE** annually.

(C) The **[**capital contribution charge**]** **CAPITAL CONTRIBUTION CHARGE** shall be due and payable to the Commission at the time a property owner makes an application or otherwise is required to connect to a water main or sewer.

(D) If the property owner fails to make the connection by the date required by the Commission as set forth in § 113–10 of this Chapter, the **[**capital contribution charge**]** **CAPITAL CONTRIBUTION CHARGE** shall:

(I) Become due and payable on the connection deadline date;

(II) Be assessed immediately; and

(III) Be subject to the same rules of collection provided in subsection D of this section.

(4) For purposes of determining the **[**capital contribution charge**]** **CAPITAL CONTRIBUTION CHARGE**, the capital costs referred to in paragraphs (2)(A) and (B) of this subsection shall include the principal of, interest on, and any redemption premium or other costs with respect to any bonds of the Commission issued after October 1, 2007.

(5) (A) When bonds have not been issued at the time the **[**capital contribution charge**]** **CAPITAL CONTRIBUTION CHARGE** is calculated, the Commission may, in calculating the **[**capital contribution charge**]** **CAPITAL CONTRIBUTION CHARGE**, establish a schedule for the principal of, interest on, and other costs of bonds the Commission plans to issue.

(B) The schedule and related **[**capital contribution charge**]** **CAPITAL CONTRIBUTION CHARGE** provided in subparagraph (A) of this paragraph may be adjusted by the Commission when planned future bonds are issued.

D. (1) The connection charges set forth in subsections B. and C. of this section shall be payable at the Office of the Commission at a time that is determined by the Commission.

(2) If any connection charges remain unpaid for a period of thirty (30) days after the payment is due, in addition to any other charges, the Commission may impose a late charge not to exceed one and one–half (1 1/2) percent per month until all delinquent charges are paid.

(3) If all or any part of a connection charge remains unpaid after thirty (30) days after the due date of payment, the entire unpaid connection charge shall be overdue and in default, at which time the Commission may proceed to enforce payment.

(4) Any statute of limitations to the contrary notwithstanding, and subject only to prior State and County taxes, the connection charge shall be a first lien on the property against which it is assessed until paid.

(5) For purposes of collection:

(A) The connection charges shall be treated as County taxes and be advertised in the same manner as and with County taxes;

(B) All property subject to the connection charges shall be sold for the connection charges at the same time and in the same manner as the properties are sold for County taxes; and

(C) Applicable laws relating to the collection of County taxes shall relate to the collection of the connection charges.

(6) Property redeemed from a County tax sale and property sold by the County Commissioners after a final tax sale may not be redeemed or sold until the connection charges due on it are paid.

(7) To give notice to the general public of existing liens and charges against any property within any sanitary district abutting on any water or sewer main, the Commission shall keep a public record of all names of owners of property, locations of the property, lot numbers when of record, and the amount of the connection charges or other charges that may become liens.

(8) The records shall be kept in the land records of St. Mary's County, and the Clerk of the Circuit Court for the County shall furnish space necessary to keep and preserve the records, that, when recorded in the public record, are legal notice of all existing liens within any sanitary district.

(9) If any liens, connection charges, or other charges remain unpaid for thirty (30) days after becoming overdue, they may be collected by an action to

enforce the liens, and any judgment or decree obtained shall have the force and effect of a judgment in persona.

(10) The Commission may file an action to enforce the liens against the owner of record at the time the levy was made, or the owner of record at the time the suit is filed, or any owner of record between these dates.

E. **[**(1)**]** For property owners who elect to defer connection under section 113–10B of this Chapter, the connection charges described in this section shall include an additional cost reflecting the delay in connection.

[(2) The connection fee and the capital contribution charge are due when the property owner applies, or as otherwise required, to connect to a water main or sewer.

(3) For new development, the applicable charges will become due at the same time the public works agreement becomes executed.**]**

113–14.

A. For the purpose of providing funds for maintaining, repairing and operating its water supply and sewerage systems, for line extensions of them, for its administrative and other expenses, including proper depreciation allowances, if any, and for interest on and the retirement of bonds as specified in this chapter, the Commission may make service rates, as it deems necessary, on water lines and sewers chargeable against all properties having a connection with any water pipe or sewer pipe under its supervision or ownership. **THE SERVICE RATES MAY INCLUDE ANY STATE OR FEDERALLY MANDATED FEES OR CHARGES.** The rate for both water and sewer service shall be uniform throughout a sanitary district, subject to changes that the Commission considers necessary. Beginning on July 1, 1993, the rate for both water and sewer service shall be uniform throughout all sanitary districts, subject to changes that the Commission considers necessary. However, where the Commission provides service to property in an area in which it is economically not feasible to provide service at the uniform rate because of the distance of the area from the principal facilities of the Commission, the Commission may classify the property as a remote area and may impose an additional service charge to meet the additional cost of providing service to the property. The Commission may collect a reasonable deposit in advance of furnishing water or sewerage service. The Commission shall begin the assessment of water and sewer service rates either at the time of the connection of all

spigots or hydrants, toilets, and waste drains to a water main or sewer or on the expiration of the deadline for connection as required by the Commission in accordance with § 113–10 of this Article, whichever occurs first.

B. The sewer service rates shall be reasonable and shall be charged to all properties being served in a given sanitary district.

C. The water service charge shall consist of a minimum or ready–to–serve charge, which shall be based upon the size of the meter on the water connection leading to the property, and of a charge for water used, which shall be based upon the amount of water passing through the meter in excess of any water included in the minimum or ready–to–serve charge during the period between the last two (2) readings. The meter shall be placed on water connections as determined by **[**and at the sole expense of**]** the Commission. If the Commission at any time determines not to have meters installed in all the properties in a given sanitary district that are connected to the system, then a reasonable flat rate, as determined by the Commission, shall be charged to all properties in which meters have not been installed. This rate shall be uniform within a sanitary district.

113–16.

B. From and after payment to the proper parties of the agreed purchase price, or other amounts found to be due by the Commission, the Commission may take possession of, maintain and operate the system, whether private or municipal, as part of its general system. From the date of the payment, all properties along the line of any water main or sewer of the system as acquired shall stand in the same relation, bear the same **[**benefit assessment**]** **SYSTEM IMPROVEMENT CHARGE** and be subject to the same regulations and penalties as though the system so acquired had been constructed and put into operation by the Commission under the provisions of this chapter. However, a building or premises actually connected in an adequate manner with the acquired system at the time of its purchase may not be required to pay any connection charge.

113–19.

A. Any employee or agent of the Commission shall have the right of entry, at all reasonable hours, upon any private premises and into any building in any sanitary district while in pursuit of his official duties, upon first presenting proper credentials from the Commission.

B. WHILE IN PURSUIT OF OFFICIAL DUTIES, ANY EMPLOYEE OR AGENT OF THE COMMISSION SHALL HAVE A RIGHT OF ENTRY INCLUDING REASONABLE VEHICULAR INGRESS TO AND EGRESS FROM DESIGNATED EASEMENTS AT ANY COMMISSION PUMPING STATION, ELEVATED WATER STORAGE TANK, WELL, OR OTHER RELATED OR APPURTENANT EQUIPMENT.

C. Any restraint or hindrance offered to the entry**, ACCESS, INGRESS, OR EGRESS** by any owner or tenant **OF ANY AFFECTED PROPERTY**, or agent of the owner or tenant, or any other person is a misdemeanor punishable under Section 176.

113–22.

Any land owned by a church and constituting the premises occupied by a church or its parsonage and used exclusively for public worship or for other religious or customary purposes of a church or parsonage and not for investment, gain or other secular purposes shall be exempt from the **[**benefit assessments**]** **EQUIVALENT OF THREE (3) EDUS OF SYSTEM IMPROVEMENT CHARGES** provided for by this chapter **[**in respect of a frontage of not exceeding one hundred fifty (150) feet**]**. The Commission, in its discretion to be exercised in each individual case, may grant or withhold a further exemption **[**of the land so owned and used in respect of any frontage thereof in excess of one hundred fifty (150) feet hereinbefore provided for**]**.

113–26.

For any services rendered by the Commission to sanitary districts in which it neither owns nor operates a water or sewerage system at the request of or with the approval of the County Commissioners, the Commission shall render a bill to the County Commissioners for the cost of the services. For any other services rendered by the Commission to the County at the request of or with the approval of the County Commissioners, the Commission shall render a bill to the County Commissioners for the cost of the services, less one–tenth (1/10) of those costs for each sanitary district in which the Commission owns and operates a water or sewerage system. The County Commissioners shall make provision for the payment of those bills **[**by the Treasurer of St. Mary's County**]** upon proper verification of the costs incurred.

113–27.

B. Nothing contained in any amendment to this chapter effective June 1, 1976, shall be construed as impairing the validity of any proceedings or action taken under the provisions of this chapter prior to that date. All such proceedings taken under this chapter, including without limitation the creation and enlargement of any sanitary districts and the establishment and imposition of **[**benefit assessments**]** **SYSTEM IMPROVEMENT CHARGES** and charges (whether pursuant to this chapter alone or pursuant to Article 43 of the Annotated Code of Maryland as authorized by § 427A of Article 43) are ratified, validated and confirmed. The authorization, sale and issuance of all bonds and bond anticipation notes issued prior to that date by the St. Mary's County Metropolitan Commission are ratified and confirmed, and all such bonds and bond anticipation notes are validated as being validly authorized, sold and issued.

C. The determination and imposition of **[**benefit assessments**]** **SYSTEM IMPROVEMENT CHARGES** and other charges by the St. Mary's County Metropolitan Commission since its creation are expressly ratified, validated and confirmed, including without limitation those schedules of **[**benefit assessments**]** **SYSTEM IMPROVEMENT CHARGES** and charges determined, imposed and placed in effect on the following dates:

(1) Mattapany Sanitary District: January 9, 1969; October 1, 1970; July 1, 1971.

(2) Pine Hill Run Sanitary District No. 8: October 1, 1973; July 1, 1975.

(3) Leonardtown Sanitary District No. 3: July 1, 1975.

(4) Indian Creek Sanitary District No. 10: July 1, 1975.

(5) Luckland Run Sanitary District No. 1: January 1, 1976.".

AMENDMENT NO. 4

On page 2, strike beginning with "B." in line 3 down through "**ALLOCATED**" in line 10 and substitute:

"B. (1) For every property, whether improved or unimproved, **[**binding on a street, road, lane, alley, right–of–way or easement in which a Commission water

distribution system or sewerage system has been built,**] TO WHICH AN EDU HAS BEEN ALLOCATED FOR PUBLIC WATER OR SEWER SERVICE BY THE ST. MARY'S COUNTY OFFICE OF LAND USE AND GROWTH MANAGEMENT,** the Commission shall impose and collect **ON** a per EDU **BASIS, A [**system improvement charge**] SYSTEM IMPROVEMENT CHARGE [**for every EDU allocated by the St. Mary's County Office of Land Use and Growth Management**]**.

(2) System **[**improvement charges**] IMPROVEMENT CHARGES** shall:

(A) Be assessed and payable on a monthly basis; and

(B) Be uniform and apply to every EDU equally.

(3) System **[**improvement charges**] IMPROVEMENT CHARGES** shall be used by the Commission to pay the costs associated with:

(A) The capital costs of central treatment facility performance upgrades, if the projects are identified in the Commission's six–year capital improvement plan;

(B) The capital costs of the repair and replacement of existing water supply and/or sewer collection systems, if the projects are identified in the Commission's six–year capital improvement plan; and

(C) That portion of existing bonds, as of October 1, 2007, that was issued to fund the costs of repair, replacement and, where appropriate, construction of existing water supply or sewer collection systems and bonds issued to fund the costs of capital treatment facility capacity allocated to existing system users as of October 1, 2007.

(4) In determining the **[**system improvement charge**] SYSTEM IMPROVEMENT CHARGE**, the capital costs referred to in subsection B.(3) of this section shall include the principal of, interest on, and any redemption premium or other costs with respect to any bonds of the Commission issued after October 1, 2007.

(5) (A) When bonds have not been issued at the time the **[**capital contribution charge**] SYSTEM IMPROVEMENT CHARGE** is calculated, in calculating the **[**capital contribution charge**] SYSTEM IMPROVEMENT CHARGE**, the Commission

may establish a schedule for the principal of, interest on, and other costs of bonds the Commission plans to issue in accordance with paragraph (4) of subsection H. of this section.

(B) The Commission may adjust the schedule and related **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** provided in subparagraph (A) of this paragraph when planned future bonds are issued.

C. (1) When collected, the **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGES** shall be placed, by the Commission, into an interest–bearing account containing all of the **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGES** collected, notwithstanding the sanitary district from which the **[**charge**]** **CHARGE** was collected.

(2) The **[**system improvement charges**]** **SYSTEM IMPROVEMENT CHARGES**, together with any interest accrued on the charges, shall remain in the general account, to be assessed and used by the Commission on an as–needed basis to fund the costs of any extensive system repair and replacement and central facility upgrade, as described in subsection B. of this section, in any sanitary district within which a system repair or replacement may be needed.

D. (1) When the Commission determines the appropriate **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** for a given property, the Commission shall classify each property into one (1) of the following seven (7) classes:

(A) Agricultural;

(B) Small acreage;

(C) Industrial or business;

(D) Subdivision residential;

(E) Multi–unit residential;

(F) Multi–unit business; or

(G) Institutional.

(2) The Commission may subdivide each of the classes in any manner it considers to be in the public interest.

(3) Immediately after an **[**ESU**]** **EDU** is allocated for water or sewer service, the Commission shall initiate collection of the **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** in accordance with the property classification.

(4) The Commission shall notify, in writing, all owners of the properties as to:

(A) Under which class their respective properties fall;

(B) The amount of the **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** imposed on the property; and

(C) A time and place for a public hearing on the classification.

(5) The notice shall:

(A) Be mailed to the last known address of the owner;

(B) Be served in person on any adult occupying the premises; or

(C) In the case of vacant or unimproved property, be posted on the premises.

(6) The classification of any property made by the Commission is final, and may only be changed:

(A) At the public hearing held in accordance with this subsection; or

(B) If the use of the property changes.

(7) The **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** shall be imposed for both water supply and sewerage facilities, whether

constructed, purchased, established or otherwise acquired, and shall be **[**assesses**]** **ASSESSED** as a uniform per **[**ESU**]** **EDU** charge for each class of property.

E. (1) Whenever, through error, inadvertence or oversight or by reason of any judgment or decree, any property subject to a **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** under this chapter has not had the **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** imposed against it, or where it has been imposed by an erroneous description or in the wrong name, or where service on the owner has not be had, or where it has been set aside by judgment or decree, the Commission, on the discovery of the error, inadvertence or oversight, or within a reasonable time after the rendition of the judgment or decree, the Commission, may impose and collect the **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** at the uniform rate and in the applicable property classification.

(2) The subsection applies to all errors, omissions, or mistakes made previously by the Commission or to any judgment or decree rendered previously.

(3) Appropriate adjustments for any payments shall be made in respect to that property.

F. (1) When there is more than one (1) contiguous lot in the same block under one (1) ownership appurtenant to a single residence, the Commission shall impose the **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** based on the number of EDU's assigned to each property in accordance with all applicable zoning and land use regulations.

(2) (A) Land classified as agricultural by the Commission, when in actual use for farming or trucking purposes, may not be subject to the **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** when the agricultural land has constructed through it or in front of it a sewer or water main, **IF** a water or sewer connection is **NOT** made.

(B) When a water or sewer connection is made and is for every EDU connected the land shall become subjected to the **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE**.

(3) Public parks or playgrounds owned by a municipal corporation and any property or building owned by either a regularly organized volunteer fire department or a volunteer rescue squad are exempt from the imposition of a **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** while used for public purposes.

(4) If property in the sanitary district is, at the time of construction of a Commission water line or sanitary sewer line, connected to a public water system or public sewer system operated either by a municipal corporation or by a water or sewer company subject to the requirements of the State Department of Health and Mental Hygiene, or if following construction of the Commission line the property is connected to the other specified public system in accordance with the Commission, the property is exempt from the imposition and collection of a **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** until it is served by or connected to the Commission's water supply or sanitary sewerage system, as the case may be.

(5) When a property that has been exempted from a system improvement charge under this subsection is no longer exempted from the charge, the property shall be classified in its then current class and become subject to the system improvement charge.

G. (1) Except as otherwise provided, **[**system improvement charges**]** **SYSTEM IMPROVEMENT CHARGES** for water supply and sewer construction and acquisition shall be uniform for each EDU within each class of property throughout the County for any one (1) year.

(2) The Commission shall determine the amount of the **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** per EDU within each class of property for both water and sewer service as costs and conditions require, but a **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** for any class of property for any given year once levied by the Commission may not be increased.

H. (1) The rate of the **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** shall be based on the Commission's six–year capital improvement plan, as revised annually.

(2) The capital improvement plan shall identify those capital projects which will be undertaken by the Commission during the most immediate six–year

period, including any comprehensive improvement or replacement of existing water or wastewater systems and central treatment and processing facility expansions and upgrades.

(3) To calculate the **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE**, the total of all debt service on bonds and the total of amortized costs of all projects in the capital improvement budget for the given year, both totals excluding any costs included in the capital improvement charge under § 113–12 of this Chapter, shall be combined and divided by the total of the number of allocated EDUs and the number of EDUs expected to be allocated by the St. Mary's Office of Land Use and Growth Management for a given year.

(4) Where amortized costs are included in the calculation of the charge, the Commission shall establish the period of amortization and the interest rate.

(5) The **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** may not be revised more than once each year, together with the annual revision to the capital improvement plan.

I. (1) (A) In this subsection the following words have the meaning indicated:

(B) DWELLING means a principal residence of a homeowner and includes the lot on which the house is situated.

(C) HOMEOWNER means a person who:

(I) Resides in a dwelling; and

(II) Has an ownership interest in the dwelling, including a life estate, joint tenancy, tenancy in common, tenancy by the entirety, or fee simple interest.

(D) PRINCIPAL RESIDENCE means a house that is occupied by a homeowner:

(I) For more **[**that**]** **THAN** six (6) months of a consecutive 12–month period that includes the date of application for a deferral of a **[**capital contribution charge**]** **SYSTEM IMPROVEMENT CHARGE**; or

(II) For less than six (6) months of a consecutive 12–month period that includes the date of application for a deferral of a **[**capital contribution charge**]** **SYSTEM IMPROVEMENT CHARGE** due to illness or the need of special care, if the homeowner is otherwise qualified under the provisions of this subsection.

(2) The Commission may establish financial criteria to determine the eligibility of a homeowner whose dwelling is subject to a **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** under this section for a deferral of the monthly payment of that charge.

(3) The Commission may defer the monthly payment of a **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** on the dwelling of a homeowner who:

(A) Files an application with the Commission; and

(B) Meets the financial eligibility criteria that the Commission establishes.

(4) A homeowner who applies for a deferral or payment of a monthly **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** levied on a dwelling shall submit to the Commission an application of the form that the Commission provides.

(5) A homeowner may apply for deferral on only one (1) dwelling.

(6) A homeowner who applies for deferral of payment of a **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** shall apply at the time of payment of monthly service charges.

(7) Subject to paragraph (3) of this subsection, the Commission shall terminate the deferral of payment of a monthly **[**system improvement charge**]**

SYSTEM IMPROVEMENT CHARGE if a homeowner dies, sells, or alienates the dwelling subject to the deferral.

(8) The Commission may defer the monthly payment of a **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** by an unmarried, surviving spouse on the death of a homeowner or the unmarried, former spouse on the divorce of a homeowner if the succeeding spouse qualifies under the provisions of paragraph (3) of this subsection.

(9) When the Commission terminates the deferral of payment of a monthly **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** under the provisions of paragraph (7) of this subsection:

(A) All deferred charges, with interest calculated on the cumulative annual payments for the deferral period, shall become **[**use**]** **DUE** and payable immediately; and

(B) The annual levy of **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGES** shall resume.

(10) (A) A deferred **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** that is due and payable on termination of a deferral by the Commission is a lien against the dwelling in accordance with subsection L. of this section.

(B) After the Commission terminates the deferral of payment of a **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** under paragraph (7) of this subsection, the provisions of this subsection do not impair in any way the ability of the Commission to collect **[**a system improvement charge**]** **A SYSTEM IMPROVEMENT CHARGE** that is overdue and in default from a homeowner in accordance with subsection L. of this section.

(11) The Commission may require a homeowner who qualifies for deferral under this section to requalify at times and under circumstances that the Commission determines are reasonable and necessary.

(12) (A) The Commission may only implement the provisions of this subsection by adoption of a resolution of the Commission.

(B) The Commission shall hold a public hearing at least ten (10) days prior to any action on the proposed resolution under this paragraph.

(C) The Commission shall publish notice of the public hearing, together with a synopsis of the proposed resolution, in at least one (1) newspaper of general circulation in St. Mary's County once each week for two (2) successive weeks prior to the public hearing.

J. (1) On the allocation of an EDU, the Commission may permit a connection with a water main or sewer by a property owner whose property does not abut on the water main or sewer and who has not previously paid a **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** for the construction of the water main or sewer.

(2) If the Commission permits a connection with a water main or sewer under this subsection, the Commission shall classify the property and determine the **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** to be paid by the property owner.

(3) If a connection is made under this subsection, the property owner and property, for all charges, rates and benefits, shall stand in every respect in the same position as if the property abutted on a water main or sewer.

K. (1) When an applicant applies for water or sewer lines in an area in which the Commission determines that it is economically not feasible to serve unless the applicant makes a substantial contribution to the cost of construction of the water and sewer lines, including the cost of connecting them with the Commission's system, the Commission may classify the applicant's property, together with other adjacent or adjoining properties that could be readily served from the construction required by the applicant, as a "remote area."

(2) If the Commission approves an application for water and sewer lines and the applicant makes a contribution to the cost of construction in accordance with this subsection, the Commission may construct the water or sewer lines required by the applicant.

(3) If the Commission constructs the water or sewer lines, it shall impose a **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** in accordance with this section.

L. When the Commission improves a water system or sanitary sewerage system by replacing, augmenting, ungrading, or expanding it in order to provide increased or improved water or sewer service and the necessity for the improvement arises from changes, whether individually or cumulatively, in use or zoning category of the property, those properties shall derive a benefit from the improved facility and the Commission shall impose **[**system improvement charges**]** **A SYSTEM IMPROVEMENT CHARGE** on the benefited property for the construction as part of the water or sewer system services.

M. (1) The **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** shall be payable at the Office of the Commission at a time that the Commission determines.

(2) If any charges remain unpaid for a period of thirty (30) days after the payment is due, in addition to any other charges, the Commission may impose a late charge not to exceed one and one–half (1 1/2) percent per month until all delinquent charges are paid.

(3) The entire unpaid **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** shall be overdue and in default after thirty (30) days after the payment is due for all or any part of the system improvement charge required by the Commission, at which time the Commission may proceed to enforce payment.

(4) Any statute of limitations to the contrary notwithstanding and subject only to prior State and County taxes, the system improvement charge shall be a first lien on the property against which it is assessed until paid.

(5) For purposes of collection:

(A) The **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** shall be treated as County taxes and be advertised in the same manner as and with County taxes;

(B) All property subject to the **[**system improvement charges**]** **SYSTEM IMPROVEMENT CHARGE** shall be sold for system improvement charges at the same time and in the same manner as the properties are sold for County taxes; and

(C) Applicable laws relating to the collection of County taxes shall relate to the collection of the system improvement charges.

(6) Property redeemed from a County tax sale and property sold by the County Commissioners after a final tax sale may not be redeemed or sold until the **[**system improvement charges**]** **SYSTEM IMPROVEMENT CHARGES** are paid.

(7) To give notice to the general public of existing liens and charges against any property within any sanitary district abutting on any water or sewer main, the Commission shall keep a public record of all names of owners or property, locations of the property, lot numbers when of record, and the amount of the **[**system improvement charges**]** **SYSTEM IMPROVEMENT CHARGE**, water service charges, or that may become liens.

[(8) The records shall be kept in the Land Records of St. Mary's County, and the Clerk of the Circuit Court for the County shall furnish space necessary to keep and preserve the records, which, when recorded in the public record, is legal notice of all existing liens within any sanitary district.**]**

[(9)**] (8)** If any liens, **[**system improvement charges**]** **SYSTEM IMPROVEMENT CHARGES** or other charges remain unpaid for thirty (30) days after becoming overdue, they may be collected by an action to enforce the liens, and any judgment or decree obtained shall have the force and effect of a judgment in personam.

[(10)**] (9)** The Commission may file an action to enforce the liens against the owner of record at the time the levy was made, or the owner of record at the time the suit is filed, or any owner of record between these dates.

N. (1) All **[**system improvement charges**]** **SYSTEM IMPROVEMENT CHARGES** collected by the Commission shall be set aside in a separate fund to be known and designated at the "Metropolitan District Account."

(2) In order to determine the amount which it considers necessary to be imposed under § 113–7 of this Chapter, the Commission shall deduct the amount it estimates that it will be able to collect from the **[**system improvement charges**]** **SYSTEM IMPROVEMENT CHARGES** and other charges previously imposed by it, but not yet paid and to be set aside for the interest and principal payments and the amount of funds then available for the purpose of paying the principal of and interest on outstanding bonds, from the whole amount necessary to be raised in any one (1) year for interest and principal payments on outstanding bonds.

(3) The balance then remaining to be raised shall be the amount to be certified to the County Commissioners of St. Mary's County for collection by taxation as provided by § 113–7 of this Chapter.

O. (1) If the State, County, or any municipal corporation, commission, board, or agency of the State or County acquires for public use property that is subject to a **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** levied by the St. Mary's Metropolitan Commission, the **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** shall **CONTINUE TO** be paid **IN PERPETUITY [**through the date of acquisition and extinguished thereafter**]**.

(2) If **ANY [**the**]** property **SUBJECT TO A SYSTEM IMPROVEMENT CHARGE** is acquired as provided in this section without eminent domain proceedings, the **[**amount necessary to pay the system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE SHALL CONTINUE TO BE PAID IN PERPETUITY [**through the date of acquisition shall be paid to the Commission before the deed evidencing the transfer may be recorded among the Land Records of St. Mary's County**]**.

(3) If **[**the**]** **ANY** property **SUBJECT TO A SYSTEM IMPROVEMENT CHARGE** is acquired through eminent domain proceedings, the Commission shall be named a party to the proceeding **IF NECESSARY**, and **THE FINAL ORDER SHALL REQUIRE THAT THE SYSTEM IMPROVEMENT CHARGE BE PAID CURRENT THROUGH THE DATE OF CONVEYANCE AND SHALL REQUIRE THE CONTINUED PAYMENT OF THE SYSTEM IMPROVEMENT CHARGE IN PERPETUITY [**the Jury shall make a separate award in favor of the Commission for the sum required to pay the system improvement charge through the date of acquisition**]**.

(4) If, by oversight or mistake, the Commission is not named a party to the eminent domain proceedings, **[**or if no separate award for the sum necessary to

pay the system improvement charge system improvement charge through the date of conveyance,**]** the condemning authority shall pay to the Commission the amount required to pay the **[**system improvement charge**]** **SYSTEM IMPROVEMENT CHARGE** through the date of conveyance at the same time the condemning authority pays the amount awarded to the property owner in the proceedings.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 1559 – St. Mary's County Delegation

AN ACT concerning

Task Force to Study the Governance and Structure of the St. Mary's County Metropolitan Commission

HB1559/870719/2

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1559
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 19, strike "three" and substitute "five"; in line 21, strike "three" and substitute "four"; and in line 22, after "Assembly" insert ", with each member of the delegation appointing one Task Force member".

AMENDMENT NO. 2

On page 2, strike in their entirety lines 2 and 3 and substitute "appointed internally."; strike beginning with "The" in line 4 down through the first "the" in line 5 and substitute "From among its members, the Task Force shall elect a"; in line 7, strike "Administrator shall provide" and substitute "Delegation shall issue a request for proposal to the University of Maryland, College Park, the University of Maryland Baltimore County, and the University of Maryland, Baltimore, and from the proposals received shall select"; strike beginning with "whether" in line 19 down through

"Commission" in line 20 and substitute "how best to continue the provision of water and sewer services to the citizens of St. Mary's County"; in line 21, strike "September 1, 2009" and substitute "July 1, 2010"; in line 26, after "year" insert "and 3 months"; and in line 26, strike "May 31" and substitute "August 31".

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 ECONOMIC MATTERS REPORT #17

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 591 – Delegates Kullen, O'Donnell, Proctor, and Vallario

AN ACT concerning

Calvert County – Winery Special Event Permits – Farmers' Markets

HB0591/713895/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 591
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, strike "winery special event permit for unlimited use" and substitute "certain number of winery special event permits".

AMENDMENT NO. 2

On page 1, in line 18, strike the brackets; and in lines 18 and 19, strike beginning with "**EXCEPT**" in line 18 down through "**NO**" in line 19.

On page 2, in line 23, strike "**A WINERY SPECIAL EVENT PERMIT FOR UNLIMITED USE**" and substitute "**NOT MORE THAN 12 WINERY SPECIAL EVENT PERMITS**".

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 HEALTH AND GOVERNMENT OPERATIONS REPORT #9

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 521 – Delegates Donoghue, Conway, and Mathias

AN ACT concerning

Maryland Trauma Physician Services Fund – Rural Trauma Centers

HB0521/646984/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 521
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Mathias" and substitute "Mathias, Cane, Haddaway, Eckardt, and Elmore"; in line 2, after "Centers" insert "– Reimbursement"; strike beginning with "altering" in line 3 down through "Hospital" in line 5 and substitute "altering the maximum number of trauma on–call hours per year that a Level III trauma center is eligible for reimbursement for from the Maryland Trauma Physician Services Fund; providing that the cost incurred by a Level III trauma center to maintain trauma physicians on call shall include certain practice areas under certain circumstances; requiring the Maryland Health Care Commission to make a certain determination on or before a certain date each year; prohibiting the Commission from making certain reimbursements under certain circumstances; providing for the termination of this Act"; in line 7, strike "with" and substitute "without"; in line 9, after "19–130(a)" insert ", (b), and (d)(1), (2), and (3)"; in line 12, strike "without" and substitute "with"; in line 14, strike "19–130(b)" and substitute "19–130(d)(4)"; and after line 16, insert:

"BY adding to
Article – Health – General
Section 19–130(d)(7)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 2

On page 2, in line 17, strike the brackets; strike beginning with the colon in line 17 down through "**AN**" in line 18; and strike beginning with the semicolon in line 20 down through "**HOSPITAL**" in line 23.

On page 3, after line 26, insert:

"(d) (1) Disbursements from the Fund shall be made in accordance with a methodology established jointly by the Commission and the Health Services Cost Review Commission to calculate costs incurred by trauma physicians and trauma centers that are eligible to receive reimbursement under subsection (b) of this section.

(2) The Fund shall transfer to the Department of Health and Mental Hygiene an amount sufficient to fully cover the State's share of expenditures for the costs of undercompensated care incurred by a trauma physician in providing trauma care to an enrollee of the Maryland Medical Assistance Program who is a trauma patient on the State trauma registry.

(3) The methodology developed under paragraph (1) of this subsection shall:

(i) Take into account:

1. The amount of uncompensated care provided by trauma physicians;

2. The amount of undercompensated care attributable to the treatment of Medicaid enrollees in trauma centers;

3. The cost of maintaining trauma physicians on–call;

4. The number of patients served by trauma physicians in trauma centers;

5. The number of Maryland residents served by trauma physicians in trauma centers; and

6. The extent to which trauma–related costs are otherwise subsidized by hospitals, the federal government, and other sources; and

(ii) Include an incentive to encourage hospitals to continue to subsidize trauma–related costs not otherwise included in hospital rates.

(4) The methodology developed under paragraph (1) of this subsection shall use the following parameters to determine the amount of reimbursement made to trauma physicians and trauma centers from the Fund:

(i) 1. The cost incurred by a Level II trauma center to maintain trauma surgeons, orthopedic surgeons, and neurosurgeons on–call shall be reimbursed:

A. At a rate of up to 30% of the reasonable cost equivalents hourly rate for the specialty, inflated to the current year by the physician compensation component of the Medicare economic index as designated by the Centers for Medicare and Medicaid Services; and

B. For the minimum number of trauma physicians required to be on–call, as specified by the Maryland Institute for Emergency Medical Services Systems in its criteria for Level II trauma centers;

2. The cost incurred by a Level III trauma center to maintain trauma surgeons, orthopedic surgeons, neurosurgeons, and anesthesiologists on–call shall be reimbursed:

A. At a rate of up to 35% of the reasonable cost equivalents hourly rate for the specialty, inflated to the current year by the physician compensation component of the Medicare economic index as designated by the Centers for Medicare and Medicaid Services; and

B. For the minimum number of trauma physicians required to be on–call, as specified by the Maryland Institute for Emergency Medical Services Systems in its criteria for Level III trauma centers;

3. The cost incurred by a Level I trauma center or pediatric trauma center to maintain trauma surgeons, orthopedic surgeons, and neurosurgeons on–call when a post–graduate resident is attending in the trauma center shall be reimbursed:

A. At a rate of up to 30% of the reasonable cost equivalents hourly rate for the specialty, inflated to the current year by the physician compensation component of the Medicare economic index as designated by the Centers for Medicare and Medicaid Services; and

B. When a post–graduate resident is permitted to be in the trauma center, as specified by the Maryland Institute for Emergency Medical Services Systems in its criteria for Level I trauma centers or pediatric trauma centers;

4. The cost incurred by a Maryland Trauma Specialty Referral Center to maintain trauma surgeons on–call in the specialty of the Center when a post–graduate resident is attending in the Center shall be reimbursed:

A. At a rate of up to 30% of the reasonable cost equivalents hourly rate for the specialty, inflated to the current year by the physician compensation component of the Medicare economic index as designated by the Centers for Medicare and Medicaid Services; and

B. When a post–graduate resident is permitted to be in the Center, as specified by the Maryland Institute for Emergency Medical Services Systems in its criteria for a Maryland Trauma Specialty Referral Center; **[**and**]**

5. A. A Level II trauma center is eligible for a maximum of 24,500 hours of trauma on–call per year;

B. A Level III trauma center is eligible for a maximum of **[**35,040**]** **70,080** hours of trauma on–call per year;

C. A Level I trauma center shall be eligible for a maximum of 4,380 hours of trauma on–call per year;

D. A pediatric trauma center shall be eligible for a maximum of 4,380 hours of trauma on–call per year; and

E. A Maryland Trauma Specialty Referral Center shall be eligible for a maximum of 2,190 hours of trauma on–call per year; **AND**

6. SUBJECT TO PARAGRAPH (7) OF THIS SUBSECTION, THE COST INCURRED BY A LEVEL III TRAUMA CENTER TO MAINTAIN TRAUMA PHYSICIANS ON–CALL IN THE FOLLOWING PRACTICE AREAS SHALL BE REIMBURSED IN ACCORDANCE WITH ITEM (I)2 OF THIS PARAGRAPH:

A. PLASTIC SURGERY;

B. MAJOR VASCULAR SURGERY;

C. ORAL OR MAXILLOFACIAL SURGERY; AND

D. THORACIC.

(ii) The cost of undercompensated care incurred by a trauma physician in providing trauma care to enrollees of the Maryland Medical Assistance Program who are trauma patients on the State trauma registry shall be reimbursed at a rate of up to 100% of the Medicare payment for the service, minus any amount paid by the Maryland Medical Assistance Program;

(iii) The cost of uncompensated care incurred by a trauma physician in providing trauma care to trauma patients on the State trauma registry shall be reimbursed at a rate of 100% of the Medicare payment for the service, minus any recoveries made by the trauma physician for the care;

(iv) The Commission, in consultation with the Health Services Cost Review Commission, may establish a payment rate for uncompensated care incurred by a trauma physician in providing trauma care to trauma patients on the State trauma registry that is above 100% of the Medicare payment for the service if:

1. The Commission determines that increasing the payment rate above 100% of the Medicare payment for the service will address an unmet need in the State trauma system; and

2. The Commission reports on its intention to increase the payment rate to the Senate Finance Committee and the House Health and Government Operations Committee, in accordance with § 2–1246 of the State Government Article, at least 60 days before any adjustment to the rate; and

(v) The total reimbursement to emergency physicians from the Fund may not exceed $300,000 annually.

(7) (I) ON OR BEFORE MAY 1 OF EACH YEAR, THE COMMISSION SHALL DETERMINE APPROPRIATE LEVELS OF PAYMENT THAT CAN BE SUSTAINED FOR THE UPCOMING FISCAL YEAR, GIVEN THE EXPECTED REVENUE IN THE FUND.

(II) IF EXPECTED REVENUE IN THE FUND IS INSUFFICIENT TO MEET EXPECTED PAYMENTS, THE COMMISSION MAY NOT REIMBURSE LEVEL III TRAUMA CENTERS FOR TRAUMA ON–CALL HOURS UNDER PARAGRAPH (4)(I)6 OF THIS SUBSECTION OR FOR TRAUMA ON–CALL HOURS EXCEEDING 35,040 HOURS UNTIL THE REMAINING COSTS ELIGIBLE FOR REIMBURSEMENT UNDER PARAGRAPH (4) OF THIS SUBSECTION ARE FULLY FUNDED.";

and in line 28, after "2009." insert "It shall remain effective for a period of 4 years and, at the end of September 30, 2013, with no further action required by the General Assembly, this Act shall be abrogated and of no further force and effect.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 674 – Delegate Morhaim

AN ACT concerning

Health Insurance – Small Group Market Regulation – Modifications

HB0674/236383/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 674
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Morhaim" and substitute "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"; strike beginning with "authorizing" in line 8 down through "circumstances;" in line 12; in line 14, after "level;" insert "repealing a certain requirement that the Standard Plan include certain uniform deductibles and cost sharing; requiring the Commission to specify certain deductibles and cost–sharing;"; strike beginning with "providing" in line 16 down through "plans;" in line 22; and in line 24, after "of" insert "and requirements for".

On page 2, strike beginning with "providing" in line 4 down through the first "Act;" in line 5; in line 5, before the second "providing" insert "providing for a delayed effective date for certain provisions of this Act;"; and in line 18, strike "15–1204(a) through (d),".

AMENDMENT NO. 2

On pages 4 and 5, strike in their entirety the lines beginning with line 20 on page 4 through line 17 on page 5, inclusive.

AMENDMENT NO. 3

On page 6, strike beginning with "The" in line 22 down through "Commission" in line 23 and substitute "**THE COMMISSION SHALL SPECIFY THE DEDUCTIBLES AND COST–SHARING ASSOCIATED WITH THE BENEFITS IN THE STANDARD PLAN**".

On page 7, strike in their entirety lines 1 through 30, inclusive, and substitute "**THE PROVISIONS OF § 15–508 OF THIS TITLE APPLY TO A POLICY OR CERTIFICATE ISSUED TO A SMALL EMPLOYER.**".

AMENDMENT NO. 4

On page 8, in line 1, strike the brackets; in the same line, strike "**THAT VARIES FROM**"; in line 3, strike "**AND HAS BEEN APPROVED BY THE COMMISSIONER**"; in

line 6, after "renewal;" insert "**AND**"; strike beginning with the semicolon in line 7 down through "limitations" in line 8; in line 13, after "renewal;" insert "**AND**"; strike beginning with the semicolon in line 14 down through "limitations" in line 15; in lines 18 and 19, in each instance, strike the bracket; in line 19, strike "**BENEFITS THAT VARY FROM THE STANDARD PLAN**"; in line 20, strike the brackets; in the same line, strike "**OFFERED**"; in line 27, after "renewal;" insert "**AND**"; in line 28, strike "rating; and" and substitute "**RATING.**"; and strike line 29 in its entirety.

On page 9, in line 20, strike the brackets; in line 21, after "Eastern" insert "**AND SOUTHERN**"; and strike line 22 in its entirety.

AMENDMENT NO. 5

On page 10, in line 12, strike "**65%**" and substitute "**50%**"; in line 13, strike the brackets; in the same line, strike "**65%**";

in line 18, strike "**2012**" and substitute "**2013**"; in line 21, strike the first set of brackets; in the same line, strike "**65%**"; and in line 22, after "subsection" insert "**AND THE EFFECT OF THE ADJUSTMENT TO THE COMMUNITY RATE FOR HEALTH STATUS AUTHORIZED UNDER SUBSECTION (F) OF THIS SECTION**".

AMENDMENT NO. 6

On page 11, strike beginning with "**ON**" in line 9 down through "**PLAN**" in line 10 and substitute "**IF A SMALL EMPLOYER HAS NOT OFFERED A HEALTH BENEFIT PLAN ISSUED UNDER THIS SUBTITLE TO ITS EMPLOYEES IN THE 12 MONTHS PRIOR TO THE INITIAL ENROLLMENT OF THE SMALL EMPLOYER IN THE HEALTH BENEFIT PLAN**".

AMENDMENT NO. 7

On pages 12 through 14, strike in their entirety the lines beginning with line 5 on page 12 through line 2 on page 14, inclusive.

On page 14, in line 3, strike "5." and substitute "4."; in line 4, after "study" insert ":

(1)";

in line 6, after "Plan" insert ";

(2) potential options for allowing plans with fewer benefits than the Standard Plan to be sold in the small group market, including the impact of any of the potential options and the need for any additional legislative authority for the Commission to implement any recommended options; and

(3) whether any additional authority is needed to effectively implement the website application required under § 19–108.1 of the Health – General Article, as enacted by Section 2 of this Act, that allows small businesses to compare premiums of health benefit plans issued under the small group market";

in line 10, strike "6." and substitute "5."; in line 13, strike "7." and substitute "6."; in lines 14 and 15, in each instance, strike "October 1, 2009" and substitute "July 1, 2010"; strike beginning with "It" in line 15 down through "effect." in line 18; strike in their entirety lines 19 through 21, inclusive; in line 22, strike "9." and substitute "7."; and in line 23, strike "6, 7, and 8" and substitute "5 and 6".

The preceding 7 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

House Bill 1538 – Delegate Rudolph

AN ACT concerning

Health Insurance – High Deductible Plans and Limited Benefit Plans for Uninsured Individuals – Chesapeake Region Pilot Project

HB1538/616789/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 1538
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Rudolph" and substitute "Delegates Rudolph, Benson, Bromwell, Donoghue, Elliott, Hammen, Hubbard, Kach,

Kipke, Krebs, Kullen, McDonough, Morhaim, Nathan–Pulliam, Pena–Melnyk, Pendergrass, Riley, Tarrant, V. Turner, and Weldon"; in line 4, strike "issue" and substitute "limit the issuance of"; and in line 13, after "manner;" insert "requiring the Maryland Insurance Administration, in consultation with a certain nonprofit health service plan, to report certain information to the Governor and certain legislative committees on or before a certain date;".

AMENDMENT NO. 2

On page 3, strike in their entirety lines 7 through 9, inclusive, and substitute:

"**(B) A NONPROFIT HEALTH SERVICE PLAN MAY LIMIT THE ISSUANCE OF A HIGH DEDUCTIBLE PLAN TO:**";

in lines 11 and 17, in each instance, strike "**DEPENDENTS**" and substitute "**FAMILY MEMBERS**"; and in line 27, strike "**ENROLLMENT**" and substitute "**MARKETING**".

AMENDMENT NO. 3

On page 3, after line 32, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, on or before January 1, 2012, the Maryland Insurance Administration, in consultation with a nonprofit health service plan that issues high deductible health plans and limited benefit health insurance contracts under § 14–128 of the Insurance Article, as enacted by Section 1 of this Act, shall report 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 on:

(1) the number of individuals who receive health care coverage under a plan or contract issued under § 14–128; and

(2) the potential to expand the pilot project established under this Act to other jurisdictions of the State.".

On page 4, in lines 1 and 5, strike "2." and "3.", respectively, and substitute "3." and "4.", respectively.

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 JUDICIARY REPORT #11

Delegate Vallario, Chair, for the Committee on Judiciary 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

HB1117/242914/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1117
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after "facility;" insert "providing that immunity is limited to certain circumstances;".

AMENDMENT NO. 2

On page 3, in line 13, after "**AED**" insert "**, IF THE AED IS MAINTAINED AND TESTED IN ACCORDANCE WITH THE STANDARDS ESTABLISHED BY THE MANUFACTURER OF THE AED**"; and in line 16, after "**LOCATED**" insert "**, IF THE AED IS MAINTAINED AND TESTED IN ACCORDANCE WITH THE STANDARDS ESTABLISHED BY THE MANUFACTURER OF THE AED**".

AMENDMENT NO. 3

On page 3, in line 22, strike "**IS**" and substitute "**:**

(I) IS LIMITED TO ASSISTANCE OR MEDICAL CARE PROVIDED WITHOUT FEE OR OTHER COMPENSATION AT THE SCENE OF THE PERCEIVED SUDDEN CARDIAC ARREST EMERGENCY; AND

(II) IS".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 1378 – Delegate Barnes

AN ACT concerning

Local Government Tort Claims Act – Notice of Claim

HB1378/912812/1

BY: House Judiciary Committee

AMENDMENT TO HOUSE BILL 1378
(First Reading File Bill)

On page 1, in line 19, after "(b)" insert "**(1)**"; and after line 22, insert:

"**(2) THE NOTICE SHALL BE IN WRITING AND SHALL STATE THE TIME, PLACE, AND CAUSE OF THE INJURY.**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary 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.

QUORUM CALL

The presiding officer announced a quorum call, showing 133 Members present.

(See Roll Call No. 628)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #46

House Bill 1313 – Delegate Cardin

AN ACT concerning

Campaign Fundraising – Raffle Tickets and Cash Contributions – Limits

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

Affirmative – 133 Negative – 1 (See Roll Call No. 629)

The Bill was then sent to the Senate.

House Bill 1364 – Charles County Delegation

AN ACT concerning

Charles County – Alcoholic Beverages – License Suspensions

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

Affirmative – 132 Negative – 1 (See Roll Call No. 630)

The Bill was then sent to the Senate.

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 – 134 Negative – 0 (See Roll Call No. 631)

The Bill was then sent to the Senate.

House Bill 1408 – Chair, Economic Matters Committee (By Request – Departmental – Labor, Licensing and Regulation)

AN ACT concerning

Real Estate Licensees – Services Provided Through Teams

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

Affirmative – 133 Negative – 0 (See Roll Call No. 632)

The Bill was then sent to the Senate.

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 – 134 Negative – 0 (See Roll Call No. 633)

The Bill was then sent to the Senate.

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 – 134 Negative – 0 (See Roll Call No. 634)

The Bill was then sent to the Senate.

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 – 132 Negative – 0 (See Roll Call No. 635)

The Bill was then sent to the Senate.

House Bill 1463 – Charles County Delegation

AN ACT concerning

Charles County – Alcoholic Beverages Sales – Proximity to Churches

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

Affirmative – 131 Negative – 1 (See Roll Call No. 636)

The Bill was then sent to the Senate.

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 – 134 Negative – 0 (See Roll Call No. 637)

The Bill was then sent to the Senate.

House Bill 1535 – Delegate Rudolph

EMERGENCY BILL

AN ACT concerning

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

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

Affirmative – 133 Negative – 1 (See Roll Call No. 638)

The Bill was then sent to the Senate.

House Bill 1541 – Frederick County Delegation

AN ACT concerning

Frederick County – Alcoholic Beverages – Sunday Sales Hours

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

Affirmative – 133 Negative – 0 (See Roll Call No. 639)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #47

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 – 134 Negative – 0 (See Roll Call No. 640)

The Bill was then sent to the Senate.

House Bill 350 – Washington County Delegation

AN ACT concerning

Washington County – Board of Education – President and Members Salary

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

Affirmative – 133 Negative – 0 (See Roll Call No. 641)

The Bill was then sent to the Senate.

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 – 132 Negative – 0 (See Roll Call No. 642)

The Bill was then sent to the Senate.

House Bill 578 – Carroll County Delegation

AN ACT concerning

Carroll County – Board of Education – Election of Board Officers

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

Affirmative – 134 Negative – 0 (See Roll Call No. 643)

The Bill was then sent to the Senate.

House Bill 727 – Delegates Eckardt, Haddaway, Smigiel, Sossi, and Walkup

AN ACT concerning

Caroline County – School Buses – Length of Operation

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

Affirmative – 134 Negative – 0 (See Roll Call No. 644)

The Bill was then sent to the Senate.

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 – 134 Negative – 0 (See Roll Call No. 645)

The Bill was then sent to the Senate.

House Bill 970 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Winery Special Event Permits – Farmers' Markets

PG 310–09

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

Affirmative – 134 Negative – 1 (See Roll Call No. 646)

The Bill was then sent to the Senate.

House Bill 1184 – Washington County Delegation

AN ACT concerning

Washington County – Property Tax ~~Deferral – Seniors~~ Relief

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

Affirmative – 136 Negative – 0 (See Roll Call No. 647)

The Bill was then sent to the Senate.

House Bill 1267 – Delegates Valderrama, Ali, Anderson, Barnes, Benson, Cane, Carr, Carter, Feldman, Guzzone, Howard, Ivey, Kramer, Lee, Manno, McConkey, Pena–Melnyk, Simmons, Smigiel, V. Turner, and Waldstreicher

AN ACT concerning

Public Safety – SWAT Team Activation and Deployment – Reports

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

Affirmative – 123 Negative – 13 (See Roll Call No. 648)

The Bill was then sent to the Senate.

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 – 135 Negative – 0 (See Roll Call No. 649)

The Bill was then sent to the Senate.

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

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

Affirmative – 131 Negative – 4 (See Roll Call No. 650)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #48

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

AN ACT concerning

Election Law – Early Voting

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

Affirmative – 100 Negative – 36 (See Roll Call No. 651)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #5

Senate Bill 84 – Chair, Finance Committee (By Request – Departmental – Insurance Administration, Maryland)

EMERGENCY BILL

AN ACT concerning

Medicare Supplement Plan A Policies – Individuals with a Disability – Rates

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

Affirmative – 136 Negative – 0 (See Roll Call No. 652)

The Bill was then returned to the Senate.

THE COMMITTEE ON WAYS AND MEANS REPORT #11

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 660 – Delegates Kaiser, Anderson, Gilchrist, Ivey, Rice, F. Turner, and Valderrama

AN ACT concerning

Education – Suspension and Expulsion Procedures – Attendance–Related Offenses

HB0660/165368/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 660
(First 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 4, 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 5, insert:

"**(2) PARAGRAPH (1) OF THIS SUBSECTION DOES NOT APPLY TO IN–SCHOOL SUSPENSIONS FOR ATTENDANCE–RELATED OFFENSES.**".

On page 4, in line 25, strike "October" and substitute "July".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

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

AN ACT concerning

Education – Collective Bargaining – Topics of Negotiation

HB0792/385365/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 792
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Waldstreicher" and substitute "Waldstreicher, Cardin, Frick, Gilchrist, Ivey, Murphy, Ross, and Walker"; in line 4, strike "and employee transfers and assignments"; and in line 8, after "circumstances;" insert "providing for the application of this Act;".

AMENDMENT NO. 2

On page 3, strike beginning with the comma in line 13 down through "**ASSIGNMENTS**" in line 14.

AMENDMENT NO. 3

On page 4, after line 17, 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 negotiations regarding the discipline and discharge of an employee for just cause requested or entered into before the effective date of this Act.";

and in line 18, 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.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 1171 – Delegates Bartlett, Boteler, Cardin, Carr, Carter, Conaway, George, Haddaway, Ivey, Kullen, Murphy, O'Donnell, Olszewski, Rice, Walker, and Walkup

AN ACT concerning

Alternative Energy Tax Incentive Act of 2009

HB1171/975660/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1171
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, after "Bartlett," insert "Hecht,"; in the same line, strike "and Walkup" and substitute "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"; and strike beginning with "exempting" in line 8 down through "digesters;" in line 9.

AMENDMENT NO. 2

On page 2, in line 5, after "**EQUIPMENT**" insert "**INSTALLED ON RESIDENTIAL PROPERTY**"; in line 6, after "**STRUCTURE**" insert "**ON THE PROPERTY**"; strike in their entirety lines 22 through 26, inclusive; in line 27, strike "**(3)**" and substitute "**(2)**"; in line 28, after "**EQUIPMENT**" insert "**ON RESIDENTIAL PROPERTY**"; in line 29, after "**STRUCTURE**" insert "**ON THE PROPERTY**"; and in line 30, strike "**(4)**" and substitute "**(3)**".

AMENDMENT NO. 3

On page 3, strike beginning with "**METHANE**" in line 4 down through "**(2)**" in line 5; in line 6, strike "**(3)**" and substitute "**(2)**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 1363 – Delegates Murphy and Kipke

AN ACT concerning

County Boards of Education – Procurement of Green Product Cleaning Supplies

HB1363/405560/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1363
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Kipke" and substitute ", Kipke, Bartlett, Barve, Boteler, Cardin, Doory, Elmore, Frick, George, Gilchrist, Hixson, Howard, Ivey, Kaiser, Myers, Olszewski, Rice, Ross, Shank, Stukes, F. Turner, and Walker"; in line 6, after "specifications;" insert "providing that the specifications may not preclude the use of certain products that are regulated by a certain federal law and shall allow multiple avenues for obtaining green product cleaning supplies certification;".

AMENDMENT NO. 2

On page 3, in line 25, strike "**INCLUDES**" and substitute "**MEANS**".

AMENDMENT NO. 3

On page 4, after line 9, insert:

"**(III) THE SPECIFICATIONS DRAFTED BY A COUNTY BOARD UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH:**

1. MAY NOT PRECLUDE THE USE WHEN NECESSARY OF A DISINFECTANT, DISINFECTING CLEANER, SANITIZER, OR OTHER ANTIMICROBIAL PRODUCT REGULATED BY THE FEDERAL INSECTICIDE, FUNGICIDE, AND RODENTICIDE ACT UNDER 7 U.S.C. § 136 ET SEQ.; AND

2. SHALL ALLOW FOR MULTIPLE AVENUES TO OBTAIN GREEN PRODUCT CLEANING SUPPLIES CERTIFICATION, INCLUDING:

A. THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY'S DESIGN FOR THE ENVIRONMENT PROGRAM (DFE);

B. GREEN SEAL, GREEN LABEL, ENVIRONMENTAL CHOICE, OR U.S. GREEN BUILDING COUNCIL; AND

C. ANY OTHER ACCREDITATION THE COUNTY BOARD DETERMINES TO BE APPROPRIATE.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means 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

HB1394/515168/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1394
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "defining" in line 4 down through "place;" in line 5 and substitute "requiring each polling place to have a certain number of chief judges; requiring that each polling place have at least one election judge trained to fulfill certain roles and responsibilities; authorizing each local board to hire a provisional ballot judge or assign certain duties to the chief judges;"; in line 7, after "basis;" insert "requiring each local board to hire one chief judge from each of certain principal political parties;"; strike beginning with "repealing" in line 10 down through "compensation;" in line 14; in line 18, after "10–203," insert "and"; in the same line, strike the third comma; and in the same line, strike ", and 10–205".

AMENDMENT NO. 2

On page 2, strike beginning with "**EACH**" in line 7 down through "**JUDGE.**" in line 13 and substitute: "**EACH POLLING PLACE SHALL HAVE TWO CHIEF JUDGES WHO SUPERVISE OTHER ELECTION JUDGES ASSIGNED TO THE POLLING PLACE.**

(III) EACH POLLING PLACE SHALL HAVE AT LEAST ONE ELECTION JUDGE TRAINED TO FULFILL ONE OR MORE OF THE FOLLOWING ROLES AND RESPONSIBILITIES:

1. VOTING UNIT JUDGE;

2. CHECK–IN JUDGE;

3. TECHNICAL JUDGE; AND

4. PROVISIONAL BALLOT JUDGE.";

and in line 14, strike "**(III)**" and substitute "**(IV)**".

AMENDMENT NO. 3

On pages 4 through 6, strike in their entirety the lines beginning with line 29 on page 4 through line 27 on page 6, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

House Bill 288 – Delegates Rosenberg, Mizeur, and Pena–Melnyk

AN ACT concerning

Lilly Ledbetter Fair Pay Restoration Act of 2009

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

Read the second time and ordered prepared for Third Reading.

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: BILL ON 2ND READING. COMMITTEE AMENDMENTS NOT ADOPTED. FAVORABLE REPORT NOT ADOPTED.

HB0085/654163/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 85
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Walker" and substitute "Walker, and Holmes"; in line 4, strike "certain textbook adoption processes,"; in line 5, strike "affirmations" and substitute "acknowledgments"; in line 7, strike "affirmation and"; in line 10, after "revisions," insert "and"; strike beginning with the third comma in line 10 down through "price" in line 11; in line 11, after "requiring" insert ", subject to a certain exception,"; strike beginning with "requiring" in line 15 down through "notifications;" in line 17; in line 19, after "time" insert "subject to a certain extension under certain circumstances; prohibiting certain institutions from encouraging or promoting the creation or sale of certain types of textbooks"; strike beginning with "requiring" in line 19 down through "circumstances;" in line 21; and strike beginning with "requiring" in line 22 down through "date;" in line 27.

On page 2, in line 1, after "report" insert "to the Maryland Higher Education Commission"; in the same line, after "regarding" insert "certain efforts to lower the cost of certain textbooks and"; and in line 3, after "date" insert "and report to the Governor and the General Assembly on or before a certain date".

AMENDMENT NO. 2

On page 2, in line 29, after "**SALE**" insert "**AND IS LICENSED BY THE COMPTROLLER UNDER TITLE 11, SUBTITLE 7 OF THE TAX – GENERAL ARTICLE**"; on page 3, in line 10, after the second comma, insert "**OR**"; strike beginning with the first comma in line 11 down through "**EDITIONS**" in line 12; after line 12, insert:

"**(III) "CUSTOM TEXTBOOK" DOES NOT INCLUDE PURELY AESTHETIC CHANGES TO A COLLEGE TEXTBOOK WHEN COMPARED WITH A**

PRIOR EDITION OF A COLLEGE TEXTBOOK SUCH AS COMMEMORATIVE EDITIONS.";

in line 24, strike "**A**"; in the same line, strike "**TEXTBOOK**" and substitute "**COURSE MATERIAL**"; in line 25, after "**EACH**" insert "**TEXTBOOK**"; strike beginning with "**PRINTING**" in line 25 down through "**TEXTBOOK**" in line 26 and substitute "**OTHER COURSE MATERIAL, INCLUDING BUNDLES**"; after line 26, insert:

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

in lines 27 and 30, strike "**(8)**" and "**(9)**", respectively, and substitute "**(9)**" and "**(10)**", respectively; and after line 35, insert:

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

AMENDMENT NO. 3

On page 4, strike beginning with "**WHOLESALE**" in line 7 down through "**ANY,**" in line 8 and substitute "**THE PRICE**"; strike in their entirety lines 9 and 10; in line 11, strike "**(III)**" and substitute "**(II)**"; in line 15, strike "**AND**"; after line 15, insert:

"**(III) 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**";

strike in their entirety lines 18 through 23, inclusive; and in lines 24 and 27, strike "**(3)**" and "**(4)**", respectively, and substitute "**(2)**" and "**(3)**", respectively.

AMENDMENT NO. 4

On page 5, in lines 9, 18, and 21, in each instance, strike "**AFFIRM AND**"; in line 12, strike "**IDENTIFYING**" and substitute "**SELECTING**"; in line 24, after "**TEXTBOOK**" insert "**AS REPORTED BY THE PUBLISHER UNDER SUBSECTION (E) OF THIS**

SECTION"; in line 26, strike "**JUSTIFIED**" and substitute "**APPROPRIATE**"; in line 30, strike "**AND**"; and in line 33, after "**MARKET**" insert "**; AND**

5. THAT AN INTEGRATED TEXTBOOK IS NOT SUBJECT TO SUBSECTION (F)(3) OF THIS SECTION".

AMENDMENT NO. 5

On page 6, in line 1, strike "**WHO**" and substitute "**THAT**"; strike beginning with "**AT**" in line 8 down through "**THE**" in line 9 and substitute "**OF THE**"; strike beginning with "**AVAILABLE**" in line 9 down through "**PUBLIC**" in line 12; in line 20, strike "**EXPRESSED AS AN ITEMIZED LIST**"; after line 23, insert:

"**(V) A LIST OF TEXTBOOKS THAT ARE CLASSIFIED AS INTEGRATED TEXTBOOKS.**";

strike in their entirety lines 24 and 25, inclusive; after line 30, insert:

"**(3) THE PROVISIONS OF THIS SUBSECTION SHALL BE MET, TO THE EXTENT PRACTICABLE, ON OR BEFORE OCTOBER 1, 2009 BUT NO LATER THAN JULY 1, 2010.**";

and in line 31, strike "**A**" and substitute "**EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, A**".

AMENDMENT NO. 6

On page 7, strike beginning with "**WHOLESALE**" in line 3 down through "**ANY,**" in line 4 and substitute "**PRICE INFORMATION**"; and after line 10, insert:

"**(4) WITH THE PERMISSION OF A FACULTY MEMBER, A CAMPUS BOOKSTORE MAY SELL COLLEGE TEXTBOOKS AND SUPPLEMENTAL MATERIAL IN A DIFFERENT MANNER THAN AS SELECTED AND ORDERED BY THE FACULTY MEMBER FOR THE PURPOSE OF PROVIDING USED COLLEGE TEXTBOOKS, PRIOR EDITIONS, OR OTHER LOWER–COST OPTIONS TO STUDENTS.**";

strike in their entirety lines 11 through 26, inclusive; in line 27, strike "**(3)**" and substitute "**(G) (1)**"; in line 29, after "**TO**" insert "**BOOKSTORES,**"; in the same line, after "**STUDENTS**" insert a comma; on page 8, in line 1, strike "**PARAGRAPH (4)**"

and substitute "**PARAGRAPHS (3) AND (4)**"; in line 2, strike "**1 WEEK**" and substitute "**30 DAYS**"; strike beginning with "**PROVISION**" in line 2 down through "**SUBSECTION**" in line 3 and substitute "**SELECTION BY A FACULTY MEMBER OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL**"; strike in their entirety lines 4 and 5, inclusive; after line 5, insert:

"**2. WHEN THE SELECTION BY A FACULTY MEMBER OF A COLLEGE TEXTBOOK OR SUPPLEMENTAL MATERIAL IS FINALIZED.**";

after line 12, insert:

"**(2) THE INFORMATION MADE AVAILABLE UNDER PARAGRAPH (1) 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.";

in line 13, strike "**(4)**" and substitute "**(3)**"; in line 14, after "**BOOKSTORE**" insert a comma; strike beginning with "**THAT**" in line 14 down through "**AND**" in line 15; in line 15, after "**STUDENTS**" insert a comma; in line 16, strike "**(3)**" and substitute "**(1)**"; in line 17, strike "**A**" and substitute "**THE SELECTION OF THE PARTICULAR**"; in line 20, 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 the same line, strike "**A**" and substitute "**:**

1. A";

in line 21, strike "**A**" and substitute "**THE PARTICULAR**"; in line 23, after "**FINALIZED**" insert "**; AND**

2. THE RETURN POLICY OF THE CAMPUS BOOKSTORE OR OTHER BOOKSTORE, AS APPROPRIATE";

and after line 23, insert:

"**(4) (I) NOTWITHSTANDING PARAGRAPH (1) OF THIS SUBSECTION, UPON REQUEST TO AN INSTITUTION, AN EXTENSION OF TIME MAY BE GRANTED TO A FACULTY MEMBER OR A CAMPUS BOOKSTORE 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.

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

AMENDMENT NO. 7

On page 8, strike in their entirety lines 24 through 33, inclusive.

AMENDMENT NO. 8

On page 9, strike in their entirety lines 3 through 15, inclusive; in line 16, strike "3." and substitute "2."; in the same line, strike "That, on" and substitute "That:

(a) On";

in line 17, strike "2010" and substitute "2011"; strike beginning with "Governor" in line 18 down through "Assembly," in line 19 and substitute "Maryland Higher Education Commission"; in line 19, after "regarding" insert "efforts to lower the cost of textbooks for their students and"; in line 20, strike "15–112(c)(4)" and substitute "15–112(c)(3)"; strike line 21 in its entirety; in line 22, strike "(a)" and substitute "(b)"; in the same line, strike "Maryland Higher Education"; in line 30, strike the second "and"; and in line 37, after "content" insert "; and

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

On page 10, in line 1, strike "(b)" and substitute "(c)"; in the same line, strike "Maryland Higher Education"; in line 2, 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,"; in the same line, after "the" insert "compilation, the"; in line 3, strike "(a)" and substitute "(b)"; in the same line, after "section" insert a comma; in the same line, strike "make"; in line 4, after "programs" insert a comma; in the same line, strike "and"; strike beginning with "including" in line 4 down through "Assembly," in line 6 and substitute ", and statewide policy initiatives that will further ameliorate the high cost of undergraduate and graduate education as impacted by textbook prices"; in line 6, strike "subsection (a) of"; in line 7, strike "5." and substitute "3."; and on page 11, in line 2, strike "and"; in line 4, after "purchasing" insert "; and

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

and in line 12, strike "6." and substitute "4.".

The preceding 8 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

House Bill 295 – The Speaker (By Request – Administration) and Delegates Ali, Barve, Beidle, Cane, Carr, V. Clagett, Feldman, Gaines, Gutierrez, Guzzone, Healey, Howard, Hucker, Lee, Mizeur, Montgomery, and Niemann

AN ACT concerning

Smart, Green, and Growing – Annual Report – Smart Growth Measures and Indicators and Implementation of Planning Visions

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT AS AMENDED ADOPTED.

FLOOR AMENDMENT

HB0295/343820/2

BY: Delegate Beitzel

AMENDMENT TO HOUSE BILL 295, AS AMENDED

On page 7 of the Environmental Matters Committee Amendments (HB0295/550618/1), in line 2 of Amendment No. 5, strike "**OR**"; and in line 5, after "**AREA**" insert "**; OR**

(III) TO A QUALIFIED DISTRESSED COUNTY, AS DEFINED IN § 1–101 OF THE ECONOMIC DEVELOPMENT ARTICLE".

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

Affirmative – 45 Negative – 90 (See Roll Call No. 653)

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 136 Members present.

(See Roll Call No. 654)

ADJOURNMENT

At 3:22 P.M. on motion of Delegate Barve the House adjourned until 3:30 P.M., on Legislative Day March 26, 2009, Calendar Day Monday, March 30, 2009.

Annapolis, Maryland
Legislative Day: March 26, 2009
Calendar Day: Monday, March 30, 2009

The House met at 4:05 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Melvin L. Stukes of Baltimore City.

QUORUM CALL

The presiding officer announced a quorum call, showing 134 Members present.

(See Roll Call No. 655)

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

EXCUSES:
Del. Burns – personal
Del. Mizeur – late – business
Del. Proctor – illness
Del. Stull – wife's illness
Del. F. Turner – illness

THE COMMITTEE ON APPROPRIATIONS REPORT #10

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

House Bill 1348 – Delegate Frush

AN ACT concerning

Judges' Retirement System – Reemployment of Retirees

HB1348/984067/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1348
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first "of" insert "repealing certain exceptions under which certain retirees of the Judges' Retirement System may be reemployed without being subject to a certain earnings offset to their retirement allowance;"; in line 5, after "State;" insert "repealing a certain requirement to reduce certain retirement benefits of certain retirees of the Judges' Retirement System by a certain amount if the retirees earn an additional retirement benefit under certain circumstances; prohibiting certain retirees of the Judges' Retirement System from being rehired within a certain period of time under certain circumstances;".

AMENDMENT NO. 2

On page 1, strike in their entirety lines 16 through 20, inclusive; and in line 21, strike "(b)" and substitute "**(A)**".

On page 2, strike in their entirety lines 13 through 20, inclusive; after line 20, insert:

"**(B) A RETIREE MAY NOT BE REHIRED WITHIN 45 DAYS OF THE DATE THE INDIVIDUAL RETIRED IF THE INDIVIDUAL'S CURRENT EMPLOYER IS ANY UNIT OF STATE GOVERNMENT AND THE INDIVIDUAL'S EMPLOYER AT THE TIME OF THE INDIVIDUAL'S LAST SEPARATION FROM EMPLOYMENT WITH THE STATE BEFORE THE INDIVIDUAL COMMENCED RECEIVING A SERVICE RETIREMENT ALLOWANCE WAS ALSO A UNIT OF STATE GOVERNMENT.**";

and in line 22, strike "October" and substitute "July".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations 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.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

House Bill 1465 – Chair, Appropriations Committee (By Request – Departmental – Military)

AN ACT concerning

Maryland National Guard Tuition Assistance Program

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #18

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 23 – Delegate Kullen

EMERGENCY BILL

AN ACT concerning

Junk Dealers and Scrap Metal Processors – Required Records

HB0023/133290/2

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 23
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, strike "EMERGENCY BILL"; in the sponsor line, strike "Delegate Kullen" and substitute "Delegates Kullen, Sophocleus, Barkley, Braveboy, Feldman, Haddaway, Harrison, Hecht, Jameson, King, Krysiak, Love,

Manno, Mathias, and McHale"; in line 15, after "personnel" insert "during certain hours"; and in line 22, strike "making this Act an emergency measure;".

AMENDMENT NO. 2

On page 2, in line 24, after "(1)" insert "**NONFERROUS**".

On page 3, in line 16, after "**(XXI)**" insert "**OTHER**".

AMENDMENT NO. 3

On page 4, strike beginning with "**GREATER**" in line 2 down through "**SOLID**" in line 3; in line 10, strike "**AND**"; after line 10, insert:

"**(11) CEMETERY URNS;**

(12) GRAVE MARKERS; AND";

in line 11, strike "**(11)**" and substitute "**(13)**"; in lines 11 and 12, strike "**COMMONLY ASSOCIATED WITH**" and substitute "**OWNED BY A**"; and in line 12, strike "**MAINTENANCE**".

AMENDMENT NO. 4

On page 5, strike beginning with "**, INCLUDING**" in line 16 down through "**SUBTITLE**" in line 19; and in line 27, after "**METAL**" insert "**ACCORDING TO INDUSTRY CUSTOMS**".

AMENDMENT NO. 5

On page 6, strike beginning with "**THAT**" in line 15 down through "**B.**" in line 18 and substitute "**FROM A VALID STATE–ISSUED PHOTO ID THAT**"; and strike beginning with "**, INCLUDING**" in line 19 down through "**INDIVIDUAL**" in line 20.

AMENDMENT NO. 6

On page 8, in line 7, after "**INSPECTION**" insert "**, DURING NORMAL BUSINESS HOURS,**"; strike beginning with "A" in line 10 down through "**(E)**" in line 13; in line 28, strike "**10**" and substitute "**5**"; and in line 34, strike "**(F)**" and substitute "**(E)**".

On page 9, in line 3, strike "**(G)**" and substitute "**(F)**"; and strike beginning with "is" in line 8 down through "enacted" in line 12 and substitute "shall take effect July 1, 2009".

The preceding 6 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #13

Delegate Hixson, Chair, for the Committee on Ways and Means 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.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 656)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #49

House Bill 7 – Delegates Norman ~~and Riley~~, Riley, Anderson, Aumann, Barkley, Bartlett, Bates, Beidle, Beitzel, Bobo, Boteler, Branch, Bromwell, Cane, Carter, G. Clagett, Conaway, Costa, DeBoy, Donoghue, Dumais, Dwyer, Eckardt, Elliott, Elmore, Frank, George, Glenn, Haddaway, Hecht, Holmes, Hucker, Impallaria, James, Jameson, Jennings, Kach, Kelly, King, Kipke, Krebs, Kullen, Lafferty, Malone, Manno, Mathias, McComas, McConkey, McDonough, Miller, Minnick, Murphy, Myers, Niemann, O'Donnell, Oaks, Olszewski, Ramirez, Robinson, Rudolph, Schuh, Schuler, Serafini, Shank, Shewell, Smigiel,

Sossi, Stein, Stifler, Stocksdale, Stukes, Stull, Tarrant, F. Turner, Walkup, Weir, Weldon, and Wood

AN ACT concerning

State Government – Flags – Made in USA

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

Affirmative – 134 Negative – 0 (See Roll Call No. 657)

The Bill was then sent to the Senate.

House Bill 1042 – Delegates Ivey, Anderson, Barnes, Benson, Carr, Dumais, Lee, Montgomery, Ramirez, Valderrama, and Vaughn

AN ACT concerning

Public Safety – Possession of Ammunition for Firearms – Penalties

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

Affirmative – 85 Negative – 48 (See Roll Call No. 658)

The Bill was then sent to the Senate.

House Bill 1061 – Delegates Mizeur, Barkley, Bobo, Bronrott, Carr, Dumais, Glenn, Healey, Hecht, Manno, and Rosenberg

AN ACT concerning

Earned Income Credit Information Act

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

Affirmative – 106 Negative – 26 (See Roll Call No. 659)

The Bill was then sent to the Senate.

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

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

Affirmative – 134 Negative – 0 (See Roll Call No. 660)

The Bill was then sent to the Senate.

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

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

Affirmative – 133 Negative – 1 (See Roll Call No. 661)

The Bill was then sent to the Senate.

House Bill 1118 – Delegates Lee, Ali, Boteler, Bronrott, Cane, Carr, DeBoy, Dumais, Hecht, Howard, Kipke, McComas, McDonough, Robinson, Shewell, F. Turner, Valderrama, and Walkup

AN ACT concerning

~~**Personal and Business Documents – Use in Judicial and Administrative Proceedings**~~

Criminal Trial – Evidence – Account Records

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

Affirmative – 135 Negative – 0 (See Roll Call No. 662)

The Bill was then sent to the Senate.

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 – 134 Negative – 0 (See Roll Call No. 663)

The Bill was then sent to the Senate.

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

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

Affirmative – 134 Negative – 0 (See Roll Call No. 664)

The Bill was then sent to the Senate.

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 – 135 Negative – 0 (See Roll Call No. 665)

The Bill was then sent to the Senate.

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 – 134 Negative – 0 (See Roll Call No. 666)

The Bill was then sent to the Senate.

House Bill 1212 – Delegates Hixson, Barnes, Bromwell~~, George~~, Gilchrist, Hecht, and F. Turner

AN ACT concerning

Horse Racing – Purse Dedication Account – Allocation of Funds

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

Affirmative – 90 Negative – 43 (See Roll Call No. 667)

The Bill was then sent to the Senate.

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 – 134 Negative – 0 (See Roll Call No. 668)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #50

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 – 119 Negative – 15 (See Roll Call No. 669)

The Bill was then sent to the Senate.

House Bill 1330 – Delegate Conway

AN ACT concerning

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

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

Affirmative – 135 Negative – 0 (See Roll Call No. 670)

The Bill was then sent to the Senate.

House Bill 1331 – Delegate Conway

AN ACT concerning

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

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

Affirmative – 132 Negative – 2 (See Roll Call No. 671)

The Bill was then sent to the Senate.

House Bill 1336 – Delegates Braveboy, Griffith, Pena–Melnyk, V. Turner, Valderrama, and Vaughn

AN ACT concerning

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

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

Affirmative – 135 Negative – 0 (See Roll Call No. 672)

The Bill was then sent to the Senate.

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 – 134 Negative – 0 (See Roll Call No. 673)

The Bill was then sent to the Senate.

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 – 134 Negative – 1 (See Roll Call No. 674)

The Bill was then sent to the Senate.

House Bill 1368 – Delegates Beidle and V. Clagett

AN ACT concerning

~~**Environment – State and Private Wetlands – Improvements**~~

Task Force on Residential Pier Construction

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

Affirmative – 131 Negative – 4 (See Roll Call No. 675)

The Bill was then sent to the Senate.

House Bill 1369 – Howard County Delegation

AN ACT concerning

Howard County Ethics Law – Application for Zoning Regulation Amendment

Ho. Co. 12–09

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

Affirmative – 135 Negative – 0 (See Roll Call No. 676)

The Bill was then sent to the Senate.

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 – 132 Negative – 2 (See Roll Call No. 677)

The Bill was then sent to the Senate.

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

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

Affirmative – 106 Negative – 28 (See Roll Call No. 678)

The Bill was then sent to the Senate.

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 – 135 Negative – 0 (See Roll Call No. 679)

The Bill was then sent to the Senate.

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 – 111 Negative – 23 (See Roll Call No. 680)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #51

House Bill 15 – ~~Delegate Hubbard~~ Delegates Hubbard, Manno, and V. Turner

AN ACT concerning

Child Care Articles ~~and Toys~~ Containing Bisphenol–A – Prohibition

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

Affirmative – 134 Negative – 1 (See Roll Call No. 681)

The Bill was then sent to the Senate.

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 – 128 Negative – 7 (See Roll Call No. 682)

The Bill was then sent to the Senate.

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 – 99 Negative – 36 (See Roll Call No. 683)

The Bill was then sent to the Senate.

House Bill 155 – Delegates Kach ~~and Boteler~~, Boteler, Bromwell, Schuler, Barkley, Burns, Feldman, Haddaway, Harrison, Hecht, Impallaria, King, Krysiak, Manno, McHale, Minnick, Stifler, and Vaughn

AN ACT concerning

Physicians – Licensure – Liability ~~Insurance~~ Coverage

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

Affirmative – 135 Negative – 0 (See Roll Call No. 684)

The Bill was then sent to the Senate.

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 – 135 Negative – 0 (See Roll Call No. 685)

The Bill was then sent to the Senate.

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 – 133 Negative – 1 (See Roll Call No. 686)

The Bill was then sent to the Senate.

House Bill 1425 – Delegates Gaines and Levy

AN ACT concerning

Department of Transportation – Consolidated Transportation Bonds – Issuance Procedures

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

Affirmative – 135 Negative – 0 (See Roll Call No. 687)

The Bill was then sent to the Senate.

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 – 134 Negative – 0 (See Roll Call No. 688)

The Bill was then sent to the Senate.

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 – 135 Negative – 0 (See Roll Call No. 689)

The Bill was then sent to the Senate.

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 – 134 Negative – 0 (See Roll Call No. 690)

The Bill was then sent to the Senate.

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 – 135 Negative – 0 (See Roll Call No. 691)

The Bill was then sent to the Senate.

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 – 135 Negative – 0 (See Roll Call No. 692)

The Bill was then sent to the Senate.

House Bill 1564 – Delegate Stein

EMERGENCY BILL

AN ACT concerning

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

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

Affirmative – 131 Negative – 3 (See Roll Call No. 693)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #52

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

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

Affirmative – 133 Negative – 0 (See Roll Call No. 694)

The Bill was then sent to the Senate.

House Bill 1474 – Chair, Health and Government Operations Committee (By Request – Departmental – Military)

AN ACT concerning

Maryland Emergency Management Agency – Director

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

Affirmative – 132 Negative – 0 (See Roll Call No. 695)

The Bill was then sent to the Senate.

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 – 135 Negative – 0 (See Roll Call No. 696)

The Bill was then sent to the Senate.

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 – 134 Negative – 0 (See Roll Call No. 697)

The Bill was then sent to the Senate.

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

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

Affirmative – 130 Negative – 4 (See Roll Call No. 698)

The Bill was then sent to the Senate.

House Bill 1510 – St. Mary's County Delegation

AN ACT concerning

St. Mary's County Metropolitan Commission – ~~System Improvement Charges~~ Revisions and Corrections

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

Affirmative – 135 Negative – 0 (See Roll Call No. 699)

The Bill was then sent to the Senate.

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 – 134 Negative – 0 (See Roll Call No. 700)

The Bill was then sent to the Senate.

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

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

Affirmative – 132 Negative – 0 (See Roll Call No. 701)

The Bill was then sent to the Senate.

House Bill 1538 – ~~Delegate Rudolph~~ Delegates Rudolph, Benson, Bromwell, Donoghue, Elliott, Hammen, Hubbard, Kach, Kipke, Krebs, Kullen, McDonough, Morhaim, Nathan–Pulliam, Pena–Melnyk, Pendergrass, Riley, Tarrant, V. Turner, and Weldon

AN ACT concerning

Health Insurance – High Deductible Plans and Limited Benefit Plans for Uninsured Individuals – Chesapeake Region Pilot Project

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

Affirmative – 135 Negative – 0 (See Roll Call No. 702)

The Bill was then sent to the Senate.

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 – 135 Negative – 0 (See Roll Call No. 703)

The Bill was then sent to the Senate.

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 – 134 Negative – 0 (See Roll Call No. 704)

The Bill was then sent to the Senate.

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 – 127 Negative – 8 (See Roll Call No. 705)

The Bill was then sent to the Senate.

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 – 135 Negative – 0 (See Roll Call No. 706)

The Bill was then sent to the Senate.

THE COMMITTEE ON APPROPRIATIONS REPORT #11

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

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

HB1081/134361/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1081
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, after "provided;" insert "repealing a requirement that a certain grantee provide and expend a certain matching fund;"; strike beginning with "requiring" in line 12 down through "streets;" in line 13; in line 15, after "grantees;" insert "providing that the Department of the Interior may not be required to become a party to a certain grant agreement; repealing a requirement that certain grantees grant a certain easement to the Maryland Historical Trust;"; and after line 17, insert:

"BY repealing and reenacting, with amendments,
Chapter 196 of the Acts of the General Assembly of 1998
Section 1

BY repealing and reenacting, with amendments,

Chapter 555 of the Acts of the General Assembly of 1999, as amended by Chapter 30 of the Acts of the General Assembly of 2001, Chapter 188 of the Acts of the General Assembly of 2002, Chapter 550 of the Acts of the General Assembly of 2006, and Chapter 219 of the Acts of the General Assembly of 2008
Section 1

BY repealing and reenacting, with amendments,
Chapter 440 of the Acts of the General Assembly of 2000, as amended by Chapter 94 of the Acts of the General Assembly of 2007
Section 1

BY repealing and reenacting, with amendments,
Chapter 582 of the Acts of the General Assembly of 2000
Section 1".

On page 1, after line 25, insert:

"BY repealing and reenacting, with amendments,
Chapter 462 of the Acts of the General Assembly of 2001
Section 1

BY repealing and reenacting, with amendments,
Chapter 650 of the Acts of the General Assembly of 2001
Section 1

BY repealing and reenacting, with amendments,
Chapter 680 of the Acts of the General Assembly of 2001, as amended by Chapter 32 of the Acts of the General Assembly of 2003, Chapter 30 of the Acts of the General Assembly of 2004, and Chapter 219 of the Acts of the General Assembly of 2008
Section 1".

AMENDMENT NO. 2

On page 2, in line 6, after "Item" insert "DE02.01(A) and"; in the same line, after "ZA00" insert "(EE) and"; after line 6, insert:

"BY repealing and reenacting, with amendments,
Chapter 204 of the Acts of the General Assembly of 2003

Section 12(3) Item (I) and (V)";

in line 10, after "(AV)" insert ", (BD), and (BF)"; in the same line, after "(O)" insert "and (Q)";

in line 13, after "ZA01" insert "(AY) and"; in the same line, after "ZA02" insert "(K) and"; after line 13, insert:

"BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005, as amended by Chapter 85 of the Acts of the General Assembly of 2007
Section 1(3) Item ZA01(BM)";

in line 21, strike "ZA00(T)" and substitute "ZA01(BT)";

in line 25, after "ZA01(CA)" insert "and (CP)"; in the same line, after "ZA02" insert "(AZ) and";

strike beginning with "ZA00(P)" in line 28 down through "(BH)" in line 29 and substitute "ZA01(C), (AM), (AS), (AT), (BA), and (BG) and ZA02(D), (AW), (AX), (BH), and (BS)";

in line 32, after "Item" insert "RD00(A),"; in the same line, strike "and (S)"; in the same line, after "ZA01" insert "(F),"; in the same line, strike "and (BQ)", and substitute "(BQ), and (CF)"; in line 33, after "ZA02" insert "(C),"; in the same line, strike "and (BB)" and substitute ", (BB), (BF), and (BH)"; and after line 33, insert:

"BY adding to
Chapter 336 of the Acts of the General Assembly of 2008
Section 1(3) Item RD00(A–1) and(A–2)".

AMENDMENT NO. 3
On page 2, after line 35, insert:

"Chapter 196 of the Acts of 1998

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 Baltimore City – St. James Academy Education Center Loan of 1998 in a total principal amount equal to the lesser of (i) $500,000 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 St. James Academy (referred to hereafter in this Act as "the grantee") for the repair, renovation, reconstruction, construction, and capital equipping of a building at 1008 West Lafayette Street for use as a comprehensive education center for children and youth.

(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, in kind contributions, or 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, 2000, 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) No portion of the proceeds of the loan or any of the matching funds may be used for the furtherance of sectarian religious instruction, or in connection with the design, acquisition, or construction of any building used or to be used as a place of sectarian religious worship or instruction, or in connection with any program or department of divinity for any religious denomination. Upon the request of the Board of Public Works, the grantee shall submit evidence satisfactory to the Board that none of the proceeds of the loan or any matching funds have been or are being used for a purpose prohibited by this Act.

(7) 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.

Chapter 555 of the Acts of 1999, as amended by Chapter 30 of the Acts of 2001, Chapter 188 of the Acts of 2002, Chapter 550 of the Acts of 2006, and Chapter 219 of the Acts of 2008

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 Baltimore City – **[**Community Initiatives**]** **BLUFORD DREW JEMISON** Academy Loan of 1999 in a total principal amount equal to the lesser of (i) $200,000 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 **[**Community Initiatives**]** **BLUFORD DREW JEMISON ACADEMY**, Inc. (referred to hereafter in this Act as "the grantee") for the planning, design, construction, renovation, reconstruction, repair, and capital equipping of the **[**Community Initiatives**]** **BLUFORD DREW JEMISON** Academy, an educational institution to serve underserved inner–city students **[**from kindergarten through grade 12 in a multi–cultural urban environment**]**.

(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, **[**2004**]** **2011**, 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) No portion of the proceeds of the loan or any of the matching funds may be used for the furtherance of sectarian religious instruction, or in connection with the design, acquisition, or construction of any building used or to be used as a place of sectarian religious worship or instruction, or in connection with any program or department of divinity for any religious denomination. Upon the request of the Board of Public Works, the grantee shall submit evidence satisfactory to the Board that none of the proceeds of the loan or any matching funds have been or are being used for a purpose prohibited by this Act.

(7) 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, **[**2009**]** **2011**. If any funds authorized by this Act remain unexpended or unencumbered after June 1, **[**2009**]** **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.

Chapter 440 of the Acts of 2000, as amended by Chapter 94 of the Acts of 2007

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 Baltimore City – Park Heights **[**Golf Range and Family Sports Park**]** **SPORTS COMPLEX** Loan of 2000 in a total principal amount equal to the lesser of (i) **[**$250,00**]** **$250,000** 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 Park Heights Golf Range and Family Sports Park, Inc.**]** **MAYOR AND CITY COUNCIL OF BALTIMORE CITY** (referred to hereafter in this Act as "the grantee") for the planning, design, construction, and capital equipping of a **[**family sports park, golf driving range, miniature golf park, and related buildings, to be located on Reisterstown Road in Baltimore, Maryland**]** **SPORTS COMPLEX AND RELATED AMENITIES, LOCATED IN BALTIMORE CITY**.

(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. The fund may consist of real property. No part of the fund may consist of in kind contributions or 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 encumbered by the Board of Public Works or expended for the purposes provided in this Act no later than June 1, **[**2009**]** **2011**.".

On page 4, after line 38, insert:

"(EE) Park Heights **[**Golf Range and Family**]** Sports Complex. Provide a grant to the **[**Board of Directors of the Park Heights Golf Range and Family Sports Park, Inc.**]** **MAYOR AND CITY COUNCIL OF BALTIMORE CITY** to assist in the acquisition, design, and construction of the Park Heights **[**Golf Range and Family**]** Sports Complex**. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROCEEDS OF THE LOAN MUST BE ENCUMBERED BY THE BOARD OF PUBLIC WORKS OR EXPENDED FOR THE PURPOSES PROVIDED IN THIS ACT NO LATER THAN JUNE 1, 2011** (Baltimore City)..... 500,000".

AMENDMENT NO. 4

On page 3, after line 22, insert:

"Chapter 462 of the Acts of 2001

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 – Ebenezer Community Life Center Loan of 2001 in a total principal amount equal to the lesser of (i) $100,000 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 Ebenezer Community Development Corporation (referred to hereafter in this Act as "the grantee") for the design, renovation, reconstruction, and capital equipping of two existing buildings on Whitfield Chapel Road in Lanham, and the design and construction and capital equipping of a new wing, to serve as a mixed educational, administrative, and fellowship complex.

(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 in kind contributions. The fund may consist of real property and 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, 2003, 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) No portion of the proceeds of the loan or any of the matching funds may be used for the furtherance of sectarian religious instruction, or in connection with the design, acquisition, or construction of any building used or to be used as a place of sectarian religious worship or instruction, or in connection with any program or department of divinity for any religious denomination. Upon the request of the Board of Public Works, the grantee shall submit evidence satisfactory to the Board that none of the proceeds of the loan or any matching funds have been or are being used for a purpose prohibited by this Act.

(7) 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.".

On page 5, after line 8, insert:

"Chapter 204 of the Acts of 2003

SECTION 12. AND BE IT FURTHER ENACTED, That:

(3)

(I)	Bethel **[**Recreation Center**]** **SENIOR FACILITIES**. Provide a grant equal to the lesser of (i) $250,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Union Bethel A.M.E. Church for the planning, design, construction, and capital equipping of the Bethel **[**Recreation Center for use as a gymnasium, cafe and bookstore, and community meeting area**]** **SENIOR FACILITIES**, located in Brandywine. Notwithstanding the provisions of Section 12(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, 2011, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Prince George's County)	250,000
(V)	Ebenezer Community Life Center. Provide a grant equal to the lesser of (i) $200,000 or (ii) the amount of the matching fund provided, to the Board of Directors	

of Ebenezer Community Development Corporation for the renovation, reconstruction, and capital equipping of two existing buildings on Whitfield Chapel Road in Lanham, and the construction and capital equipping of a new wing, to serve as a mixed educational, administrative, and fellowship complex. Notwithstanding the provisions of Section 12(5) of this Act, the matching fund may include real property or funds expended prior to the effective date of this Act**. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROCEEDS OF THE LOAN MUST BE ENCUMBERED BY THE BOARD OF PUBLIC WORKS OR EXPENDED FOR THE PURPOSES PROVIDED IN THIS ACT NO LATER THAN JUNE 1, 2011** (Prince George's County) ..... 200,000".

On page 7, after line 20, insert:

"ZA01 LOCAL SENATE INITIATIVES

(BT) Ebenezer Community Life Center. Provide a grant equal to the lesser of (i) $150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Ebenezer Community Development Corporation for the planning, design, construction, renovation, reconstruction, and capital equipping of the Community Life Center, located in Lanham. 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**. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROCEEDS OF THE LOAN MUST BE ENCUMBERED BY THE BOARD OF PUBLIC WORKS OR EXPENDED FOR THE PURPOSES PROVIDED IN THIS ACT NO LATER THAN JUNE 1, 2011** (Prince George's County) ..... 150,000".

AMENDMENT NO. 5

On page 2, before line 36, insert:

"Chapter 582 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 – Bethel **[**Recreation Center**]** **SENIOR FACILITIES** Loan of 2000 in a total principal amount equal to the lesser of (i) $250,000 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 Trustees of Union Bethel A.M.E. Church (referred to hereafter in this Act as "the grantee") for the planning, design, construction, and capital equipping of the Bethel **[**Recreation Center for use as a gymnasium, cafe and bookstore, and community meeting area**]** **SENIOR FACILITIES**, to be located in Brandywine, Maryland.

(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. The fund may consist of real property, in kind contributions, or 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) No portion of the proceeds of the loan or any of the matching funds may be used for the furtherance of sectarian religious instruction, or in connection with the design, acquisition, or construction of any building used or to be used as a place of sectarian religious worship or instruction, or in connection with any program or department of divinity for any religious denomination. Upon the request of the Board of Public Works, the grantee shall submit evidence satisfactory to the Board that none of the proceeds of the loan or any matching funds have been or are being used for a purpose prohibited by this Act.

(7) 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.".

On page 3, after line 22, insert:

"Chapter 650 of the Acts of 2001

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 – Bethel **[**Recreation Center**]** **SENIOR FACILITIES** Loan of 2001 in a total principal amount equal to the lesser of (i) $250,000 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 Trustees of Union Bethel A.M.E. Church (referred to hereafter in this Act as "the grantee") for the planning, design, construction, and capital equipping of the Bethel **[**Recreation Center for use as a gymnasium, cafe and bookstore, and community meeting area**]** **SENIOR FACILITIES**, to be located in Brandywine, Maryland.

(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. The fund may consist of real property, in kind contributions, or 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, 2003, 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) No portion of the proceeds of the loan or any of the matching funds may be used for the furtherance of sectarian religious instruction, or in connection with the design, acquisition, or construction of any building used or to be used as a place of sectarian religious worship or instruction, or in connection with any program or department of divinity for any religious denomination. Upon the request of the Board of Public Works, the grantee shall submit evidence satisfactory to the Board that none of the proceeds of the loan or any matching funds have been or are being used for a purpose prohibited by this Act.

(7) 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.".

On page 6, after line 3, insert:

"(AY) Bethel **[**Recreation Center**]** **SENIOR FACILITIES**. Provide a grant equal to the lesser of (i) $250,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Union Bethel A.M.E. Church, Inc. for the planning, design, construction, and capital equipping of the Bethel **[**Recreation Center for use as a gymnasium, cafe and bookstore, and community

meeting area**]** **SENIOR FACILITIES**, located in Brandywine. 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**. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2011, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Prince George's County) ..... 250,000".

AMENDMENT NO. 6

On page 5, before line 24, insert:

"(BF) Marlton Gazebo. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the Marlton Gazebo Foundation for the planning, design, construction, repair, reconstruction, and capital equipping of the Marlton Gazebo, located in Upper Marlboro. Notwithstanding Section 13(5) of this Act, the matching fund may consist of in kind contributions **OR FUNDS EXPENDED PRIOR TO THE EFFECTIVE DATE OF THIS ACT** (Prince George's County) ..... 100,000".

On page 9, after line 25, insert:

"(BA) Marlton Gazebo. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the Marlton Gazebo Foundation for the planning, design, construction, repair, reconstruction, and capital equipping of the Marlton Gazebo, located in Upper Marlboro**[**, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust**]**. 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 (Prince George's County) ..... 100,000".

AMENDMENT NO. 7

On page 6, after line 10, insert:

"(K) **[**Tipton Airport Control Tower**]** **BENSON–HAMMOND HOUSE RENOVATION**. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the **[**Anne Arundel County Tipton Airport Authority**]** **BOARD OF DIRECTORS OF THE ANNE ARUNDEL COUNTY HISTORICAL SOCIETY, INC.** for the **REPAIR,** renovation**, RECONSTRUCTION, AND CAPITAL EQUIPPING** of the **[**control tower at Tipton Airport for use as an educational exhibit and organizational meeting place**]** **BENSON–HAMMOND HOUSE AND RELATED OUTBUILDINGS**, located in **[**Odenton**]** **LINTHICUM**. 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 (Anne Arundel County) ..... 100,000".

AMENDMENT NO. 8

On page 6, after line 16, insert:

"Chapter 445 of the Acts of 2005, as amended by Chapter 85 of the Acts of 2007

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

(3) ZA01 LOCAL HOUSE OF DELEGATES INITIATIVES

(BM) Sotterley Plantation. 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 **HISTORIC** Sotterley **[**Foundation**]**, Inc. for the planning, design, acquisition, construction, installation, and capital equipping of **[**security upgrades**]** **EXISTING**

FACILITIES for Sotterley Plantation, located in Hollywood, subject to a requirement that the grantee grant and convey an historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions and the grantee must present evidence that a matching fund will be provided by June 1, **[**2009**]** **2011** (St. Mary's County) ..... 50,000".

AMENDMENT NO. 9

On page 8, after line 3, insert:

"(CP) Our House Youth Home. Provide a grant equal to the lesser of (i) $175,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Our House Youth Home, Inc. for the construction and capital equipping of a new dormitory at Our House Youth Home, located in Olney, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the grantee has until June 1, **[**2009**]** **2010**, to present evidence that a matching fund will be provided (Montgomery County) ..... 175,000".

On page 8, after line 4, insert:

"(AZ) Our House Youth Home. Provide a grant equal to the lesser of (i) $250,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Our House Youth Home, Inc. for the construction and capital equipping of a new dormitory at Our House Youth Home, located in Olney, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the grantee has until June 1, **[**2009**]** **2010**, to present evidence that a matching fund will be provided (Montgomery County) ..... 250,000".

AMENDMENT NO. 10

On page 8, after line 27, insert:

"(C) Martin Luther King, Jr., National Memorial Project. Provide a grant equal to the lesser of (i) $250,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Washington, D.C. Martin Luther King, Jr., National Memorial Project Foundation, Inc. for the design and construction of a national memorial to Martin Luther King, Jr., located in Washington, D.C. **PROVIDED THAT THE DEPARTMENT OF THE INTERIOR MAY NOT BE REQUIRED TO BECOME A PARTY TO THE GRANT AGREEMENT** (Statewide) ... 250,000".

On page 9, after line 26, insert:

"(D) Martin Luther King, Jr., National Memorial Project. Provide a grant equal to the lesser of (i) $250,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Washington, D.C. Martin Luther King, Jr., National Memorial Project Foundation, Inc. for the design and construction of a national memorial to Martin Luther King, Jr., located in Washington, D.C. **PROVIDED THAT THE DEPARTMENT OF THE INTERIOR MAY NOT BE REQUIRED TO BECOME A PARTY TO THE GRANT AGREEMENT** (Statewide) ..... 250,000".

AMENDMENT NO. 11

On page 12, after line 20, insert:

"(BF) Capitol Heights Municipal Building. Provide a grant equal to the lesser of (i) $150,000 or (ii) the amount of the matching fund provided, to the Mayor and Town Council of the Town of Capitol Heights for the acquisition, planning, design, construction, repair,

renovation, and reconstruction of a municipal building, located in Capitol Heights. **NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE MATCHING FUND MAY CONSIST OF REAL PROPERTY OR FUNDS EXPENDED PRIOR TO THE EFFECTIVE DATE OF THIS ACT** (Prince George's County) ..... 150,000".

AMENDMENT NO. 12

On page 3, after line 22, insert:

"Chapter 680 of the Acts of 2001, as amended by Chapter 32 of the Acts of 2003, Chapter 30 of the Acts of 2004, and Chapter 219 of the Acts of 2008

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 – Palmer Park Boys and Girls Club Loan of 2001 in **[**a**]** **THE** total principal amount **[**equal to the lesser**]** of **[**(i)**]** $200,000 **[**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 Palmer Park Boys and Girls Club, Inc. (referred to hereafter in this Act as "the grantee") for the

planning, design, repair, renovation, and capital equipping of a facility at Barlowe Road in Palmer Park to house the Palmer Park Boys and Girls Club.

(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. The fund may consist of real property, in kind contributions, or 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, 2005, 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, **[**2009.**]** **2011.** If any funds authorized by this Act remain unexpended or unencumbered after June 1, **[**2009,**]** **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.".

On page 10, after line 14, insert:

"(BS) Palmer Park Boys and Girls Club. Provide a grant equal to **[**the lesser of (i)**]** $175,000 **[**or (ii) the amount of the matching fund provided**]**, to the Board of Directors of the Palmer Park Boys and Girls Club,

	Inc. for the planning, design, repair, renovation, and capital equipping of the Palmer Park Boys and Girls Club facility, located in Palmer Park**[**. 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**]** (Prince George's County)	175,000".

On page 11, after line 38, insert:

"(CF)	Palmer Park Boys and Girls Club. Provide a grant equal to **[**the lesser of (i)**]** $200,000 **[**or (ii) the amount of the matching fund provided**]**, to the Board of Directors of the Palmer Park Boys and Girls Club, Inc. for the planning, design, repair, renovation, and capital equipping of the Palmer Park Boys and Girls Club facility, located in Palmer Park**[**. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property**]** (Prince George's County)	200,000".

AMENDMENT NO. 13

On page 11, strike beginning with ", subject" in line 24 down through "Trust" in line 26.

On page 12, strike beginning with ", subject" in line 6 down through "Trust" in line 8.

AMENDMENT NO. 14

On page 8, strike beginning with the first "County" in line 30 down through "County" in line 31 and substitute "**MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION**".

On page 9, strike beginning with the first "County" in line 29 down through "County" in line 30 and substitute "**MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION**".

AMENDMENT NO. 15

On page 9, after line 25, insert:

"(BG) Delta Alumnae Community Development Center. 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 Prince George's County Delta Alumnae Foundation, Inc. for the acquisition, planning, design, construction, and capital equipping of a community development center, located in **[**Suitland.**]** **PRINCE GEORGE'S COUNTY.** 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** (Prince George's County) ..... 100,000".

On page 12, after line 20, insert:

"(BH) Delta Alumnae Community Development Center. Provide a grant equal to the lesser of (i) $150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Prince George's County Delta Alumnae Foundation for the acquisition, planning, and design of a community development center, located in **[**Suitland.**]** **PRINCE GEORGE'S COUNTY.** 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** (Prince George's County) ... 150,000".

AMENDMENT NO. 16

On page 5, after line 23, insert:

"(BD) Ivy Youth and Family Center. Provide a grant equal to the lesser of (i) $300,000 or (ii) the amount of the

matching fund provided, to the Board of Directors of Ivy Community Charities of Prince George's County, Inc. for the acquisition, planning, design, construction, and capital equipping of the Ivy Youth and Family Center, located in **[**Landover**]** **PRINCE GEORGE'S COUNTY**. Notwithstanding Section 13(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 **AND THE GRANTEE MUST PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED BY JUNE 1, 2011** (Prince George's County)..... 300,000".

On page 5, after line 35, insert:

"(Q) Ivy Youth and Family Center. Provide a grant equal to the lesser of (i) $200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Ivy Community Charities of Prince George's County, Inc. for the acquisition, planning, design, construction, and capital equipping of the Ivy Youth and Family Center, located in **[**Landover**]** **PRINCE GEORGE'S COUNTY**. Notwithstanding Section 13(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 **AND THE GRANTEE MUST PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED BY JUNE 1, 2011** (Prince George's County)..... 200,000".

AMENDMENT NO. 17

On page 11, after line 1, insert:

"(F) National Children's Museum. Provide a grant equal to the lesser of (i) $1,000,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the National Children's Museum, Inc. for the acquisition, **PLANNING, DESIGN,** construction, and

capital equipping of the National Children's Museum, located in Oxon Hill. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act (Statewide)..... 1,000,000";

and after line 39, insert:

"(C) National Children's Museum. Provide a grant equal to the lesser of (i) $1,000,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the National Children's Museum, Inc. for the acquisition, **PLANNING, DESIGN,** construction, and capital equipping of the National Children's Museum, located in Oxon Hill. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act (Statewide)..... 1,000,000".

AMENDMENT NO. 18

On page 4, after line 37, insert:

"(3) DE02.01 BOARD OF PUBLIC WORKS

STATE GOVERNMENT CENTER – ANNAPOLIS
(Anne Arundel County)

(A) Legislative Facilities. Provide a portion of the funds to design, construct, renovate, and equip legislative facilities in Annapolis**. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROCEEDS OF THIS LOAN MUST BE ENCUMBERED BY THE BOARD OF PUBLIC WORKS OR EXPENDED FOR THE PURPOSES PROVIDED IN THIS ACT NO LATER THAN JUNE 1, 2011**..... 19,750,000".

AMENDMENT NO. 19

On page 10, in line 18, after "(3)" insert:

"RD00 ST. MARY'S COLLEGE OF MARYLAND
(St. Mary's County)

(A)	Anne Arundel Hall Reconstruction. Provide funds for detailed design of the Anne Arundel Hall reconstruction **[**and initial construction funds to prepare the site for the federally–funded pedestrian bridge**]**	**[**1,050,000**]** **250,000**
(A–1)	**REPLACEMENT FACILITIES. PROVIDE FUNDS FOR THE DESIGN AND CONSTRUCTION OF A STORAGE FACILITY AND WOODSHOP**	**660,000**
(A–2)	**METAL STORAGE BUILDING. PROVIDE FUNDS FOR THE CONSTRUCTION AND EXPANSION OF THE NEW METAL STORAGE BUILDING**	**140,000**".

AMENDMENT NO. 20

On page 7, strike beginning with "ZA00" in line 11 down through "600,000" in line 20.

On page 8, strike beginning with "ZA00" in line 17 down through "600,000" in line 26.

On page 10, strike beginning with "(S)" in line 32 down through "600,000" in line 40.

The preceding 20 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 134 Members present.

(See Roll Call No. 707)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #53

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

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

Affirmative – 135 Negative – 0 (See Roll Call No. 708)

The Bill was then sent to the Senate.

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 – 132 Negative – 1 (See Roll Call No. 709)

The Bill was then sent to the Senate.

House Bill 710 – Delegates Aumann, Anderson, Barkley, Bates, Beitzel, Boteler, Branch, G. Clagett, Conaway, Conway, Costa, DeBoy, Eckardt, Frank, Gaines, Griffith, Gutierrez, Haddaway, Haynes, James, Jennings, Kach, Krebs, Lafferty, Levy, Malone, Mathias, McComas, McDonough, McHale, Minnick, Morhaim, Olszewski, Robinson, Rudolph, Schuh, Shewell, Sophocleus, Sossi, Stein, Stocksdale, Stull, Walkup, Weir, Weldon, and Wood

AN ACT concerning

Higher Education – Edward T. Conroy ~~Tuition Waiver Program – Establishment~~ Memorial Scholarship Program – Alterations

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

Affirmative – 132 Negative – 0 (See Roll Call No. 710)

The Bill was then sent to the Senate.

House Bill 713 – Delegates Jones, Anderson, Barkley, Bohanan, Branch, Burns, Carter, G. Clagett, Dumais, Eckardt, Gaines, Griffith, Gutierrez, Haynes, Healey, McComas, McHale, Mizeur, Montgomery, Nathan–Pulliam, Niemann, ~~and Taylor~~ Taylor, Benson, Kach, Kipke, Morhaim, and V. Turner

AN ACT concerning

Programs for Children in Out–of–Home Placement – System for Outcomes Evaluation

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

Affirmative – 134 Negative – 0 (See Roll Call No. 711)

The Bill was then sent to the Senate.

House Bill 714 – Delegates Donoghue, Pena–Melnyk, and Costa

AN ACT concerning

Loan Assistance Repayment and Practice Assistance for Physicians

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

Affirmative – 134 Negative – 0 (See Roll Call No. 712)

The Bill was then sent to the Senate.

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 – 131 Negative – 2 (See Roll Call No. 713)

The Bill was then sent to the Senate.

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

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

Affirmative – 135 Negative – 0 (See Roll Call No. 714)

The Bill was then sent to the Senate.

House Bill 773 – Delegates Conway and Mathias

AN ACT concerning

Worcester County – Gaming – Bingo

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

Affirmative – 127 Negative – 4 (See Roll Call No. 715)

The Bill was then sent to the Senate.

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

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

Affirmative – 133 Negative – 0 (See Roll Call No. 716)

The Bill was then sent to the Senate.

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 – 129 Negative – 5 (See Roll Call No. 717)

The Bill was then sent to the Senate.

House Bill 784 – Delegates James, Gaines, and Riley

AN ACT concerning

Consolidated Transportation Program – Traffic Congestion ~~Reporting~~

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

Affirmative – 135 Negative – 0 (See Roll Call No. 718)

The Bill was then sent to the Senate.

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 – 136 Negative – 0 (See Roll Call No. 719)

The Bill was then sent to the Senate.

House Bill 1559 – St. Mary's County Delegation

AN ACT concerning

Task Force to Study the Governance and Structure of the St. Mary's County Metropolitan Commission

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

Affirmative – 136 Negative – 0 (See Roll Call No. 720)

The Bill was then sent to the Senate.

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 – 135 Negative – 0 (See Roll Call No. 721)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #54

House Bill 288 – Delegates Rosenberg, Mizeur, ~~and Pena-Melnyk~~ Pena–Melnyk, Hammen, Tarrant, Reznik, Kullen, V. Turner, Pendergrass, Nathan–Pulliam, Donoghue, Montgomery, Benson, and Riley

AN ACT concerning

Lilly Ledbetter ~~Fair Pay~~ Civil Rights Restoration Act of 2009

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

Affirmative – 103 Negative – 31 (See Roll Call No. 722)

The Bill was then sent to the Senate.

House Bill 295 – The Speaker (By Request – Administration) and Delegates Lafferty, Ali, Barve, Beidle, Cane, Carr, V. Clagett, Feldman, Gaines, Gutierrez, Guzzone, Healey, Howard, Hucker, Lee, Mizeur, Montgomery, and Niemann

AN ACT concerning

Smart, Green, and Growing – Annual Report – Smart Growth Goals, Measures, and Indicators and Implementation of Planning Visions

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

Affirmative – 95 Negative – 42 (See Roll Call No. 723)

The Bill was then sent to the Senate.

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 – 135 Negative – 0 (See Roll Call No. 724)

The Bill was then sent to the Senate.

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 – 133 Negative – 3 (See Roll Call No. 725)

The Bill was then sent to the Senate.

House Bill 591 – Delegates Kullen, O'Donnell, Proctor, and Vallario

AN ACT concerning

Calvert County – Winery Special Event Permits – Farmers' Markets

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

Affirmative – 134 Negative – 0 (See Roll Call No. 726)

The Bill was then sent to the Senate.

House Bill 609 – Delegates Holmes, Carr, V. Clagett, ~~and Niemann~~ Niemann, and Manno

AN ACT concerning

Chesapeake Bay Phosphorous Reduction Act of 2009

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

Affirmative – 128 Negative – 7 (See Roll Call No. 727)

The Bill was then sent to the Senate.

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 – 111 Negative – 25 (See Roll Call No. 728)

The Bill was then sent to the Senate.

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 – 106 Negative – 29 (See Roll Call No. 729)

The Bill was then sent to the Senate.

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 – 134 Negative – 1 (See Roll Call No. 730)

The Bill was then sent to the Senate.

House Bill 819 – The Speaker (By Request – Administration) and Delegates Glenn, Ali, Anderson, Barkley, Barnes, Barve, Beidle, Benson, Bobo, Bohanan, Branch, Braveboy, Bromwell, Bronrott, Burns, Cane, Cardin, Carr, Carter, G. Clagett, V. Clagett, Conaway, DeBoy, Doory, Dumais, Feldman, Frush, Gaines, Gilchrist, Griffith, Gutierrez, Guzzone, Hammen, Harrison, Haynes, Healey, Hecht, Heller, Hixson, Holmes, Howard, Hubbard, Hucker, Ivey, James, Jones, Kaiser, Kelly, Kirk, Kramer, Kullen, Lafferty, Lee, Levi, Love, Malone, Manno, McConkey, McHale, McIntosh, Mizeur, Montgomery, Morhaim, Murphy, Nathan–Pulliam, Niemann, Oaks, Olszewski, Pena–Melnyk, Pendergrass, Proctor, Reznik, Rice, Riley, Robinson, Rosenberg, Ross, Schuler, Stein, Stukes, Tarrant, Taylor, F. Turner, V. Turner, Valderrama, Vallario, Vaughn, and Waldstreicher

AN ACT concerning

Workplace Fraud Act of 2009

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

Affirmative – 101 Negative – 34 (See Roll Call No. 731)

The Bill was then sent to the Senate.

House Bill 831 – Montgomery County Delegation

AN ACT concerning

Montgomery County – Steel Jaw Leghold or Body–Gripping Traps – Prohibition

MC 922–09

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

Affirmative – 85 Negative – 50 (See Roll Call No. 732)

The Bill was then sent to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 733)

The Bill was then sent to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 734)

The Bill was then sent to the Senate.

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 – 135 Negative – 0 (See Roll Call No. 735)

The Bill was then sent to the Senate.

THE COMMITTEE ON WAYS AND MEANS REPORT #12

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 391 – Delegates Rosenberg, Dumais, Gutierrez, Ivey, Rice, Ross, and F. Turner

AN ACT concerning

Voter's Rights Protection Act of 2009

HB0391/465561/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 391
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and F. Turner" and substitute "F. Turner, Frick, Gilchrist, Shank, Murphy, Cardin, Howard, Hixson, Bartlett, Kaiser, Myers, Walker, Olszewski, Stukes, and George".

On pages 1 and 2, strike beginning with "prohibiting" in line 17 on page 1 down through "Internet;" in line 3 on page 2.

On page 2, strike beginning with ", 16–101" in line 7 down through "16–1002" in line 8; in line 7, after "10–310," insert "and"; and in line 13, strike "and 16–201.1".

AMENDMENT NO. 2

On page 8, in line 29, strike "**INDISCRIMINATELY OR**"; and in line 30, after "**CAUSE;**" insert "**OR**".

On page 9, strike beginning with "**; OR**" in line 2 down through "**DELAY**" in line 4; and strike beginning with "**TO**" in line 30 down through "**OR**" in line 31.

On pages 10 through 16, strike in their entirety the lines beginning with line 12 on page 10 through line 27 on page 16, inclusive.

On page 16, in line 28, strike "3." and substitute "2.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 455 – Caroline County Delegation

AN ACT concerning

Caroline County – Elected School Board

HB0455/255068/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 455
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "– Elected School Board" and substitute "Board of Education – Election of Members – Referendum"; strike beginning with "specifying" in line 5 down through "change;" in line 15 and substitute "specifying that the members be elected by certain districts; specifying member qualifications; establishing a certain term of office for the members; specifying the initial terms of the members and staggering their terms; providing a procedure for filling a vacancy on the county board; requiring the county board to conduct certain interviews and publish certain notices when filling a vacancy; providing for the removal of members under certain circumstances; providing for the election of the president and vice president of the county board; providing for the compensation and expenses of the members of the county board; requiring the county board to meet at certain intervals; providing that the terms of certain appointed members of the county board shall expire on a certain date; making a stylistic change; submitting this Act to a referendum of the legally qualified voters of Caroline County;"; and in line 24, strike "3–3A–05" and substitute "3–3A–06".

AMENDMENT NO. 2

On page 3, after line 5, insert:

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

(B) "BOARD OF EDUCATION DISTRICT" OR "DISTRICT" MEANS A GEOGRAPHIC AREA OF CAROLINE COUNTY IN WHICH AN ELECTED MEMBER OF THE CAROLINE COUNTY BOARD OF EDUCATION MUST BE A LEGAL RESIDENT.

(C) "ELECTED MEMBER" MEANS ONE OF THE FIVE NONPARTISAN VOTING MEMBERS OF THE CAROLINE COUNTY BOARD OF EDUCATION.

3–3A–02.";

strike beginning with the colon in line 6 down through "**SECTION.**" in line 11 and substitute "**FIVE ELECTED MEMBERS.**

(B) (1) ONE ELECTED MEMBER SHALL BE ELECTED FROM EACH OF THE FIVE BOARD OF EDUCATION DISTRICTS ESTABLISHED IN CAROLINE COUNTY.

(2) AN ELECTED MEMBER SHALL BE:

(I) A RESIDENT OF THE DISTRICT FROM WHICH THE MEMBER IS ELECTED; AND

(II) ELECTED ONLY BY THE VOTERS OF THAT DISTRICT.

(C) (1) THE BOARD OF EDUCATION DISTRICTS SHALL:

(I) BE ESTABLISHED BY THE COUNTY COMMISSIONERS OF CAROLINE COUNTY; AND

(II) BE SUBSTANTIALLY EQUAL IN POPULATION AND REAPPORTIONED ON THE BASIS OF EACH DECENNIAL CENSUS OF THE UNITED STATES.

(2) REAPPORTIONED DISTRICTS SHALL BECOME EFFECTIVE FOR THE TERM OF OFFICE COMMENCING AFTER THE FIRST REGULAR PRIMARY

ELECTION HELD AT LEAST 15 MONTHS AFTER THE OFFICIAL REPORT ON POPULATION IS RECEIVED BY THE STATE FROM THE BUREAU OF THE CENSUS.

(D) (1) AS APPLICABLE FOR THAT BOARD OF EDUCATION DISTRICT, AT THE GENERAL ELECTION THE BALLOT SHALL PROVIDE THE VOTER WITH THE CHOICE TO CAST A VOTE "FOR" A CANDIDATE FOR ELECTION FROM THAT DISTRICT.

(2) AFTER THE ELECTION RESULTS ARE CERTIFIED, THE STATE BOARD OF ELECTIONS SHALL DECLARE FOR EACH DISTRICT WHETHER A CANDIDATE HAS BEEN ELECTED.";

in line 12, strike "**(C)**" and substitute "**(E)**"; in the same line, strike "**A CANDIDATE**" and substitute "**AN INDIVIDUAL**"; strike in their entirety lines 15 through 17, inclusive, and substitute:

"**(2) A MEMBER MAY NOT CONTINUE AS A MEMBER OF THE COUNTY BOARD IF THE MEMBER:**

(I) NO LONGER RESIDES IN THE BOARD OF EDUCATION DISTRICT THAT THE MEMBER IS DESIGNATED TO REPRESENT; OR

(II) IS NOT A REGISTERED VOTER OF CAROLINE COUNTY.";

in line 21, strike "**(D)**" and substitute "**(F)**"; in line 22, strike "**VOTING, NONPARTISAN,**"; in line 25, strike "**VOTING**"; and in line 28, strike "**2010**" and substitute "**2012**".

On page 4, in line 2, strike "**2010**" and substitute "**2012**"; in line 5, strike "**(E)**" and substitute "**(G)**"; in line 7, strike "**VOTING, NONPARTISAN**"; in the same line, strike "**ELECTED,**" and substitute "**ELECTED**"; in the same line, strike "**OF THE COUNTY BOARD**"; after line 10, insert:

"**(2) AN INDIVIDUAL APPOINTED TO FILL A VACANCY FOR AN ELECTED MEMBER SHALL BE A RESIDENT OF THE SAME BOARD OF EDUCATION DISTRICT AS THAT OF THE VACATING MEMBER.**";

in lines 11, 14, and 25, strike "**(2)**", "**(3)**", and "**(4)**", respectively, and substitute "**(3)**", "**(4)**", and "**(5)**", respectively; in line 11, after "**VACANCY**" insert "**FOR AN ELECTED MEMBER**"; in line 11, strike "**VOTING,**"; in line 12, strike "**NONPARTISAN,**"; in line 27, strike "**VOTING, NONPARTISAN,**"; and strike in their entirety lines 29 through 34, inclusive.

On page 5, strike in their entirety lines 1 through 17, inclusive; in line 18, strike "**3–3A–02.**" and substitute "**3–3A–03.**"; in line 20, strike "**A VOTING, NONPARTISAN, ELECTED**" and substitute "**ANY**"; and in lines 26 and 30, in each instance, strike "**VOTING, NONPARTISAN, ELECTED**".

On page 6, in lines 5 and 8, in each instance, strike "**VOTING, NONPARTISAN, ELECTED**"; in line 11, strike "**3–3A–03.**" and substitute "**3–3A–04.**"; in line 12, strike "**(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, AT**" and substitute "**AT**"; in lines 13 and 19, in each instance, strike "**VOTING, NONPARTISAN,**"; strike in their entirety lines 16 and 17; in line 22, strike "**3–3A–04.**" and substitute "**3–3A–05.**"; in line 24, after "**COMPENSATION**" insert a comma; in lines 24 and 25, strike "**, NONPARTISAN, ELECTED**"; in line 25, strike "**EACH**"; in line 27, strike "**VOTING,**"; in line 28, strike "**NONPARTISAN,**"; and in line 30, strike "**A VOTING, NONPARTISAN,**" and substitute "**AN**".

AMENDMENT NO. 3

On page 7, in line 6, strike "**3–3A–05.**" and substitute "**3–3A–06.**"; in line 16, strike "5," and substitute "2,"; after line 16, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That before this Act becomes effective it shall first be submitted to a referendum of the legally qualified voters of Caroline County at the general election to be held in November of 2010. The County governing body and the Caroline County Board of Elections shall do those things necessary and proper to provide for and hold the referendum required by this section. There shall be printed on the ballot to be used at this election the title of this Act and underneath the title, on separate lines, a square or box opposite the words "For a Board of Education Elected by the Voters of Caroline County" and a corresponding square box opposite the words "For a Board of Education Appointed by the Governor". A voter may choose only one of the methods of selection. If a majority of the votes cast on the question are "For a Board of Education Elected by the Voters of Caroline County", the provisions of this Act shall become effective on the 30th day following the official canvass of votes for the referendum.";

in line 17, strike "3." and substitute "4."; and strike beginning with "That" in line 17 down through "2009." in line 18 and substitute "That, subject to the provisions of Section 3 of this Act and for the sole purpose of providing for the referendum required by Section 3 of this Act, this Act shall take effect October 1, 2009.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 803 – Delegate Beitzel

AN ACT concerning

Garrett County – Code of Ordinances – Natural Gas

HB0803/165965/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 803
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, after the first "of" insert "repealing certain taxes on the purchase, distribution, and collection of natural gas in Garrett County; repealing certain taxes on purchasing natural gas in the county; repealing certain exclusions to the county natural gas tax;"; in line 5, after "municipalities;" insert "repealing certain provisions to provide that the market value of natural gas in the county is the value at the mouth of the well; altering the day that certain taxes shall be paid; altering the frequency with which certain county taxes shall be paid; repealing a requirement that the operator of a well make certain reports concerning gas production and sales; requiring a producer of natural gas in the county to make a certain report; requiring the Director of Finance to perform certain duties; repealing certain provisions relating to certain evidence in a judicial proceeding relating to failure to pay certain county taxes;"; and in line 6, after "Fund;" insert "repealing certain penalties that are

applicable to purchasers of certain natural gas; making conforming changes; repealing certain definitions; altering certain definitions;".

In line 10, strike "51.02(A)" and substitute "51.01 through 51.07 and 51.99".

AMENDMENT NO. 2

On page 1, after line 20, insert:

"51.01.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BUSINESS OF **[**COLLECTING, DISTRIBUTING OF PRODUCING GAS**]** **GAS PRODUCTION**. Applies to any person in the business of **[**purchasing or producing gas for resale to domestic and industrial consumers and includes any person who has voluntarily submitted to the regulations of the Federal Power Commission or the Public Service Commission regulations of the state**]** **PRODUCING GAS FOR SALE**.

[CARRIER. The owner, operator or manager of any means of transporting gas or any instrumentality that may now be used or come into use for such purpose.**]**

CASINGHEAD GAS. Any gas and/or vapor indigenous to an oil stratum and produced from such stratum with oil.

CUBIC FOOT OF GAS. The volume of gas expressed in cubic feet and computed at a base pressure of 6.28 ounces per square inch above the average barometric pressure of 14.4 pounds per square inch and a standard base and flowing temperature of 60º F, corrections to be made for pressure according to Boyle's law and for specific gravity according to tests made by the balance method.

[FIRST PURCHASER. Any person purchasing gas from the producer and includes any producer which is a utility retailing gas in Garrett County and any producer who does not sell his or her gas in Garrett County but transports it outside of the county before sale.**]**

GAS. Natural and casinghead gas or other gas taken from the earth or waters**[**.**],** regardless of whether produced from a gas well or from a well also productive of oil, distillate and/or condensate or other product.

[OPERATOR. The person having the active management and operation of the well.]

PERSON. Includes any person, firm, concern, receiver, trustee, executor, administrator, agent, institution, association, partnership, company, corporation, and persons acting under declarations of trust, as well as the trustees acting under such declarations of trust.

PRODUCER. Any person owning, controlling, managing or leasing any gas well and/or any person who produces in any manner any gas by taking it from the earth or waters in Garrett County[, and includes any person owning any royalty or other interest in any gas or its value, whether produced by him or her or by some other person on his or her behalf, either by lease, contract or otherwise].

PRODUCTION or TOTAL GAS PRODUCED. The total gross amount of gas produced[, including all royalty or other interest]. The amount for the purpose of the tax imposed by this chapter shall be measured or determined by meter readings showing 100% of the full volume expressed in cubic feet.

REPORT. Any report required to be furnished by this chapter or that may be required by the County Commissioners in the administration of this chapter.

[ROYALTY OWNERS. Includes all persons owning any mineral rights under any producing leasehold within Garrett County, other than the working interest, which working interest is that of the person having the management and operation of the well.

SUBSEQUENT PURCHASER. Any person who purchases gas for any purpose whatsoever when the gas is purchased from any person other than the producer.]

TAXPAYER. Any person subject to the tax herein levied.".

AMENDMENT NO. 3

On page 1, in line 22, strike "distribution and"; in line 23, strike "collecting, distributing and".

On page 2, in lines 1 and 2, strike "and save for commercial purposes"; in line 3, strike "thereof as and"; strike beginning with the comma in line 3 down through "feet"

in line 4 and substitute "**AT THE WELLHEAD**"; strike beginning with "(2)" in line 5 down through "purpose." in line 11; in line 12, strike "**(3)**" and substitute "**(2)**"; after line 17, insert:

"(B) The market value of gas produced in Garrett County shall be the value thereof at the mouth of the well**[**; however, in case gas is sold for cash only, the tax shall be computed on the producer's gross cash receipts. In all cases where the whole or a part of the consideration for the sale of gas is a portion of the products extracted from the producer's gas or a portion of the residue gas, or both, the tax shall be computed on the gross value of all things of value received by the producer, including any bonus or premium, provided that, not withstanding any other provision herein to the contrary, where gas is processed for the liquid hydrocarbon content and the residue gas is returned by cycling methods, as distinguished from repressuring or pressure maintenance methods, to some gas–producing formation, the taxable value of such gas shall be 3/5 of the gross value of all liquids extracted, separated and saved from the gas, such value to be determined upon separation and extraction and prior to absorption, refining or procession of such hydrocarbons, and the quantity of the products shall be measured by the total yield of the processing plant from the gas.

(C) The tax hereby levied shall be the liability of the producer and purchaser of gas in the following proportions:

(1) The producer shall be liable for 60% of the tax hereby levied;

(2) The purchaser shall be liable for 40% of the tax hereby levied**]**.

[(D)**]** **(C)** The **[**first purchaser**]** **PRODUCER** of gas shall pay the total tax on all gas **[**purchased**]** **PRODUCED**, making the payments of tax to the County Commissioners of Garrett County by legal tender or cashier's check payable to the County Commissioners. **[**The first purchaser shall be entitled to deduct the proportionate amount of the tax chargeable to the producer and royalty owner from the amount due the producer from whom such gas is purchased, and the producer shall be entitled to deduct the proportionate amount of the tax chargeable to any other producer owning an interest in such gas from the amount due such other producer and shall be entitled to deduct the proportionate amount of the tax chargeable to any royalty owner from the amount due such royalty owner, and such moneys so deducted from payments due producers for the payment of this tax shall be held by the purchaser in trust for the use and benefit of Garrett County and shall not be commingled with any other funds held by the purchaser and shall be remitted to the

County Commissioners, together with the purchaser's proportion of the tax, in accordance with the terms and provisions of this chapter.] It shall be the duty of each such [purchaser] **PRODUCER** to keep accurate records of all such gas [purchased] **PRODUCED**.

[(E)] **(D)** The tax herein levied shall be due and payable at the office of the County Commissioners of Garrett County [on the last day of April, July, October and January] **BY THE 15TH DAY OF EACH MONTH** of each calendar year, based on the amount of gas produced[, saved and collected during the calendar quarter ending on the last day of March, June, September and December, respectively, and on] **IN THE PRECEDING MONTH. ON** or before such date each [purchaser] **PRODUCER** shall make and deliver to the County Commissioners a verified report, on forms prescribed by [them] **THE COUNTY**, showing the gross amount of gas produced [and collected, less the exclusions and at the pressure base set out herein], upon which the tax herein levied accrues, together with details as to the amount of gas, from what leases the gas was produced [and collected], the correct names and addresses of the producer [and purchaser] of the gas and such other information as the County Commissioners may require. In no event shall a producer [or purchaser] be relieved of responsibility for the tax until same shall have been paid[, and provided that in the event the amount of the tax herein levied as the producer's proportion thereof shall be withheld by a purchaser from payments due a producer and the purchaser fails to make payment of the tax to the County Commissioners as provided herein and the producer pays the tax himself or herself, the producer may bring legal action against such purchaser to recover the amount of tax so withheld, together with penalties and interest which may have accrued by failure to make such payment, and shall be entitled to reasonable attorney's fees and court costs incurred by legal action].

[(F)] **(E)** Unless the payment of tax on all gas produced [and collected] during any [quarter] **MONTH** or fractional part thereof shall be made on or before the date due as hereinabove specified, such payment shall become delinquent and a penalty of 10% of the amount of the tax shall be added, and the tax and penalty shall bear interest at the rate of 6% per annum from the date due until the date paid.

[(G) The producer's proportion of the tax herein levied shall be borne ratably by all interested parties, including royalty interest, lessor's interest or any other interest. whether by lease, contract or otherwise, except the purchaser's interest, and the purchaser is authorized and required to withhold from any payment due any interested parties the proportionate tax due and remit the same as above provided.

(H) The operator of each well from which gas is produced, saved and collected in Garrett County shall also make and deliver to the County Commissioners of Garrett County, on or before the due date of the payments provided above, a report of all gas produced and sold from each well during the preceding quarter, together with details as to amounts of gas, the name or location of the wells, the correct names and addresses of the producer and purchaser of the gas and such other information as the County Commissioners may require.

(I) The tax imposed is in lieu of all other taxes upon the gas, the property rights attached thereto or inherent therein and the values created thereby, and upon all leases or rights to develop and operate any lands for gas, the values created thereby and the property right attached thereto or inherent therein.**]**

51.03.

[(A)**]** When it shall appear that a taxpayer to whom the provisions of this chapter shall apply has erroneously paid more taxes than were due during any taxpaying period on account of a mistake either of fact or of law, it shall be the duty of the **[**County Treasurer**]** **DIRECTOR OF FINANCE**, upon order of the County Commissioners, to credit the total amount of taxes due by the taxpayer for the current period with the total amount of taxes so erroneously paid or to make refund in a proper case.

[(B) The tax levied shall be paid by the first purchaser purchasing gas from the producer, who shall make deduction as aforesaid; provided, however, that the failure of the first purchaser to pay the tax shall not relieve any subsequent purchaser from the payment of same where the first purchaser does not account for and pay the tax, and it shall be the duty of every person purchasing gas produced in Garrett County to satisfy himself, herself or itself that the tax on the gas has been or will be paid by the persons primarily liable therefor.**]**

51.04.

The County Commissioners may, through the County Auditors or other auditors and/or other technical assistants employed for the purpose of verifying reports and investigating the affairs of producers **[**and/or purchasers**]**, determine whether the tax is being properly reported and paid. They shall have the power to enter upon the premises necessary in determining the correct tax liability and to examine or cause to

be examined any books or records of any person subject to a tax under this chapter and to secure any other information directly or indirectly concerned in the enforcement of this chapter and to promulgate and enforce, according to law, rules and regulations pertinent to the enforcement of this chapter, which shall have full force and effect of law.

51.05.

If the County Commissioners are satisfied that the values used in computing the tax do not represent the **WHOLESALE** market value of the gas at the mouth of the well, they shall forthwith so notify the taxpayers concerned, and it shall be the duty of the County Commissioners to set a date for a hearing thereon, giving each taxpayer concerned not less than 10 days written notice thereof, and to call before them by proper process such persons as in their judgment may know the **WHOLESALE** market value of the gas at the mouth of the well, who shall testify under oath as to the **WHOLESALE** market value thereof. Each taxpayer shall have the right to be heard and present evidence. The County Commissioners, after hearing the evidence, shall fix the **WHOLESALE** market value of the gas at the mouth of the well by written findings in accordance with the evidence so introduced, and their findings in such case or cases shall be final, unless the taxpayer concerned shall pay the tax herein levied upon the **WHOLESALE** market value so fixed by the County Commissioners under protest within 60 days after the taxpayer has been notified in writing of the findings, or in the event the taxpayer does not pay the tax based on the values so determined by the County Commissioners within 60 days after having been notified of the findings. The findings of the County Commissioners shall be final, unless the taxpayer shall, within 60 days, appeal to the Circuit Court of Garrett County. Upon the appeal, the trial shall be de novo, but the findings of the County Commissioners shall be taken as prima facie evidence of the **WHOLESALE** market value of the gas at the mouth of the well, and the burden of proof shall rest upon the taxpayer to establish a lower **WHOLESALE** market value.

51.06.

In the event of any person engaged in the business of producing **[**or purchasing**]** any gas in Garrett County shall become delinquent in the payment of the proper taxes herein imposed or fails to file required reports with the County Commissioners, the County Commissioners shall have the right to enjoin any such person who is at fault from producing gas until the delinquent tax is paid or the reports are filed.

51.07.

[(A) (1) If any purchaser of natural and/or casinghead gas fails or refuses to pay any tax, penalty or interest within the time and manner provided by this chapter and it becomes necessary to bring suit or to intervene in any manner for the establishment or collection of the claim in any judicial proceedings, any report filed in the office of the County Commissioners by such purchaser or producer or representative of the purchaser or producer or a copy thereof certified to by the County Commissioners showing the amount of gas produced on which tax, penalties or interest have not been paid or any audit made by the County Commissioners or their representatives from the books of the purchaser when filed and sworn to by such representative as being made from the records of the purchaser shall be admissible in evidence in the proceedings and shall be prima facie evidence of the contents thereof; provided, however, that the incorrectness of the report or audit may be shown, and provided further that the report or audit may be admitted in evidence only against the party by or from whom it was made.

(2) In the event the County Commissioners shall file suit or claim for taxes provided for in the foregoing and attach or file as an exhibit any report or audit of the purchaser or producer and an affidavit made by the County Commissioners or their representative that the taxes shown to be due by the report or audit are past due and unpaid and that all payments and credits have been allowed, then, unless the party resisting the same shall file an answer in the same form and manner as required by law, the audit or report shall be taken as prima facie evidence thereof.**]**

[(B)**] (A)** (1) On notice from the County Commissioners, it shall be unlawful for any person to produce or remove any natural **[**and/or casinghead**]** gas from any lease in Garrett County whenever the **[**owner or operator of the lease**]** **PRODUCER** has failed to file reports as required under the provisions of this chapter.

(2) Whenever any lease producing natural **[**and/or casinghead**]** gas changes hands **[**or any purchaser of gas transfers his or her interest**]**, it shall be the duty of the **[**owner or operator of the lease and any such purchaser of gas**]** **PRODUCER** to note on his or her last report that the lease or interest has been sold or transferred, showing the effective date of the change and the name and address of the individual, firm, association, joint–stock company, syndicate, copartnership, corporation, agency or receiver who will operate the lease or who bought the interest and will be responsible for the filing of reports provided for in this chapter. It further shall be the

duty of the new **[**owner or operator of the lease or interest**]** **PRODUCER** to note on his or her first report that the lease or interest has been acquired, showing the effective date of the change and the name and address of the individual, firm, association, joint–stock company, syndicate, copartnership, corporation, agency or receiver formerly owning and/or operating the lease or interest.".

AMENDMENT NO. 4

On page 3, after line 5, insert:

"51.99.

(A) Any person, firm, association or corporation, whose failure, omission, default or violation it may be, shall be subject to a penalty of not less than $100 nor more than $1,000 for failure or omission to keep the records required herein or for the violation of any of the other provisions hereof, and each day's violation shall constitute a separate offense. Garrett County shall have a prior lien for all delinquent taxes, penalties and interests on all property and equipment used by the **[**purchaser**]** **PRODUCER** of gas in the business of **[**purchasing**]** **PRODUCING** gas, and if any **[**purchaser**]** **PRODUCER** of gas shall fail to remit the proper taxes, penalties and interest due, or any of them, the County Commissioners may employ auditors or other persons to ascertain the correct amount due, and the **[**purchaser**]** **PRODUCER** of gas shall be liable, as additional penalty, for the reasonable expenses of the reasonable value of such services of representatives of the County Commissioners incurred in such investigation and audit**[**, provided that all funds collected for audits and examinations shall be placed in a Natural Gas Audit Fund of Garrett County and shall constitute a revolving fund which may be used from time to time by the County Commissioners in making such audits in addition to the general appropriation made for such purposes, and all of the funds to be placed in the Fund are appropriated for such purpose**]**. The County Commissioners of Garrett County are authorized to collect all delinquent taxes, penalties and other amounts due and to enforce all liens under this law by civil suit.

(B) (1) Whoever shall, as a producer **[**or purchaser**]** or as agent or representative of a producer **[**or purchaser**]**, knowingly make any false entries or fail to make any proper entries in the books required by this chapter with the intent to defraud Garrett County, or whoever, as such, shall knowingly make a false or incomplete report as required by the provisions of this chapter, or whoever, as such, shall knowingly fail or refuse to make the report required to be made, or whoever, as

such, shall destroy, mutilate or secrete any of the records required to be kept by the provisions of this chapter, or whoever, as such, shall hide or secrete with the intent to defraud any of the property upon which a lien is created hereunder, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in a sum of not less than $100 nor more than $1,000, or be confined in the county jail for not more than 12 months, or be punishable by both such fine and imprisonment.

(2) In addition thereto, the producer **[**or purchaser**]** or agent thereof shall forfeit to Garrett County, for any offense or the violation of any of the provisions hereof or any rule or regulation, a penalty of $1,000 for each such offense, to be recovered by Garrett County in a civil suit. The penalties prescribed in this section, both criminal and civil, are in addition to any and all other penalties prescribed in this chapter.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #12

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 561 – Delegates Kramer, Kelly, McComas, Shank, and Smigiel

AN ACT concerning

Crimes of Violence – Voided Revised Sentences

HB0561/802411/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 561
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Smigiel" and substitute "Smigiel, Waldstreicher, and Vallario"; strike line 2 in its entirety and substitute "Criminal

Procedure – Sentencing or Disposition Hearing – Appearance of Victim or Victim's Representative"; strike beginning with "court" in line 3 down through "sentencing" in line 12 and substitute "prosecuting attorney, at a certain sentencing or disposition hearing 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; requiring a court to postpone a certain sentencing or disposition hearing under certain circumstances; and generally relating to the appearance of victims or victims' representatives at sentencing or disposition hearings"; strike in their entirety lines 13 through 17, inclusive; in line 18, strike "adding to" and substitute "repealing and reenacting, with amendments,"; in line 20, strike "6–233" and substitute "11–403"; and in line 25, strike "Law" and substitute "Procedure".

AMENDMENT NO. 2

On pages 1 through 4, strike in their entirety the lines beginning with line 26 on page 1 through line 28 on page 4, 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 THE SENTENCING OR DISPOSITION HEARING, 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 SHALL POSTPONE THE SENTENCING OR DISPOSITION 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.".

On page 4, in line 29, strike "3." and substitute "2.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary 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

HB1337/742517/2

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1337
(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 LOCAL 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.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

House Bill 1458 – Delegates Carter, Dumais, Dwyer, Ramirez, Simmons, Smigiel, and Vallario

AN ACT concerning

Estates – Disqualification – Conviction for Unlawfully Obtaining Property of Vulnerable Adult

HB1458/492513/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 1458
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Vallario" and substitute "Vallario, and Rosenberg".

AMENDMENT NO. 2

On page 1, in line 8, after "adult;" insert "providing that a certain defendant has a certain burden of proof;"; in line 16, strike "repealing and reenacting, with amendments," and substitute "adding to"; and in line 18, strike "3–111" and substitute "9–113".

AMENDMENT NO. 3

On page 3, in line 1, after "(e)" insert "**(1)**"; after line 10, 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.**";

strike in their entirety lines 16 through 25, inclusive; after line 25, insert:

"**9–113.**";

and in line 26, strike "**(B)**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 136 Members present.

(See Roll Call No. 736)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #55

House Bill 387 – ~~**Delegates Malone and George**~~ ~~**Delegate Malone and**~~ **Delegates Ivey, Dumais,** ~~**Aumann, Bartlett, Bates, Beidle, Beitzel, Bohanan, Boteler, Bromwell, C. 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

Delegate Cane moved the previous question.

The motion was adopted.

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

Affirmative – 77 Negative – 60 (See Roll Call No. 737)

Notation: Bill passed but not with sufficient votes for an Emergency Measure. New effective date: June 1, 2009.

The Bill was then sent to the Senate.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 158 – Senator Stone

AN ACT concerning

Baltimore County – Property Tax Credit – Civic League of Inverness, Inc.

FOR the purpose of authorizing the governing body of Baltimore County to grant, by law, a property tax credit against the county property tax imposed on real property that is owned by Civic League of Inverness, Inc.; providing for the application of this Act; and generally relating to property tax credits in Baltimore County for Civic League of Inverness, Inc.

BY repealing and reenacting, with amendments,
Article – Tax – Property
Section 9–305(b)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Ways and Means.

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

FOR the purpose of prohibiting an individual under a certain age from consuming~~, or exhibiting certain effects from consuming, alcoholic beverages~~ an alcoholic beverage; providing certain exceptions; requiring the existence of a certain circumstance before an individual may be stopped on suspicion of or charged with committing a certain offense; making the furnishing of an alcoholic beverage to a certain individual a crime under certain circumstances; establishing certain penalties for certain violations of this Act; ~~requiring the Motor Vehicle Administration to suspend for a certain period of time the driver's license of a person who commits certain alcohol–related violations; authorizing the Motor Vehicle Administration to modify a certain suspension under certain circumstances;~~ and generally relating to certain alcoholic beverage violations involving underage individuals under certain circumstances.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 10–113, 10–115, 10–117, 10–118, and 10–120
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 10–114, 10–116, and 10–119
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

BY adding to
Article – Criminal Law
Section 10–121
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – Transportation~~
~~Section 16–205(g)~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2008 Supplement)~~

~~BY adding to~~
~~Article – Transportation~~
~~Section 16–206(c–1)~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2008 Supplement)~~

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

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

FOR the purpose of increasing the minimum ages at which an individual may obtain a ~~learner's instructional permit, provisional license, and full~~ provisional driver's license or original driver's license~~; increasing the maximum age under which an applicant for a learner's instructional permit must provide to the Motor Vehicle Administration a school attendance record; increasing the maximum age of an applicant for a learner's instructional permit for purposes of a prohibition against issuance of the permit if the applicant's school attendance record indicates more than a certain number of absences;~~ requiring the Administration to fingerprint an applicant for a driving instructor's license and apply for certain criminal history records information about the applicant in a certain manner; providing that certain criminal history records are confidential and available only for a certain purpose; altering the period after which the holder of a learner's instructional permit may take certain examinations for a provisional license under certain circumstances; requiring the Administration to cancel the driver's license of a minor if the cosigner on the minor's application for the license makes a certain request; altering the period after which the holder of a provisional license may be issued ~~a full~~ an original driver's license under certain circumstances; ~~altering the hours during which a holder of a provisional driver's license under a certain age may drive unsupervised;~~ authorizing the Administration to conduct a driver improvement program for young drivers; ~~requiring~~ authorizing the Administration to impose ~~certain restrictions~~ a certain restriction on a provisional driver's license and suspend or revoke the license under certain circumstances; modifying a certain license restriction prohibiting a holder of a provisional driver's license from driving a vehicle carrying certain passengers under certain circumstances; providing for the application of a certain provision of this Act; clarifying language; making conforming and stylistic changes; and generally relating to ~~driving privileges for young drivers~~ teen driving safety.

BY repealing and reenacting, with amendments,
Article – Transportation

Section 15–804, 16–103, ~~16–105(a) and (d)~~ 16–105(d), 16–108, 16–111(d), ~~16–113(d),~~ 16–212, 16–213, and 21–1123
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 15–102, 15–802, and 16–111(a), (b), and (c) ~~and 16–113(d–1) and (i)~~
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

~~BY adding to~~
~~Article – Transportation~~
~~Section 16–113(d–2)~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2008 Supplement)~~

Read the first time and referred to the Committee on Environmental Matters.

Senate Bill 267 – The President (By Request – Administration) and Senators Forehand, Frosh, Harrington, Lenett, and Raskin

AN ACT concerning

Family Law – Protective Orders – Surrender of Firearms

FOR the purpose of ~~making it mandatory, rather than discretionary, for~~ requiring a final protective order to order the respondent to surrender certain firearms to law enforcement authorities and to refrain from possessing any firearm for a certain duration; requiring a law enforcement officer to provide certain information to a respondent when a firearm is surrendered and to transport and store the firearm in a certain manner; providing for the retaking of surrendered firearms by the respondent except under certain circumstances; making certain technical changes; and generally relating to ~~the issuance and contents of~~ protective orders and surrender of firearms.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–506, 4–507(a), and 4–509(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Family Law
Section 4–506.1
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Senate Bill 268 – The President (By Request – Administration) and Senators Brochin, Forehand, Frosh, Harrington, Lenett, and Raskin

AN ACT concerning

Family Law – Temporary Protective Orders – Surrender of Firearms

FOR the purpose of authorizing a judge in entering a temporary protective order to order a certain person to surrender to law enforcement authorities any firearm in the person's possession and to refrain from possessing any firearm for a certain period of time under certain circumstances; requiring a law enforcement officer to provide certain information to a respondent when a firearm is surrendered and to ~~provide for the safe storage of the firearm~~ transport and store the firearm in a certain manner; providing for the retaking of surrendered firearms by the respondent except under certain circumstances; making it a misdemeanor subject to certain penalties to fail to comply with a certain order to surrender firearms; and generally relating to protective orders and surrender of firearms.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 4–505 and 4–509
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Family Law
Section 4–506.1
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Senate Bill 335 – Senator Colburn

AN ACT concerning

Dorchester County and Talbot County – Property Tax Credit for Habitat for Humanity of Talbot & Dorchester Counties, Inc.

FOR the purpose of authorizing the governing body of ~~Talbot~~ Dorchester County or Talbot County or of a municipal corporation in ~~Talbot~~ Dorchester County or Talbot County to grant, by law, a property tax credit against the county or municipal corporation property tax imposed on certain real property owned by

Habitat for Humanity of Talbot & Dorchester Counties, Inc.; requiring Habitat for Humanity of Talbot & Dorchester Counties, Inc. to submit certain reports to ~~Talbot~~ Dorchester County and Talbot County; authorizing the governing ~~body~~ bodies of Dorchester County and Talbot County to set, by law, the amount, terms, scope, and duration of the credit and to provide for any other provision necessary to carry out the tax credit; providing for the application of this Act; and generally relating to authorization for a property tax credit for certain real property owned by Habitat for Humanity of Talbot & Dorchester Counties, Inc.

BY adding to
Article – Tax – Property
Section 9–311(d) and 9–322(e)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

Read the first time and referred to the Committee on Ways and Means.

Senate Bill 448 – Senator Edwards

AN ACT concerning

Local School Systems – Biannual Financial Status Report Requirement – Repeal

FOR the purpose of repealing the requirement that a local superintendent of schools or chief executive officer of a local school system file a certain biannual report on the financial status of a local school system; requiring a certain local school system that has a certain financial deficit to include certain information in a certain annual audit; and generally relating to reporting requirements for local school systems.

BY repealing and reenacting, with amendments,
Article – Education
Section 5–114
Annotated Code of Maryland
(2008 Replacement Volume)

Read the first time and referred to the Committee on Ways and Means.

QUORUM CALL

The presiding officer announced a quorum call, showing 134 Members present.

(See Roll Call No. 738)

ADJOURNMENT

At 7:02 P.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day March 27, 2009, Calendar Day Tuesday, March 31, 2009.

Annapolis, Maryland
Legislative Day: March 27, 2009
Calendar Day: Tuesday, March 31, 2009

The House met at 10:04 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Jeannie Haddaway of Caroline, Dorchester, Talbot and Wicomico counties.

QUORUM CALL

The presiding officer announced a quorum call, showing 121 Members present.

(See Roll Call No. 739)

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

EXCUSES:
Del. Branch – late – traffic
Del. Bronrott – meeting with the Governor
Del. Harrison – illness
Del. Ivey – funeral
Del. Malone – illness – flu
Del. Proctor – illness
Del. Shank – business – speaking engagement
Del. F. Turner – illness

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 32 – Senators DeGrange and Astle

EMERGENCY BILL

AN ACT concerning

Junk Dealers and Scrap Metal Processors – Required Records

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; ~~establishing that certain items of junk or scrap metal are subject to a certain holding period;~~ exempting certain items acquired from certain entities from ~~a~~ certain ~~holding requirement~~ 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.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 12–102(a), 17–1001(e), 17–1010, and 17–1011
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Business Regulation
Section 17–1001(a) and (f)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY adding to
Article – Business Regulation
Section 17–1001(g)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

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

Senate Bill 53 – Senator Haines

AN ACT concerning

Criminal Law – Use of Firearm in the Commission of a Crime of Violence or a Felony

FOR the purpose of prohibiting the use of certain firearms in the commission of certain crimes of violence or felonies; defining a certain term; and generally relating to the use of certain firearms in the commission of certain crimes of violence or felonies.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 4–204
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

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

Senate Bill 79 – Chair, Finance Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Health Insurance – Reform

FOR the purpose of ~~expanding the applicability of certain provisions of law that limit the imposition of certain preexisting condition provisions by certain carriers to a policy or certificate issued to an individual in accordance with certain provisions of law; altering certain loss ratio requirements for certain health benefit plans and Medicare supplement policies;~~ prohibiting certain application forms from containing inquiries about certain conditions, illnesses, diseases, or medical procedures; prohibiting an insurer or nonprofit health service plan from attaching an exclusionary rider to an individual health benefit plan unless the insurer or nonprofit health service plan obtains the prior written consent of the policyholder; authorizing an insurer or nonprofit health service plan to impose a preexisting condition exclusion or limitation on an individual for a certain condition under certain circumstances; prohibiting the imposition of a preexisting condition exclusion or limitation on a certain individual under certain circumstances; making a conforming change; requiring certain carriers that offer certain out–of–state association contracts to Maryland residents ~~also to offer certain individual health insurance contracts to Maryland residents; requiring the carriers~~ to make certain disclosures to a Maryland resident applying for coverage under an out–of–state association contract; requiring the carriers to disclose certain information on the enrollment application for coverage under an out–of–state association contract under certain circumstances; authorizing the Maryland Insurance Commissioner to require the carriers to make a certain report in a certain manner on or before a certain

date of each year; prohibiting certain carriers from rescinding a contract or certificate under certain circumstances; requiring the carrier to have the burden of persuasion that a rescission complies with certain provisions of this Act; ~~altering a certain definition;~~ requiring the Maryland Insurance Administration, in consultation with the Maryland Health Care Commission and certain stakeholders, to study certain options in a certain manner; requiring the Administration to report on certain findings to certain committees of the General Assembly in a certain manner on or before a certain date; defining certain terms; providing for the application of certain provisions of this Act; providing for the effective dates of this Act; and generally relating to health insurance.

BY repealing and reenacting, with amendments,
Article – Insurance
Section ~~15–508, 15–605(e)(1) and (2)(i), and 15–911(d)~~ 12–205
Annotated Code of Maryland
(~~2006~~ 2003 Replacement Volume and 2008 Supplement)

BY adding to
Article – Insurance
Section 15–508.1; and 15–1105 and 15–1106 to be under the amended subtitle "Subtitle 11. Miscellaneous Health Insurance Policies and Contracts and Health Benefit Plans"
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Health – General
Section 19–706(ttt)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Senate Bill 99 – ~~Senator Stone~~ Senators ~~Stone and Simonaire~~ Stone, Simonaire, Jacobs, and Kramer

AN ACT concerning

Criminal Law – Possession of Child Pornography – Penalties

FOR the purpose of ~~altering the definition of "sexual conduct" for purposes of certain child pornography provisions to include displaying the genitals of an individual for purposes of sexual arousal or gratification;~~ increasing the penalties for possessing a film, videotape, photograph, or other visual representation depicting a minor engaged in certain activity or in a certain state; making the

possession of child pornography a felony under certain circumstances; ~~making the possession of child pornography a felony under certain circumstances;~~ providing that the jurisdiction of the District Court is concurrent with that of a circuit court in a criminal case in which a person is charged with a second or subsequent offense of possession of child pornography; and generally relating to child pornography.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section ~~11–201(f) and~~ 11–208
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 11–201(f)
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

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

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

Senate Bill 156 – Senator Frosh

AN ACT concerning

Maryland Estate Tax – Filing of Returns

FOR the purpose of requiring that a Maryland estate tax return be filed with the Comptroller or the register of wills; requiring that an amended Maryland estate tax return be filed with the Comptroller instead of with the register of wills; altering a requirement that a register of wills certify to the Comptroller the amount of inheritance tax paid for certain decedents under certain circumstances; providing for the application of this Act; and generally relating to the Maryland estate tax.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 7–232, 7–305, and 7–306
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

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

Senate Bill 181 – Senator McFadden (By Request – Baltimore City Administration) and Senators Brochin, Forehand, Gladden, Haines, Jacobs, Raskin, Simonaire, and Stone

AN ACT concerning

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

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

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

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

Senate Bill 216 – Senators Simonaire, Brinkley, Brochin, Colburn, Della, Edwards, Forehand, Frosh, Gladden, Glassman, Greenip, Haines, Harrington, Harris, Jacobs, Kelley, King, Kittleman, Lenett, Madaleno, Mooney, Muse, Peters, Raskin, Robey, Rosapepe, Stoltzfus, ~~and Stone~~ Stone, Garagiola, Jones, Kramer, McFadden, Middleton, Miller, Munson, Pipkin, Pugh, and Zirkin

AN ACT concerning

State Government – Commemorative ~~Month~~ Day – Young Heroes ~~Month~~ Day

FOR the purpose of requiring the Governor annually to proclaim ~~the month of October to be~~ a certain day as Young Heroes ~~Month~~ Day; defining a certain term; and generally relating to Young Heroes ~~Month~~ Day.

BY adding to
Article – State Government
Section ~~13–503~~ 13–408
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

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

Senate Bill 234 – Senators King, Conway, Currie, Della, Exum, Harrington, Jones, Kasemeyer, Lenett, Madaleno, Peters, Pugh, Raskin, and Robey

AN ACT concerning

Education – Maryland's Preschool for All Business Plan – Final Report Requirements

FOR the purpose of requiring the State Department of Education to consult with and accept comments from certain county superintendents and certain local governing bodies regarding the Maryland's Preschool for All Business Plan before preparing and publishing a certain version of a certain Business Plan; requiring the Department to submit to the Governor and General Assembly a copy of a certain report that includes certain information on or before a certain date; prohibiting the Department from implementing the finalized Business Plan unless the Department identifies a certain funding source; defining certain terms; and generally relating to final report requirements for the Maryland's Preschool for All Business Plan.

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

Senate Bill 369 – Senators Stone, Greenip, Brinkley, Brochin, Pipkin, Jacobs, Klausmeier, ~~and Simonaire~~ Simonaire, Haines, and Mooney

AN ACT concerning

Vehicle Laws – Proof of Lawful Presence Act of 2009

FOR the purpose of 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 ~~certifying~~ 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 ~~certifying~~ 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; ~~requiring an applicant for a driver's license who is not eligible for a Social Security number to provide certain documentation to the Administration~~ 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.

BY repealing and reenacting, without amendments,
Article – Transportation
Section 11–128 and 16–106(a), ~~(b)~~ (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(c)~~ 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)

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

Senate Bill 403 – Senators Harrington, Muse, and Peters

AN ACT concerning

Prince George's County – Green Businesses – Tax Credits

FOR the purpose of authorizing the governing body of Prince George's County to grant, by law, a tax credit against the county property tax imposed on certain property owned or leased by certain businesses; authorizing the governing body of Prince George's County to provide, by law, for eligibility and certification criteria for the credit, the amount and duration of the credit, certain regulations and procedures, and any other provision necessary to carry out the credit; requiring the County Council and the County Executive of Prince George's County to jointly appoint an advisory board; specifying the duties of the advisory board; requiring certain members of the advisory board to be affiliated with certain organizations; defining certain terms; providing for the application of this Act; and generally relating to a property tax credit in Prince George's County for certain property owned or leased by certain businesses.

BY adding to
Article – Tax – Property
Section 9–318(f)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

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

Senate Bill 453 – Senators Peters, King, and Muse

AN ACT concerning

Income Tax – Payments – Sale of Real Property by Nonresidents

FOR the purpose of altering the rate of tax that must be paid to the clerk of the circuit court for a county or to the Department of Assessments and Taxation before the recording of certain deeds for the sale of certain property; and generally relating to certain requirements for certain amounts to be paid to the clerk of the circuit court for a county or to the Department of Assessments and Taxation prior to the recording of certain deeds for the sale of certain property.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 10–912(c)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

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

Senate Bill 518 – ~~Senator Miller~~ Senators Miller and Dyson

AN ACT concerning

Calvert County – Alcoholic Beverages

FOR the purpose of authorizing a limited winery in Calvert County to be issued a winery special event permit for unlimited use for certain times during certain months at a certain farmers' market in Calvert County; altering certain alcoholic beverages license fees in ~~Calvert County~~ the county; creating a special beer, wine, and spirits tasting (BWST) license in the county; providing for annual fees, application procedures, and certain requirements for the license; specifying certain conditions under which a protest to a renewal of an alcoholic beverages license in the county may occur; altering the time during which a penalty may be imposed for late renewal of an alcoholic beverages license in the county; imposing certain fines for the sale of alcoholic beverages to an underage individual in the county; altering the salaries for the chairman, members, and alternate member of the Calvert County Board of License Commissioners; providing that this Act does not apply to the salary or compensation of the incumbent chairman, members, and alternate member of the Calvert County Board of License Commissioners; making certain stylistic changes; and generally relating to alcoholic beverages in Calvert County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 3–401(a), 5–101(a), 5–201(a)(1) and (f), 6–101(a)(1), 6–201(a)(1), 6–401(a)(1), 10–301(n)(1), and 12–108(a)(1)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–101(u), 3–401(f), 5–101(f), 6–101(f), 6–201(f), 6–401(f), 10–301(a)(1)(iii) and (n)(2), 12–108(a)(3)(i), and 15–109(f)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 8–404.1A
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Senate Bill 554 – Senators Lenett, Conway, Currie, Della, Forehand, Frosh, Garagiola, Gladden, Harrington, Jones, Kasemeyer, Kelley, Klausmeier, Madaleno, McFadden, Miller, Muse, Pinsky, Pugh, Raskin, and Robey

AN ACT concerning

Chesapeake Bay Nitrogen Reduction Act of 2009

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 ~~repair or~~ replacement of an on–site sewage disposal system in the Chesapeake and Atlantic Coastal Bays Critical Area unless the ~~repaired or~~ replacement on–site sewage disposal system utilizes nitrogen removal technology; requiring the Department of the Environment to assist homeowners 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; 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 and Executive Nominations.

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

FOR the purpose of prohibiting a court, in making a disposition on a child in need of assistance (CINA) petition, from considering a disability of a parent, guardian, or custodian of a child except under certain circumstances; prohibiting a local department of social services, a guardian, or a child placement agency, in certain adoption proceedings, from withholding consent to an adoption solely because a prospective adoptive parent has a disability; prohibiting a court, in ruling on a certain adoption petition, from denying the petition solely because the petitioner has a disability; prohibiting a child from being committed to the custody or guardianship of a local department and placed in an out–of–home placement solely because the child's parent or guardian has a disability; requiring the Social Services Administration to adopt certain regulations prohibiting a local department from taking certain actions solely because a child's parent or guardian has a disability; prohibiting a court, in any custody or visitation proceeding, from considering a disability of a party, except under certain circumstances; defining a certain term; and generally relating to the disability of certain individuals in certain CINA, guardianship, adoption, custody, or visitation proceedings.

BY repealing and reenacting, without amendments,
Article – Courts and Judicial Proceedings
Section 3–801(a), (f), and (g) and 3–819.2(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 3–819(b) and 3–819.2(g)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Family Law
Section 5–338(b), 5–350(b), 5–3A–35(b), 5–3B–19(b), and 5–525
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Family Law
Section 9–107
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Senate Bill 617 – Senators DeGrange, Astle, Brinkley, King, Kramer, Madaleno, Munson, Peters, and Stoltzfus

EMERGENCY BILL

AN ACT concerning

Local Government – Deposits of Unexpended or Surplus Money

FOR the purpose of altering the conditions under which certain local governments may deposit certain unexpended or surplus money with certain federally insured banks or savings and loan associations; making this Act an emergency measure; and generally relating to local governments and deposits of unexpended or surplus money.

BY repealing and reenacting, with amendments,
Article 95 – Treasurer
Section 22–O
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

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

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

FOR the purpose of ~~requiring a court to notify each victim of the crime for which the defendant was convicted before revising, modifying, or reducing the sentence imposed on the defendant for a certain crime of violence; providing the requirements for service of a certain notice to a victim; requiring a court to schedule a certain hearing under certain circumstances; providing that any revision, modification, or reduction of the sentence is void on a finding that the court failed to notify the victim; requiring a court to schedule a subsequent hearing under certain circumstances; defining a term;~~ 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.

BY repealing and reenacting, ~~without~~ with amendments,
Article – Criminal ~~Law~~ Procedure
Section ~~14–101(a)~~ 11–503
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

~~BY adding to~~
~~Article – Criminal Procedure~~
~~Section 6–233~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume)~~

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

Senate Bill 627 – Senators Middleton, Colburn, Dyson, Edwards, Kasemeyer, and Klausmeier

AN ACT concerning

Loan Assistance Repayment and Practice Assistance for Physicians

FOR the purpose of altering the eligibility for the Janet L. Hoffman Loan Assistance Repayment Program in a certain manner; repealing a certain prohibition on the hiring of more than a certain number of staff to administer a certain program; establishing the Maryland Loan Assistance Repayment Program Fund; providing for the composition of the Fund and expenditures from the Fund; establishing the Maryland Loan Assistance Repayment Program for Physicians; specifying that money in the Fund shall be used by the Office of Student Financial Assistance in the Maryland Higher Education Commission to administer the Program; requiring the Office ~~of Student Financial Assistance~~ to assist in the repayment of certain loans owed by certain physicians using certain funds; providing that certain money may not transfer or revert to the General Fund of the State but shall remain in a certain fund for a certain purpose; authorizing the Office to assist in the repayment of certain loans under certain circumstances; requiring the Office to prioritize funding for the repayment of loans through the Program in a certain manner; requiring the

Office, in collaboration with the Department of Health and Mental Hygiene, to adopt certain regulations; making certain conforming changes; requiring the Maryland Health Care Commission and the Department of Business and Economic Development to report to the General Assembly on or before a certain date on the feasibility of providing assistance to physician practices in a certain manner; defining certain terms; and generally relating to loan assistance repayment and practice assistance for physicians.

BY repealing and reenacting, with amendments,
Article – Education
Section 18–1502
Annotated Code of Maryland
(2008 Replacement Volume)

BY adding to
Article – Education
Section 18–2801 through 18–2805 to be under the new subtitle "Subtitle 28. Maryland Loan Assistance Repayment Program for Physicians"
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Health Occupations
Section 14–207(a) and (b)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 14–207(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Senate Bill 637 – Senators Garagiola, Astle, DeGrange, Glassman, Kelley, King, Kittleman, and Klausmeier

AN ACT concerning

Health Insurance – Small Group Market Regulation – Modifications

FOR the purpose of repealing the termination provision of certain provisions of law relating to the rating of certain health benefit plans; requiring the Maryland Health Care Commission to maintain a certain application on its website; requiring the Commission to update certain information at least quarterly;

applying certain provisions of law relating to preexisting conditions to certain policies or certificates issued to small employers; ~~authorizing certain carriers to offer certain health benefit plans that have greater benefits than those in the Comprehensive Standard Health Benefit Plan under certain circumstances; authorizing a carrier to offer benefits that differ from those in the Standard Plan under certain circumstances;~~ repealing a requirement that the Commission require that the minimum benefits allowed to be offered in the Standard Plan meet a certain level; repealing a certain requirement that the Standard Plan include certain uniform deductibles and cost sharing; requiring the Commission to specify certain deductibles and cost–sharing; repealing certain provisions of law authorizing certain health benefit plans to require certain deductibles and cost–sharing for benefits for preexisting conditions; ~~providing that certain benefits that vary from the Standard Plan and are approved by the Maryland Insurance Commissioner are subject to certain provisions of law applicable to the Standard Plan; authorizing the Commissioner to prohibit a carrier from offering benefits that vary from the Standard Plan under certain circumstances; altering the geographic areas for which a carrier may adjust the community rate for certain health benefit plans;~~ altering certain limits on the rate a carrier may charge based on adjustments to the community rate for certain health benefit plans due to certain factors; altering the due date of a certain report; authorizing a carrier to adjust the community rate for certain health benefit plans for health status at certain rates under certain circumstances; authorizing a carrier to use certain health statements and health screenings to establish certain premium rates; prohibiting a carrier from limiting coverage or refusing to issue a health benefit plan to a certain small employer based on a health status–related factor; establishing that it is an unfair trade practice for a carrier knowingly to provide coverage to a small employer that discriminates against certain individuals under certain circumstances; making certain conforming changes; requiring the Commission to conduct a certain study and report on its findings and recommendations to the Governor and the General Assembly on or before a certain date; ~~providing for the termination of certain provisions of this Act;~~ providing for the effective dates of this Act; providing for a delayed effective date for certain provisions of this Act; providing for the application of certain provisions of this Act; and generally relating to health benefit plans offered in the small group market.

BY repealing and reenacting, with amendments,
Chapter 600 of the Acts of the General Assembly of 2007
Section 2

BY adding to
Article – Health – General
Section 19–108.1
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–508, ~~15–1204(a) through (d),~~ 15–1205, 15–1207, 15–1208, and 15–1213
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Senate Bill 638 – Senators Garagiola, Glassman, Kittleman, and Klausmeier

AN ACT concerning

Health Insurance – ~~Discrimination or Rebates –~~ Bona Fide Wellness Programs – Incentives

FOR the purpose of ~~altering the conditions under which it is not discrimination or a rebate for~~ authorizing an insurer, a nonprofit health service plan, a health maintenance organization, or a dental plan organization to provide reasonable incentives for participation in a bona fide wellness program under certain circumstances; ~~providing that it is not discrimination or a rebate for a carrier to provide reasonable incentives for participation in a bona fide wellness program if the bona fide wellness program satisfies certain requirements;~~ authorizing a carrier to condition an incentive for a bona fide wellness program on an individual satisfying a standard that is related to a health factor under certain circumstances; providing that a bona fide wellness program shall be construed in a certain manner if certain conditions are met; ~~providing that an incentive may not be construed in a certain manner unless certain conditions are met;~~ establishing requirements for certain alternative standards or waivers of certain standards; authorizing the use of certain language to satisfy certain requirements; authorizing the Maryland Insurance Commissioner to request a review of a bona fide wellness program; requiring the expense of the review to be paid in a certain manner; altering the conditions under which it is not discrimination or a rebate for a carrier to provide reasonable incentives for participation in a bona fide wellness program; making certain provisions applicable to health maintenance organizations; defining certain terms; altering certain definitions; and generally relating to ~~exceptions to prohibitions against discrimination or rebates for~~ incentives for participation in bona fide wellness programs offered with health insurance.

BY adding to
Article – Health – General
Section 19–706(ttt)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article – Insurance
Section 15–509
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Insurance
Section 15–10A–01(a), 15–1201(a) and 27–210(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 15–10A–01(b)(1), 15–1201(r), and 27–210(h)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Senate Bill 644 – Senator Astle

AN ACT concerning

Property Tax Credit – Marine Trade Waterfront Property

FOR the purpose of authorizing the Mayor and City Council of Baltimore City or the governing body of a county or of a municipal corporation to grant, by law, a tax credit against the county or municipal corporation property tax imposed on certain waterfront property used primarily in certain activities or businesses; authorizing the county or municipal corporation to provide, by law, for the amount and duration of the credit and certain other provisions to carry out the credit; defining a certain term; providing for the application of this Act; and generally relating to a local property tax credit for marine trade waterfront property.

BY adding to
Article – Tax – Property
Section 9–251
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

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

Senate Bill 656 – Senators Peters, Astle, Colburn, Conway, Dyson, Garagiola, Munson, ~~and Rosapepe~~ Rosapepe, Harrington, Harris, Pinsky, Lenett, and Greenip

AN ACT concerning

Procurement – Service Disabled Veteran Business Enterprise Participation

FOR the purpose of establishing a certain participation goal for certain certified service disabled veteran business enterprises for certain procurement contracts; requiring a certain awarding unit to consider certain efforts by and award certain contracts to certain bidders or offerors that meet or make a good–faith effort to meet certain participation goals; establishing certain criteria by which a contractor is considered to have made a good–faith effort to meet certain participation goals; requiring the Maryland Department of Veterans Affairs and the Department of Business and Economic Development jointly to adopt certain regulations; requiring the Department of Veterans Affairs and the Department of Business and Economic Development to designate an advocate to coordinate and oversee certain activities relating to service disabled veteran business enterprises; requiring an awarding unit to adopt certain regulations to meet the requirements of this Act; requiring an awarding unit to designate a service disabled veteran business enterprise advocate to assist the awarding unit in meeting goals related to service disabled veteran business enterprise participation; requiring certain awarding units to make certain reports on or before a certain date; requiring the Department of Veterans Affairs and the Department of Business and Economic Development to make certain reports on or before certain dates; requiring the Department of Business and Economic Development to adopt certain regulations regarding the decertification of certain entities and to oversee and coordinate certain outreach programs and activities; requiring the Department of Business and Economic Development to use certain resources to implement a certain program; establishing certain prohibited acts and certain penalties for certain violations; defining certain terms; and generally relating to procurement participation by service disabled veteran business enterprises.

BY adding to
Article – State Finance and Procurement
Section 14–601 through 14–607 to be under the new subtitle "Subtitle 6. Service Disabled Veteran Business Enterprise Participation"
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

~~BY repealing and reenacting, with amendments,~~
~~Article – State Finance and Procurement~~
~~Section 16–203(a)~~
~~Annotated Code of Maryland~~
~~(2006 Replacement Volume and 2008 Supplement)~~

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

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

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; ~~requiring the Public Service Commission to ensure compliance with certain requirements when reviewing an application for a certificate of public convenience and necessity;~~ 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 develop and implement a no net loss of forest policy by a certain date, to adopt certain regulations and propose certain legislation to achieve this goal, and to achieve this goal without reducing the acreage of a certain land use in the State; 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~~ 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; declaring the intent of the General Assembly; 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~~
~~Article – Natural Resources~~
~~Section 5–1603(f)~~
~~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 and Executive Nominations.

Senate Bill 668 – Senators Raskin, Forehand, and Stone

AN ACT concerning

Vehicle Laws – Manufacturers, Distributors, and Factory Branches – Prohibited Acts

FOR the purpose of establishing that a manufacturer, distributor, or factory branch may not take certain actions through an affiliate; requiring a sales objective or other program for measuring the performance of vehicle dealers to be fair and based on certain factors under certain circumstances; prohibiting a manufacturer, distributor, or factory branch from denying certain benefits to a dealer under certain circumstances; prohibiting a manufacturer, distributor, or factory branch from offering or advertising, or allowing its dealers to offer or advertise, certain programs or terms unless all dealers are allowed to offer or advertise the programs or terms; establishing the burden of proof when a manufacturer, distributor, or factory branch denies certain benefits to a dealer under certain circumstances; prohibiting a manufacturer, distributor, or factory branch from requiring a dealer to alter or replace an existing dealership facility or from denying or threatening to deny certain benefits to a dealer under certain circumstances; prohibiting a manufacturer, distributor, or factory branch from

reducing the price of a motor vehicle charged to a dealer or providing different financing terms to a dealer in exchange for a certain agreement by the dealer; specifying the conditions under which a manufacturer, distributor, or factory branch may offer certain promotional items for the sale of a vehicle by its dealers; prohibiting a manufacturer, distributor, or factory branch from discriminating among its dealers under certain circumstances; requiring a manufacturer, distributor, or factory branch that has a certain franchise or other contract with a dealer to allow the dealer to make certain purchases in a certain manner and to receive certain rights to incentive payments; prohibiting a manufacturer, distributor, or factory branch from exercising a right of first refusal under certain circumstances related to a transfer of a dealer's business or a proposed change in the executive management of a dealer's business; prohibiting a manufacturer, distributor, or factory branch from imposing certain conditions on the approval of a certain sale or transfer of the ownership of a dealership; establishing that a manufacturer, distributor, or factory branch commits a certain violation for taking certain actions; authorizing a dealer to request a certain hearing under certain circumstances; authorizing the Motor Vehicle Administrator to take certain actions; authorizing an applicant for approval of a sale, assignment, or transfer of ownership of a dealership or a dealer to bring a certain action in the circuit court under certain circumstances and within a certain period of time; altering the period of time during which a certain claim may be charged back under certain circumstances; prohibiting a manufacturer, distributor, or factory branch from refusing to pay or claiming reimbursement from a dealer for sales, incentives, or payments related to a motor vehicle sold by a dealer and exported or resold by the purchaser under certain circumstances; establishing a conclusive presumption that a dealer has no knowledge of certain facts under certain circumstances; prohibiting a manufacturer, distributor, or factory branch from giving certain benefits, payments, or gifts directly to an employee; requiring that certain benefits, payments, or gifts from a manufacturer, distributor, or factory branch to an employee be given to the dealer and distributed in a certain manner; authorizing a dealer to retain certain costs; requiring a manufacturer, distributor, or factory branch to make certain payments or reimbursements to a dealer under certain circumstances; altering a certain definition; and generally relating to manufacturers, distributors, and factory branches.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 15–207, 15–208, 15–211, and 15–212.1
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Transportation
Section 15–212.2
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 15–213
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

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

FOR the purpose of altering the definition of "high performance building" for purposes of certain requirements for certain capital projects; making the High Performance Buildings Act applicable to community college capital projects that receive State funds; altering a certain waiver process; making this Act applicable to certain capital projects that have not initiated a certain Request for Proposal on or before a certain date; altering the intent of the General Assembly relating to criteria and standards that high performance buildings must meet; and generally relating to the construction of high performance buildings ~~at community colleges~~.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 3–602.1
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Senate Bill 700 – Senator Klausmeier

AN ACT concerning

Pharmacists – Administration of Vaccinations – Expanded Authority

FOR the purpose of expanding the authority of pharmacists to administer certain vaccinations to individuals under certain circumstances; requiring the Board of Pharmacy, the Board of Physicians, and the Board of Nursing to meet at least

annually to jointly develop, adopt, and review certain regulations; requiring that certain regulations require a pharmacist to submit a certain registration form to the Board of Pharmacy that includes certain information; altering a certain definition; and generally relating to the expansion of the authority of pharmacists to administer vaccinations to individuals.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 12–101(s) and 12–508
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Senate Bill 807 – Senator Colburn

AN ACT concerning

Real Property – Residential Mortgages and Deeds of Trust – Recordation and Foreclosure

FOR the purpose of altering the definition of "residential property" for purposes of certain residential property foreclosure procedures and certain provisions concerning the recordation of an instrument securing a mortgage loan on residential property; clarifying the application of a certain provision concerning a mortgagor's or grantor's right to cure a default before a foreclosure sale; and generally relating to foreclosure procedures and recording instruments in the land records.

BY repealing and reenacting, with amendments,
Article – Real Property
Section 3–104.1 and 7–105.1(a) and (h)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Real Property
Section 7–105.1(b) and (c)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

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

Senate Bill 808 – Senator Colburn

AN ACT concerning

Milk Products – Pilot Farmstead Cheese Program – Permits

FOR the purpose of repealing a certain limitation on the number of milk processor – farmstead cheese producer permits that the Secretary of Health and Mental Hygiene may issue under a certain pilot program; and generally relating to permits for the pilot farmstead cheese program.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 21–401(a) and (g), 21–410(b)(5), 21–416(d), and 21–417(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 21–416.1
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Senate Bill 809 – Senator Colburn

AN ACT concerning

State Boat Act – Excise Tax – Computation of Trade–In Value

FOR the purpose of altering the definition of "fair market value" for purposes of the imposition of the State excise tax on marine vessels; establishing certain methods to determine the value of a trade–in vessel for purposes of determining the fair market value of a marine vessel; and generally relating to the State excise tax on marine vessels.

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 8–716(a)(1) and (6)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 8–716(a)(3) and (c)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

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

Senate Bill 821 – Harford County Senators

AN ACT concerning

Harford County – Property Tax Exemption – Continuing Care Facility for Aged

FOR the purpose of exempting certain property owned or operated by certain continuing care facilities for the aged or by a person exempt from federal income tax in Harford County from the payment of county or municipal corporation property tax; providing for the application of this Act; and generally relating to property tax exemptions for certain property owned by certain continuing care facilities located in Harford County.

BY adding to
Article – Tax – Property
Section ~~7–206.1~~ 7–402
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

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

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

FOR the purpose of requiring a certain notice to be sent to a certain address in a certain manner at the time of filing an action to foreclose a mortgage or deed of trust on certain residential property; requiring a certain notice of foreclosure sale to be sent to a certain address in a certain manner a certain period of time before a foreclosure sale of certain property; requiring a certain notice to be sent to a certain address in a certain manner within a certain time after the entry of a judgment awarding possession of certain property; requiring certain notices to be in a certain form and contain certain information; requiring certain envelopes to contain a certain statement; requiring a person who gives a certain notice to an occupant regarding a foreclosure to file an affidavit of compliance under certain circumstances; providing that a new or additional notice to an

occupant regarding a foreclosure does not need to be given under certain circumstances; defining a certain term; providing for the application of this Act; making this Act an emergency measure; and generally relating to notices regarding foreclosure actions on residential property.

BY adding to
Article – Real Property
Section 7–105.9
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

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

Senate Bill 859 – Senator Pugh

AN ACT concerning

Vehicle Laws – Advertising Practices – Prohibited Acts

FOR the purpose of prohibiting a vehicle dealer or an agent or employee of a dealer from stating the purchase price of a vehicle in an advertisement unless ~~the purchase price is printed in the largest font in the advertisement, the advertisement identifies certain attributes of the vehicle, and the vehicle is currently available for sale at the price stated in the advertisement; requiring the price stated in an advertisement to be~~ the price is the full delivered purchase price of the vehicle, excluding certain ~~taxes and fees, and including certain charges; requiring an advertisement that states specific purchase prices for a list of vehicles to state the purchase price in the appropriate column or space for each vehicle listed~~ taxes, fees, and charges; requiring the full delivered purchase price in a vehicle advertisement to be printed using a certain font type; repealing a provision of law that provides that an advertisement that is subject to and complies with certain provisions of federal law is not false, deceptive, or misleading under certain provisions of law; and generally relating to the advertising practices of vehicle dealers.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 15–313
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Senate Bill 870 – Senator Gladden

AN ACT concerning

Marriage Ceremonies – Performance by Tax Court Judges

FOR the purpose of authorizing a judge of the United States Tax Court who is a resident of this State to perform a marriage ceremony in this State; altering a certain definition; and generally relating to marriage ceremonies.

BY repealing and reenacting, with amendments,
Article – Family Law
Section 2–406(a)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Senate Bill 885 – Senators Jones and McFadden

AN ACT concerning

Baltimore City Charter – East Baltimore Community Benefits District

FOR the purpose of authorizing the Mayor and City Council of Baltimore to establish by ordinance the East Baltimore Community Benefits District to provide certain services; authorizing the Mayor and City Council to establish the East Baltimore Community Benefits District Authority to provide certain services; requiring a certain ordinance to provide the method for establishing certain boundaries; requiring a certain ordinance to specify certain taxes; providing for the appointment of officers and board members of the East Baltimore Community Benefits District; requiring a certain financial plan to be subject to approval by the Baltimore City Board of Estimates; providing certain limitations, powers, and duties of the East Baltimore Community Benefits District Authority; requiring the Mayor and City Council to take certain matters into consideration when enacting certain ordinances; prohibiting the Mayor and City Council from authorizing certain reductions in services; providing for the reversion of unspent funds under a certain condition; placing a certain condition on a certain ordinance taking effect; and generally relating to the establishment of the East Baltimore Community Benefits District.

BY adding to
The Charter of Baltimore City
Article II – General Powers
Section (65)
(2007 Replacement Volume, as amended)

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

Senate Bill 898 – ~~Senator Zirkin~~ Senators Zirkin, Brinkley, Currie, DeGrange, Edwards, Jones, Kasemeyer, King, Kramer, Madaleno, McFadden, Munson, Peters, Robey, and Stoltzfus

AN ACT concerning

Sales and Use Tax – Exemptions – Veterans' Organizations

FOR the purpose of providing for an exemption from the sales and use tax for sales to certain veterans' organizations; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; and generally relating to a sales and use tax exemption for sales to certain veterans' organizations.

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 11–204(a)(7) and (8)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY adding to
Article – Tax – General
Section 11–204(a)(9)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Tax – General
Section 11–204(a)(6) and (7)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)
(As enacted by Chapters 217 and 218 of the Acts of the General Assembly of 2006)

BY adding to
Article – Tax – General
Section 11–204(a)(8)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)
(As enacted by Chapters 217 and 218 of the Acts of the General Assembly of 2006)

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

Senate Bill 915 – Senators Forehand, Madaleno, and Muse

AN ACT concerning

Washington Metropolitan Area Transit Authority – Finance and Governance

FOR the purpose of amending the Washington Metropolitan Area Transit Authority Compact in order to comply with certain federal requirements; increasing the number of directors on the Washington Metropolitan Area Transit Authority Board to include directors representing the federal government, subject to a certain requirement; providing for the appointment of federal directors and alternates; establishing an Office of the Inspector General within the Washington Metropolitan Area Transit Authority; providing for the duties and functions of the Office; providing that the ~~Director~~ head of the Office is the Inspector General; requiring that certain payments made by signatories to the Washington Metropolitan Area Transit Authority to match certain federal funds be made from certain dedicated funding sources; requiring the Maryland Department of Transportation to provide grants from the Transportation Trust Fund to the Washington Suburban Transit District for the purpose of funding Maryland's required share of local funds for the Washington Metropolitan Area Transit Authority to match certain federal funds; defining a certain term; clarifying language; making this Act subject to a certain contingency; and generally relating to the finance and governance of the Washington Metropolitan Area Transit Authority.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 10–204 Title III Article III Section 5 and 9 and Article VII Section 18; and 10–205
Annotated Code of Maryland
(2008 Replacement Volume)

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

Senate Bill 931 – Senator Currie

AN ACT concerning

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

FOR the purpose of authorizing the Community Development Administration to establish certain capital reserve funds in connection with the financing of certain infrastructure projects; providing that money of a fund may be used only to pay the principal of, and premium and interest on, certain debt obligations of

the Administration secured by the fund; providing that a capital reserve fund may consist of certain money; providing that if the balance in a capital reserve fund is below a certain amount, the Administration may not use the money in the fund for certain purposes and shall replenish the fund in a certain manner; requiring the Administration to request the Comptroller to advance certain funds to replenish the capital reserve fund under certain circumstances; prohibiting the Administration, except under certain circumstances, from issuing certain bonds, notes, or other obligations if issuing the bonds, notes, or other obligations would result in the capital reserve fund falling below a certain requirement; defining certain terms; making this Act contingent on the taking effect of another Act; and generally relating to the authority of the Community Development Administration to establish capital reserve funds and issue certain bonds, notes, and other obligations.

BY adding to
Article – Housing and Community Development
Section 4–233.1
Annotated Code of Maryland
(2006 Volume and 2008 Supplement)

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

Senate Bill 932 – Senator Currie

AN ACT concerning

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

FOR the purpose of authorizing the creation of State Debt in the total principal amount up to $2,000,000, the proceeds to be used as grants or loans to the Community Development Administration of the Department of Housing and Community Development to replenish certain capital reserve funds created under the Local Government Infrastructure Financing Program; providing for disbursement of the loan proceeds; stating the intent of the General Assembly that certain bonds only be issued under certain circumstances; stating the intent of the General Assembly that this bond authorization is excluded from the Capital Debt Affordability limit; stating the intent of the General Assembly that the Administration reimburse, within a certain number of years, the Annuity Bond Fund for the principal and interest costs for the debt authorized under this Act; authorizing the Comptroller to advance certain funds under certain circumstances; exempting this Act from a certain termination provision under the State Finance and Procurement Article; making this Act contingent on the taking effect of another Act; and generally providing for the issuance and sale of bonds evidencing the Local Government Infrastructure Financing Program Capital Reserve Fund Loan of 2009.

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

Senate Bill 944 – Senators Dyson, Colburn, and Middleton

AN ACT concerning

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

FOR the purpose of requiring the Department of Natural Resources to establish a program in certain counties to train ~~sharpshooters~~ rifle shooters to hunt deer during daylight hours for the purpose of controlling the deer population; requiring the Department to give certain applicants priority to participate in the program; requiring the Department to adopt certain regulations; authorizing a person to hunt deer with a certain shotgun in certain counties during certain months; authorizing a person who holds a Deer Damage Permit in certain counties to hunt with a certain shotgun during deer season in certain locations, and to hunt deer on certain State lands under certain conditions; prohibiting the Department from requiring a person who holds a Deer Damage Permit in certain counties to renew the permit more frequently than at a certain interval; defining a certain term; and generally relating to the regulation by the Department of Natural Resources of deer hunting in Calvert, Charles, and St. Mary's counties.

BY adding to
Article – Natural Resources
Section 10–408.2 and 10–415(d)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section 10–415(a)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

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

Senate Bill 1036 – Senator Middleton

EMERGENCY BILL

AN ACT concerning

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

FOR the purpose of establishing ~~an exception~~ certain exceptions for certain mortgage loans that refinance an existing mortgage loan to the requirement that the due regard certain lenders and credit grantors must give to a borrower's ability to repay certain mortgage loans include consideration of the borrower's debt to income ratio and verification in a certain manner of certain income and assets of the borrower; making this Act an emergency measure; and generally relating to mortgage loans.

BY repealing and reenacting, without amendments,
Article – Commercial Law
Section 12–127(b), 12–311(d), 12–409.1(b), 12–925(b), and 12–1029(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Commercial Law
Section 12–127(c), 12–311(e), 12–409.1(c), 12–925(c), and 12–1029(c)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Senate Bill 1039 – Senators Currie, Harrington, Miller, Muse, Peters, Pinsky, and Rosapepe

EMERGENCY BILL

AN ACT concerning

Prince George's County Hospital Authority

FOR the purpose of extending the Prince George's County Hospital Authority's bidding process; clarifying the duration of a certain funding commitment of the State and Prince George's County; authorizing the Maryland Health Care Commission to make certain exemptions; requiring the Authority to make certain assessments and take certain actions regarding certain bids for the Prince George's County health care system; requiring the Authority to complete its obligations by a certain time; requiring certain agencies to serve as consultants to the Authority; specifying the role of certain agency consultants; declaring the intent of the General Assembly; making this Act an emergency measure; and generally relating to the Prince George's County Hospital Authority.

BY repealing and reenacting, without amendments,
Article – Health – General

Section 24–1602(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 24–1602(b), 24–1604(b), and 24–1605(f), (h), and (k)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article – Health – General
Section 24–1605(l) and (m) and 24–1605.1
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Senate Bill 1054 – Senator Lenett

AN ACT concerning

State Advisory Council on Quality Care at the End of Life – Membership

FOR the purpose of altering the membership of the State Advisory Council on Quality Care at the End of Life; and generally relating to the membership of the State Advisory Council on Quality Care at the End of Life.

BY repealing and reenacting, without amendments,
Article – Health – General
Section 13–1601
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 13–1602(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Senate Joint Resolution 12 – Senator Klausmeier

A Senate Joint Resolution concerning

Regional Manufacturing Institute of Maryland – GreenTech Maryland

FOR the purpose of urging Maryland leaders to act expeditiously to support and promote the Regional Manufacturing Institute of Maryland in its initiative to advance green technology in manufacturing, including publicizing its "GreenTech Maryland – 'Making Earth–Friendly Products in an Earth–Friendly Way'" and "Going $Green with Maryland Manufacturing" initiatives.

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

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #15

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 396 – Delegate Anderson (By Request – Baltimore City Administration) and Delegates McIntosh, Kirk, Robinson, and Rosenberg

AN ACT concerning

Baltimore City – Vehicle Laws – Speed Monitoring Systems

HB0396/660314/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 396
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 18, after "systems;" insert "expanding the circumstances under which certain contractors are prohibited from receiving certain contingent fees; restricting the use of certain revenues generated by this Act; providing for the application of this Act; providing that existing obligations or contracts may not be impaired by this Act; requiring Baltimore City to report to the General Assembly on or before a certain date;".

AMENDMENT NO. 2

On page 8, strike beginning with "If" in line 1 down through "the" in line 2 and substitute "**A**"; in line 3, after "paid" insert "**IF THE CONTRACTOR:**

(1) OPERATES THE SPEED MONITORING SYSTEM ON BEHALF OF THE LOCAL JURISDICTION;

(2) DETERMINES THE PLACEMENT OF THE CAMERAS; OR

(3) HAS THE FINAL AUTHORITY TO DETERMINE WHETHER A CITATION IS ISSUED";

after line 3, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That:

(1) Beginning in fiscal year 2010 and each fiscal year thereafter, Baltimore City shall use the revenues generated from the enforcement of speed limit laws as authorized under this Act solely to increase local expenditures for related public safety purposes, including pedestrian safety programs; and

(2) Related public safety expenditures required under item (1) of this section shall be used to supplement and may not supplant existing local expenditures for the same purpose.

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 contract awarded before the effective date of this Act.

SECTION 4. AND BE IT FURTHER ENACTED, That an obligation or contract right existing on the effective date of this Act may not be impaired in any way by this Act.

SECTION 5. AND BE IT FURTHER ENACTED, That the Baltimore City Council shall report to the General Assembly on or before December 31, 2013, in accordance with § 2–1246 of the State Government Article, on the effectiveness of speed monitoring systems in Baltimore City.";

and in line 4, strike "2." and substitute "6.".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 475 – Delegates O'Donnell, Aumann, Bates, Beitzel, Boteler, Dwyer, Eckardt, Elliott, Frank, George, Haddaway, Impallaria, Jennings, Kach, King, Kipke, Krebs, McComas, McConkey, McDonough, Miller, Myers, Norman, Serafini, Shank, Shewell, Smigiel, Sossi, Stifler, Stocksdale, Stull, Walkup, and Weldon

AN ACT concerning

Ethics – Executive Branch – Lobbying by Former Officials

HB0475/250214/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 475
(First Reading File Bill)

On page 1, in the sponsor line, strike "and Weldon" and substitute "Weldon, Bobo, and V. Clagett".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters 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.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 933 – Delegates Levi and Holmes

AN ACT concerning

Prince George's County – Roadside Solicitation of Money or Donations – Permit Program

HB0933/160018/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 933
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegates Levi and Holmes" and substitute "Prince George's County Delegation"; and after line 3, insert:

"PG 419–09".

AMENDMENT NO. 2

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".

AMENDMENT NO. 3

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.".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 1023 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Vehicle Laws – Speed Monitoring Systems

PG 313–09

HB1023/300919/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1023
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 21, after "systems;" insert "expanding the circumstances under which certain contractors are prohibited from receiving certain contingent fees;".

AMENDMENT NO. 2

On page 2, in line 15, after "**DEPARTMENT;**" insert "**OR**"; and strike beginning with the semicolon in line 17 down through "**COUNTY**" in line 21.

On page 3, in line 26, strike the brackets; and strike beginning with the semicolon in line 28 down through "**ARTICLE**" in line 30.

On page 8, strike beginning with "If" in line 18 down through "the" in line 19 and substitute "**A**"; and in line 20, after "paid" insert "**IF THE CONTRACTOR:**

(1) OPERATES THE SPEED MONITORING SYSTEM ON BEHALF OF THE LOCAL JURISDICTION;

(2) DETERMINES THE PLACEMENT OF THE CAMERAS; OR

(3) HAS THE FINAL AUTHORITY TO DETERMINE WHETHER A CITATION IS ISSUED".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 1314 – Howard County Delegation

AN ACT concerning

Howard County – Vehicle Laws – Speed Monitoring Systems

Ho. Co. 6–09

HB1314/400315/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1314
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "prohibiting" in line 15 down through "County;" in line 20 and substitute "expanding the circumstances under which certain contractors are prohibited from receiving certain contingent fees;".

AMENDMENT NO. 2

On page 6, in lines 13 and 18, in each instance, strike the brackets; in line 13, strike "**IN MONTGOMERY COUNTY, ON**"; and strike beginning with "**HOWARD**" in line 19 down through "**IN**" in line 25.

On page 7, in line 23, strike the brackets; and strike beginning with the colon in line 23 down through "**COUNTY**" in line 27.

On page 11, strike beginning with "If" in line 15 down through the first "the" in line 16 and substitute "**A**"; and in line 17, after "paid" insert "**IF THE CONTRACTOR:**

(1) OPERATES THE SPEED MONITORING SYSTEM ON BEHALF OF THE LOCAL JURISDICTION;

(2) DETERMINES THE PLACEMENT OF THE CAMERAS; OR

(3) HAS THE FINAL AUTHORITY TO DETERMINE WHETHER A CITATION IS ISSUED".

On pages 12 and 13, strike beginning with "AND" in line 29 on page 12 down through "7." in line 6 on page 13.

On page 13, in lines 12, 16, and 20, strike "8.", "9.", and "10.", respectively, and substitute "6.", "7.", and "8.", respectively; and in line 20, strike "9" and substitute "7".

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 ENVIRONMENTAL MATTERS REPORT #16

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 72 – Delegates F. Turner, Ali, 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

AN ACT concerning

Motor Vehicles – Use of Text Messaging Device While Driving – Prohibition

HB0072/200512/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 72
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike ", Ali," and substitute "and Waldstreicher and Delegates"; in the same line, strike "and Weir" and substitute "Weir, Cane, Carr, Glenn, Healey, Hucker, Niemann, Norman, and Stein"; strike line 2 in its entirety and substitute "The Delegate John Arnick Electronic Communications Traffic Safety Act"; in lines 3 and 4, strike ", send, or read" and substitute "or send"; and in line 4, after "vehicle" insert "under certain circumstances; defining certain terms; providing for the application of this Act; and generally relating to a prohibition on the use of a text messaging device while driving".

AMENDMENT NO. 2

On page 2, in line 1, strike "**A**" and substitute "**(A) (1) IN THIS SECTION 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 MESSAGING DEVICE" MEANS A HAND HELD DEVICE USED TO SEND A TEXT MESSAGE OR AN ELECTRONIC MESSAGE VIA A SHORT MESSAGE SERVICE, WIRELESS TELEPHONE SERVICE, OR ELECTRONIC COMMUNICATION NETWORK.

(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, A";

in lines 1 and 2, strike "**, SEND, OR READ**" and substitute "**OR SEND**"; and in line 2, after "**VEHICLE**" insert "**IN MOTION OR IN THE TRAVEL PORTION OF THE ROADWAY.**

(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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 248 – Delegates Niemann, Ali, Carr, Frush, Glenn, Hammen, Hucker, Lafferty, and Montgomery

AN ACT concerning

Task Force to Study Required Deposits on Returnable Beverage Containers

HB0248/690010/2

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 248
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Montgomery" and substitute "Montgomery, Holmes, Levi, Stein, and V. Clagett"; in line 2, strike "Required Deposits on Returnable Beverage Containers" and substitute "Strategies to Reduce Solid Waste"; strike beginning with "Required" in line 3 down through "State" in line 4 and substitute "Strategies to Reduce Solid Waste"; strike beginning with the second "requiring" in line 6 down through "State" in line 7 and substitute "the management of solid waste processes in the State and strategies for reducing, reusing, and recycling waste material"; and strike beginning with "Required" in line 12 down through "State" in line 13 and substitute "Strategies to Reduce Solid Waste".

AMENDMENT NO. 2

On page 1, after line 13, insert:

"Preamble

WHEREAS, From 1960 to 2007, the amount of solid waste material that Americans discarded increased from 2.7 pounds per person per day to 4.6 pounds per person per day. This represents 254.1 million tons of discarded household trash a year. Of this amount, 63.3 million tons were recycled, 21.7 million tons were composted, 31.9 million tons were burned, and 137.2 million tons were placed in landfills; and

WHEREAS, Landfills in Maryland and around the nation are rapidly filling, with local residents increasingly reluctant to support new landfills or expand existing ones; and

WHEREAS, The United States Environmental Protection Agency estimates that all current landfills will be full in 20 years; and

WHEREAS, The use of landfills may be contributing to a wide range of environmental problems, including climate change as a result of the release of carbon dioxide and methane from organic materials placed in the landfills and pollution of neighboring lands and waters; and

WHEREAS, The use of incinerators also has negative environmental consequences as gases are released and other waste materials are generated; and

WHEREAS, It has been estimated that reducing or eliminating just the amount of organic waste placed in landfills could produce a reduction in greenhouse gases equal to the closing of more than 20% of the coal–fired power plants now in use; and

WHEREAS, Communities truck and ship solid waste ever greater distances, encroaching on rural communities and generating increasing amounts of pollutants and greenhouse gases, including the trucking of some Maryland waste to Virginia and other states; and

WHEREAS, Recycling and reuse can reduce environmental impacts by lessening the need for incinerators and landfills and by reducing the amount of energy required to produce goods used by business and consumers; and

WHEREAS, The failure to reuse materials to the maximum extent possible increases the long–term economic and environmental costs to consumers and businesses as scarce raw materials and energy are used to replace products that can be recycled; and

WHEREAS, The economic and environmental costs of end–of–life disposal of the products we consume are real and often substantial. These costs should be considered when we examine decisions related to the production, distribution, sale, and ultimate disposal of products. These issues are particularly acute for products where potentially hazardous or environmentally damaging materials are associated with the manufacturing of the product, its packaging, and disposal; and

WHEREAS, There remain serious questions about the efficacy of current approaches towards recycling and reuse, especially in regard to the best way to recycle particular product categories, including questions related to the recycling of beverage containers, glass, plastic, and organic matter; and

WHEREAS, There has been considerable progress in identifying new approaches to the recycling of particular product categories, as well as alternative ways to handle the solid waste stream since this subject was last examined in any detailed way; and

WHEREAS, The potential may exist for the use of waste products to generate energy in an environmentally friendly manner; and

WHEREAS, There is a need for a comprehensive strategy when it comes to reducing the solid waste stream, and the strategy should include an examination of ways to reduce solid waste at every stage of the product life cycle, as well as reuse, recycling, composting, increased producer responsibility, and the exploration of alternative uses for different parts of the waste stream; and

WHEREAS, There is considerable evidence that many of these strategies can also create new businesses and jobs and support the creation of new markets and industries in the State; now, therefore,".

AMENDMENT NO. 3

On pages 1 and 2, strike in their entirety the lines beginning with line 16 on page 1 through line 29 on page 2, inclusive, and substitute:

"(a) There is a Task Force to Study Strategies to Reduce Solid Waste.

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

(1) one member of the Senate of Maryland, appointed by the President of the Senate;

(2) two members of the House of Delegates, appointed by the Speaker of the House;

(3) the Secretary of the Environment, or the Secretary's designee;

(4) a representative of a county government, appointed by the Executive Director of the Maryland Association of Counties;

(5) a representative of a municipal government, appointed by the Executive Director of the Maryland Municipal League;

(6) a representative from the Product Stewardship Institute, appointed by the Executive Director of the Institute; and

(7) the following members, appointed by the Governor:

(i) three representatives of different businesses that specialize in the handling of solid waste;

(ii) one representative of the Maryland Environmental Service;

(iii) one representative of the farming community;

(iv) one representative of retail industry;

(v) one representative of the bottling and beverage industry;

(vi) two representatives who are involved in the business of recycling; and

(vii) three representatives of the public.

(c) The Governor shall designate the chair of the Task Force.

(d) The Department of the Environment shall provide staff for the Task Force.

(e) A member of the Task Force:

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

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

(f) The Task Force shall:

(1) make a comprehensive examination of solid waste management processes, including:

(i) the present practice for the disposal of waste materials, including an examination of the current condition of the State's landfills, the use of incinerators, and the effectiveness of recycling and reuse efforts;

(ii) the effectiveness of the Maryland Recycling Act (MRA) and the Waste Diversion Rate, as well as the use and potential for expanding the State Recycling Trust Fund;

(iii) waste management and environmental issues arising out of specific categories of waste, including glass, plastics, metals, organic matter, construction debris, packaging waste, electronics, and hazardous and potentially toxic substances;

(iv) strategies being used elsewhere to reduce waste and its related environmental consequences through product design and alternative packaging, delivery, and disposal mechanisms;

(v) ways to encourage producer and manufacturer responsibility in the waste management process, including an examination of the potential of "Product Stewardship" initiatives underway at the national and local level;

(vi) alternative recycling and reuse strategies, and a comparison of the climate and environmental impacts of the strategies, focused on specific products, including yard waste, beverage containers, plastic bags, glass, hazardous household waste, electronics, paint, oil filters, chemicals, pharmaceuticals, batteries, tires, appliances, carpeting, and unused building materials;

(vii) the possibility of using different kinds of waste material to generate energy in safe and environmentally friendly ways;

(viii) alternative uses for waste materials generated from agricultural and manufacturing processes, as well as from household and governmental actions; and

(ix) the overall environmental impacts of different strategies and approaches toward handling the solid waste stream, including efforts to reduce those impacts at earlier stages of the product lifecycle;

(2) identify the components of a comprehensive, cost–effective Statewide Waste Stream Reduction Plan and identify specific suitable goals for reducing the State's various waste streams the lowest possible levels;

(3) identify components for a strategic plan that will transition the State away from environmentally harmful ways of disposing of waste and toward ways that minimize the size of the waste stream and its economic and environmental costs;

(4) determine the financial and operational components that must be part of our waste stream reduction strategy at the State and local level;

(5) examine ways in which the costs associated with different parts of the waste stream can more properly be allocated to those responsible for creating the wastes involved, including "pay as you throw" charging and variable waste disposal fees; and

(6) examine ways the costs associated with the waste stream can be reduced or mitigated through the creation of new markets focusing on the recycling and reuse of materials.

(g) (1) On or before December 31, 2009, the Task Force shall provide an interim report on its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.

(2) On or before December 1, 2010, the Task Force shall provide a final report on its findings and recommendations to the Governor and, in accordance with § 2–1246 of the State Government Article, the General Assembly.".

On page 2, in line 31, strike "7 months" and substitute "2 years".

On page 3, in line 1, strike "December 31, 2009" and substitute "May 31, 2011".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

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

HB0921/930417/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 921
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "period;" insert "requiring a certain person who was issued a certain permit by the State, a county, or a municipality that will expire during a certain time period to pay any applicable renewal fees; requiring the Department of Planning to report to certain persons on certain matters; authorizing the State, a county, or a municipality to cancel a certain permit under certain circumstances;"; and in line 7, after "Assembly;" insert "providing for the application of this Act;".

On page 3, strike beginning with "and" in line 21 down through the semicolon in line 25.

AMENDMENT NO. 2

On page 4, in line 9, after "**(B)**" insert "**THIS SUBTITLE DOES NOT APPLY TO:**

(1) ANY PERMIT OR APPROVAL ISSUED BY THE UNITED STATES GOVERNMENT OR ANY FEDERAL AGENCY;

(2) ANY PERMIT OR APPROVAL ISSUED JOINTLY BY THE UNITED STATES GOVERNMENT AND A COUNTY OR A MUNICIPALITY;

(3) ANY PERMIT OR APPROVAL ISSUED JOINTLY BY ANY FEDERAL AGENCY AND A COUNTY OR A MUNICIPALITY;

(4) ANY PERMIT OR APPROVAL THAT HAS AN EXPIRATION DATE ESTABLISHED UNDER A LAW OR REGULATION OF THE FEDERAL GOVERNMENT; OR

(5) ANY PERMIT, LICENSE, OR APPROVAL ISSUED UNDER TITLE 4, SUBTITLE 1 OR SUBTITLE 2 OF THE ENVIRONMENT ARTICLE.

(C)";

in line 22, after "**(B)**" insert "**THIS TITLE DOES NOT APPLY TO:**

(1) ANY PERMIT OR APPROVAL ISSUED BY THE UNITED STATES GOVERNMENT OR ANY FEDERAL AGENCY;

(2) ANY PERMIT OR APPROVAL ISSUED JOINTLY BY THE UNITED STATES GOVERNMENT AND A COUNTY OR A MUNICIPALITY;

(3) ANY PERMIT OR APPROVAL ISSUED JOINTLY BY ANY FEDERAL AGENCY AND A COUNTY OR A MUNICIPALITY;

(4) ANY PERMIT OR APPROVAL THAT HAS AN EXPIRATION DATE ESTABLISHED UNDER A LAW OR REGULATION OF THE FEDERAL GOVERNMENT; OR

(5) ANY PERMIT, LICENSE, OR APPROVAL ISSUED UNDER THE FOLLOWING PROVISIONS OF THE ENVIRONMENT ARTICLE:

(I) TITLE 4, SUBTITLE 1 OR SUBTITLE 2;

(II) TITLE 5, SUBTITLE 5; OR

(III) TITLE 9.

(C)";

and strike in their entirety lines 25 through 28, inclusive.

On page 5, in lines 1 and 4, strike "3." and "4.", respectively, and substitute "2." and "3.", respectively; in line 4, after "That" insert ", except as otherwise provided in this Act,"; and in line 7, after "2008" insert ", and on or before June 30, 2010".

AMENDMENT NO. 3

On page 4, in lines 11 and 24, in each instance, strike "**DECEMBER 31, 2012**" and substitute "**JUNE 30, 2010**".

On page 5, after line 7, insert:

"SECTION 4. AND BE IT FURTHER ENACTED, That, on or before December 31, 2009, the Maryland Department of Planning shall report to the General Assembly, in accordance with § 2–1246 of the State Government Article, on the impact of this Act, whether the toll period should be extended, and what other alternatives might be available to the State and local jurisdictions in light of the current economic downturn.";

and in lines 12 and 13, in each instance, strike "December 31, 2012" and substitute "June 30, 2010".

AMENDMENT NO. 4

On page 3, in line 30, after "(a)" insert "**EXCEPT AS PROVIDED UNDER SUBTITLE 2 OF THIS TITLE, THIS TITLE:**"; strike beginning with the first bracket in line 30 down through "title" in line 31; in line 32, strike the period and substitute "**; AND**"; and in line 33, strike "This title".

On page 4, after line 11, insert:

"**(D) NOTWITHSTANDING SUBSECTION (C) OF THIS SECTION, A PERSON WHO WAS ISSUED A PERMIT BY A COUNTY OR MUNICIPALITY THAT WILL EXPIRE DURING THE PERIOD BEGINNING ON JANUARY 1, 2008, AND ENDING ON JUNE 30, 2010, IS REQUIRED TO PAY ANY APPLICABLE RENEWAL FEES.**";

and after line 24, insert:

"**(D) NOTWITHSTANDING SUBSECTION (C) OF THIS SECTION, A PERSON WHO WAS ISSUED A PERMIT BY THE STATE THAT WILL EXPIRE DURING THE PERIOD BEGINNING ON JANUARY 1, 2008, AND ENDING ON JUNE 30, 2010, IS REQUIRED TO PAY ANY APPLICABLE RENEWAL FEES.**".

AMENDMENT NO. 5

On page 5, in line 3, after the period insert "The State or any county or municipality may cancel a permit affected by the provisions of this Act if the State or the county or municipality determines that the permit presents a threat to the public health, safety, or welfare of its citizens.".

The preceding 5 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

House Bill 1078 – Delegate Niemann

AN ACT concerning

Environment – Permit Applications – Notice Requirements

HB1078/470318/1

BY: Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1078
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "notification" in line 3 down through "owners" in line 4 and substitute "the Department of the Environment to electronically post on the Department's website certain notice"; in line 4, after "circumstances" insert "and provide a method for certain persons to electronically request certain information"; in line 5, strike beginning with "excluding" through "requirements;"; and strike beginning with the second "requiring" in line 6 down through "notice;" in line 8.

AMENDMENT NO. 2

On page 2, strike beginning with "**NOTICE**" in line 13 down through "**SOUGHT**" in line 15 and substitute "**THE DEPARTMENT SHALL:**

(I) ELECTRONICALLY POST THE NOTICE OF AN APPLICATION FOR A PERMIT ON THE DEPARTMENT'S WEBSITE; AND

(II) PROVIDE A METHOD FOR INTERESTED PERSONS TO ELECTRONICALLY REQUEST ANY ADDITIONAL NOTICES RELATED TO AN APPLICATION FOR A PERMIT".

On page 3, strike in their entirety lines 5 through 7, inclusive.

AMENDMENT NO. 3

On page 2, in line 9, strike beginning with "**SUBJECT**" through "**IN**" and substitute "**IN**"; strike in their entirety lines 16 through 23, inclusive; and in line 24, strike "**(3)**" and substitute "**(2)**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

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

HB1521/600417/1

BY: Environmental Matters Committee

AMENDMENT TO HOUSE BILL 1521

(First Reading File Bill)

On page 2, strike beginning with the second comma in line 16 down through "**DEPARTMENT,**" in line 17; and in line 19, after "**REPOSITORY**" insert "**FOR:**

1. A PROSPECTIVE EMPLOYEE; OR

2. A CURRENT EMPLOYEE FOR WHOM A CRIMINAL HISTORY RECORDS CHECK IS REQUIRED BY FEDERAL OR STATE LAW".

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 HEALTH AND GOVERNMENT OPERATIONS REPORT #10

Delegate Hammen, Chair, for the Committee on Health and Government Operations and Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 189 – Delegates Morhaim, Cardin, and Hubbard

AN ACT concerning

Respiratory Illness Prevention Act

HB0189/776286/2

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 189
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, at the top of the page, insert "EMERGENCY BILL"; in the sponsor line, strike "and Hubbard" and substitute "Hubbard, Tarrant, Reznik, Pendergrass, Nathan–Pulliam, Pena–Melnyk, Montgomery, Kipke, and V. Turner"; strike beginning with "prohibiting" in line 3 down through "funds;" in line 29 and substitute "requiring

the Department to receive certain funds that are awarded to the State or appropriated by the State for certain purposes; requiring the Department to establish and award diesel emissions control grants; requiring the Department to oversee the use of funds awarded through the grants; requiring the Department to work with certain entities to secure certain funding; requiring the diesel emissions control grants to be funded by certain funds, used to install certain devices on certain covered fleets, and consistent with certain requirements and conditions; requiring the Department to provide a reasonable opportunity for certain entities to be awarded certain grants; establishing a certain exception to a certain reporting requirement; making this Act an emergency measure; providing for the termination of this Act;".

On page 2, strike in their entirety lines 1 through 5, inclusive; in line 6, strike "with" and substitute "without"; after line 10, insert:

"BY adding to
Article – Environment
Section 2–1201 through 2–1203 to be under the new subtitle "Subtitle 12. Diesel Emissions Control Devices"
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)";

and strike in their entirety lines 11 through 30, inclusive.

AMENDMENT NO. 2

On pages 2 through 5, strike in their entirety the lines beginning with line 33 on page 2 through line 4 on page 5, inclusive.

On page 5, in line 10, strike the brackets; strike beginning with "**; AND**" in line 13 down through "**BUS**" in line 16; and after line 29, insert:

"**SUBTITLE 12. DIESEL EMISSIONS CONTROL DEVICES.**

2–1201.

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

(B) "COVERED FLEET" MEANS ONE OR MORE HEAVY–DUTY DIESEL VEHICLES OWNED, OPERATED, CONTROLLED, OR LEASED BY THE SAME ELIGIBLE ENTITY.

(C) "ELIGIBLE ENTITY" MEANS:

(1) A GOVERNMENTAL UNIT;

(2) A POLITICAL SUBDIVISION;

(3) THE STATE; OR

(4) ANY OTHER ENTITY IDENTIFIED BY THE DEPARTMENT.

(D) "EPA" MEANS THE UNITED STATES ENVIRONMENTAL PROTECTION AGENCY.

(E) "HEAVY DUTY DIESEL VEHICLE" MEANS:

(1) AN ON–ROAD VEHICLE IS A MOTOR VEHICLE THAT IS POWERED BY DIESEL FUEL AND HAS A GROSS VEHICLE WEIGHT GREATER THAN 14,000 POUNDS; OR

(2) A NONROAD VEHICLE THAT IS POWERED BY DIESEL FUEL AND HAS AN ENGINE WITH A RATING OF AT LEAST 75 HORSEPOWER.

(F) "MOTOR VEHICLE" MEANS A SELF–PROPELLED VEHICLE DESIGNED FOR TRANSPORTING AN INDIVIDUAL OR PERSONAL PROPERTY ON A STREET OR HIGHWAY.

(G) (1) "NONROAD VEHICLE" INCLUDES:

(I) A BACKHOE;

(II) A BULLDOZER;

(III) A COMPRESSOR;

(IV) A CRANE;

(V) AN EXCAVATOR; OR

(VI) A GENERATOR.

(2) "NONROAD VEHICLE" DOES NOT INCLUDE:

(I) A MOTOR VEHICLE;

(II) A VEHICLE USED SOLELY FOR COMPETITION;

(III) A LOCOMOTIVE; OR

(IV) A MARINE VESSEL.

(H) "VERIFIED DIESEL EMISSIONS CONTROL DEVICE" MEANS AN EMISSIONS CONTROL DEVICE OR STRATEGY THAT:

(1) HAS BEEN VERIFIED TO ACHIEVE A SPECIFIED DIESEL PARTICULATE MATTER REDUCTION BY THE EPA; OR

(2) (I) IS DESIGNED FOR A HEAVY–DUTY DIESEL VEHICLE FOR WHICH AN EPA–VERIFIED DEVICE OR STRATEGY IS UNAVAILABLE;

(II) IS INTENDED TO REDUCE THE DIESEL EMISSIONS OF A HEAVY–DUTY DIESEL VEHICLE; AND

(III) IS APPROVED BY THE DEPARTMENT.

2–1202.

THE DEPARTMENT SHALL:

(1) RECEIVE ANY FEDERAL FUNDS AWARDED TO THE STATE TO INSTALL DIESEL EMISSIONS CONTROL EQUIPMENT AND ANY STATE FUNDS THAT ARE APPROPRIATED FOR THE PURPOSE OF INSTALLING DIESEL EMISSIONS CONTROL EQUIPMENT;

(2) ESTABLISH AND AWARD DIESEL EMISSIONS CONTROL GRANTS;

(3) OVERSEE THE USE OF FUNDS AWARDED TO AN ELIGIBLE ENTITY THROUGH A DIESEL EMISSIONS CONTROL GRANT; AND

(4) WORK WITH ELIGIBLE ENTITIES TO SECURE FEDERAL DIESEL EMISSIONS REDUCTION FUNDS.

2–1203.

(A) DIESEL EMISSIONS CONTROL GRANTS AWARDED BY THE DEPARTMENT SHALL BE:

(1) FUNDED BY FEDERAL DIESEL EMISSIONS FUNDS AWARDED TO THE STATE FOR THE REDUCTION OF DIESEL EMISSIONS FROM COVERED FLEETS AND ANY STATE FUNDS THAT ARE APPROPRIATED FOR DIESEL EMISSIONS REDUCTION;

(2) USED TO INSTALL VERIFIED DIESEL EMISSIONS CONTROL DEVICES ON COVERED FLEETS; AND

(3) CONSISTENT WITH ANY REQUIREMENTS OR CONDITIONS RELATED TO THE RECEIPT OF FEDERAL FUNDS BY THE DEPARTMENT UNDER § 2–1202 OF THIS SUBTITLE.

(B) THE DEPARTMENT SHALL PROVIDE A REASONABLE OPPORTUNITY FOR ALL ELIGIBLE ENTITIES TO BE AWARDED A DIESEL EMISSIONS CONTROL GRANT.".

On pages 5 through 11, strike in their entirety the lines beginning with line 30 on page 5 through line 20 on page 11, inclusive.

AMENDMENT NO. 3

On page 11, strike beginning with "shall" in line 21 down through "2009" in line 22 and substitute "is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three–fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted. It shall remain effective for a period of 10 years from the date it is enacted and, at the end of the 10–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 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably with amendments:

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

HB0756/526688/1

BY: Health and Government Operations Committee

AMENDMENTS TO HOUSE BILL 756
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 4 down through "associations;" in line 5; in line 5, strike "requiring" and substitute "encouraging"; in line 6, strike "develop a" and substitute "identify"; in the same line, strike "program" and substitute "programs or to develop or collaborate in the development of certain

training programs, if feasible"; strike beginning with "providing" in line 6 down through "workgroup;" in line 8; and in line 15, strike "20–1306" and substitute "20–1304".

AMENDMENT NO. 2

On page 3, in line 18, strike "**(A) THE PROGRAM SHALL OPERATE THROUGH THE**" and substitute "**THE**"; in line 22, strike "**AND**" and substitute "**THE MARYLAND SOCIETY FOR CLINICAL SOCIAL WORK,**"; in the same line, after "**ASSOCIATION**" insert "**, OR ANY OTHER HEALTH PROFESSIONAL ASSOCIATION IN THE STATE IS ENCOURAGED TO IDENTIFY TRAINING PROGRAMS, OR, IF FEASIBLE, TO DEVELOP OR COLLABORATE IN THE DEVELOPMENT OF TRAINING PROGRAMS, THAT**"; strike beginning with the period in line 22 down through "**ADDRESS**" in line 24 and substitute "**:**

(1) ADDRESS";

in line 26, strike "**THAT:**" and substitute a semicolon; in lines 27, 29, and 31, strike "**(1)**", "**(2)**", and "**(3)**", respectively, and substitute "**(2)**", "**(3)**", and "**(4)**", respectively; in lines 27 and 29, in each instance, strike "**IS**" and substitute "**ARE**"; in line 31, strike "**INCLUDES**" and substitute "**INCLUDE**"; and in line 32, strike "**THE**" and substitute "**A**".

AMENDMENT NO. 3

On page 4, strike in their entirety lines 1 through 10, inclusive; and in line 11, strike "**20–1306.**" and substitute "**20–1304.**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

RECONSIDERATION

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

Delegate Jones moved to reconsider the vote by which **House Bill 1081** was ordered printed for Third Reading.

The motion was adopted.

Delegate Jones moved to reconsider the vote by which the Favorable Report as Amended was adopted.

The motion was adopted.

Committee amendments 134361/1 were withdrawn.

New Committee Amendments

HB1081/134363/2

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1081
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 12, after "provided;" insert "repealing a requirement that a certain grantee provide and expend a certain matching fund;"; strike beginning with "requiring" in line 12 down through "streets;" in line 13; in line 15, after "grantees;" insert "providing that the Department of the Interior may not be required to become a party to a certain grant agreement; repealing a requirement that certain grantees grant a certain easement to the Maryland Historical Trust; altering the purpose of certain prior authorized Qualified Zone Academy Bonds Loans to authorize certain purposes allowed under federal law; authorizing the Comptroller to advance certain funds authorized under any Qualified Zone Academy Bonds Loans;"; and after line 17, insert:

"BY repealing and reenacting, with amendments,
Chapter 196 of the Acts of the General Assembly of 1998
Section 1

BY repealing and reenacting, with amendments,

Chapter 555 of the Acts of the General Assembly of 1999, as amended by Chapter 30 of the Acts of the General Assembly of 2001, Chapter 188 of the Acts of the General Assembly of 2002, Chapter 550 of the Acts of the General Assembly of 2006, and Chapter 219 of the Acts of the General Assembly of 2008

Section 1

BY repealing and reenacting, with amendments,

Chapter 322 of the Acts of the General Assembly of 2000

Section 1(1) and (3)

BY repealing and reenacting, with amendments,

Chapter 440 of the Acts of the General Assembly of 2000, as amended by Chapter 94 of the Acts of the General Assembly of 2007

Section 1

BY repealing and reenacting, with amendments,

Chapter 582 of the Acts of the General Assembly of 2000

Section 1

BY repealing and reenacting, with amendments,

Chapter 139 of the Acts of the General Assembly of 2001

Section 1(1) and (3)".

On page 1, after line 25, insert:

"BY repealing and reenacting, with amendments,

Chapter 462 of the Acts of the General Assembly of 2001

Section 1

BY repealing and reenacting, with amendments,

Chapter 650 of the Acts of the General Assembly of 2001

Section 1

BY repealing and reenacting, with amendments,

Chapter 680 of the Acts of the General Assembly of 2001, as amended by Chapter 32 of the Acts of the General Assembly of 2003, Chapter 30 of the Acts of the General Assembly of 2004, and Chapter 219 of the Acts of the General Assembly of 2008

Section 1".

AMENDMENT NO. 2

On page 2, in line 6, after "Item" insert "DE02.01(A) and"; in the same line, after "ZA00" insert "(EE) and"; after line 6, insert:

"BY repealing and reenacting, with amendments,
Chapter 55 of the Acts of the General Assembly of 2003
Section 1(1) and (3)

BY repealing and reenacting, with amendments,
Chapter 204 of the Acts of the General Assembly of 2003
Section 12(3) Item (I) and (V)";

after line 10, insert:

"BY repealing and reenacting, with amendments,
Chapter 431 of the Acts of the General Assembly of 2005
Section 1(1) and (3)";

in line 10, after "(AV)" insert ", (BD), and (BF)"; in the same line, after "(O)" insert "and (Q)";

in line 13, after "ZA01" insert "(AY) and"; in the same line, after "ZA02" insert "(K) and"; after line 13, insert:

"BY repealing and reenacting, with amendments,
Chapter 445 of the Acts of the General Assembly of 2005, as amended by Chapter 85 of the Acts of the General Assembly of 2007
Section 1(3) Item ZA01(BM)";

in line 21, strike "ZA00(T)" and substitute "ZA01(BT)";

in line 25, after "ZA01(CA)" insert "and (CP)"; in the same line, after "ZA02" insert "(AZ) and ";

strike beginning with "ZA00(P)," in line 28 down through "(BH)" in line 29 and substitute "ZA01(C), (AM), (AS), (AT), (BA), and (BG) and ZA02(D), (AW), (AX), (BH), and (BS)";

after line 29, insert:

"BY repealing and reenacting, with amendments,
Chapter 585 of the Acts of the General Assembly of 2007
Section 1";

in line 32, after "Item" insert "RD00(A),"; in the same line, strike "and (S)"; in the same line, after "ZA01" insert "(F),"; in the same line, strike "and (BQ,)" and substitute "(BQ), and (CF)"; in line 33, after "ZA02" insert "(C),"; in the same line, strike "and (BB)" and substitute ", (BB), (BF), and (BH)"; and after line 33, insert:

"BY adding to
Chapter 336 of the Acts of the General Assembly of 2008
Section 1(3) Item RD00(A–1) and (A–2)".

AMENDMENT NO. 3
On page 2, after line 35, insert:

"Chapter 196 of the Acts of 1998

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 Baltimore City – St. James Academy Education Center Loan of 1998 in a total principal amount equal to the lesser of (i) $500,000 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 St. James Academy (referred to hereafter in this Act as "the grantee") for the repair, renovation, reconstruction, construction, and capital equipping of a building at 1008 West Lafayette Street for use as a comprehensive education center for children and youth.

(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, in kind contributions, or 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, 2000, 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) No portion of the proceeds of the loan or any of the matching funds may be used for the furtherance of sectarian religious instruction, or in connection with the design, acquisition, or construction of any building used or to be used as a place of sectarian religious worship or instruction, or in connection with any program or department of divinity for any religious denomination. Upon the request of the Board of Public Works, the grantee shall submit evidence satisfactory to the Board that none of the proceeds of the loan or any matching funds have been or are being used for a purpose prohibited by this Act.

(7) 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.

Chapter 555 of the Acts of 1999, as amended by Chapter 30 of the Acts of 2001, Chapter 188 of the Acts of 2002, Chapter 550 of the Acts of 2006, and Chapter 219 of the Acts of 2008

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 Baltimore City – **[**Community Initiatives**]** **BLUFORD DREW JEMISON** Academy Loan of 1999 in a total principal amount equal to the lesser of (i) $200,000 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 **[**Community Initiatives**]** **BLUFORD DREW JEMISON ACADEMY**, Inc. (referred to hereafter in this

Act as "the grantee") for the planning, design, construction, renovation, reconstruction, repair, and capital equipping of the **[**Community Initiatives**]** **BLUFORD DREW JEMISON** Academy, an educational institution to serve underserved inner–city students **[**from kindergarten through grade 12 in a multi–cultural urban environment**]**.

(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, **[**2004**]** **2011**, 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) No portion of the proceeds of the loan or any of the matching funds may be used for the furtherance of sectarian religious instruction, or in connection with the design, acquisition, or construction of any building used or to be used as a place of sectarian religious worship or instruction, or in connection with any program or department of divinity for any religious denomination. Upon the request of the Board of Public Works, the grantee shall submit evidence satisfactory to the Board that none of the proceeds of the loan or any matching funds have been or are being used for a purpose prohibited by this Act.

(7) 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, **[**2009**]**

2011. If any funds authorized by this Act remain unexpended or unencumbered after June 1, **[**2009**]** **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.

Chapter 322 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 **[**Aging School Program –**]** Qualified Zone Academy Bonds Loan of 2000 in a total principal amount of $9,828,000. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation qualified zone academy bonds, as defined in § 1397E(d)(1) of the Internal Revenue Code of the United States, as amended, 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, Article 31, § 22 of the Code, and § 1397E of the Internal Revenue Code, as amended.

(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 held separately in a qualified zone academy bond account, and expended, on approval by the Board of Public Works, for the following public purposes: as a grant to the Interagency Committee on School Construction **OR THE MARYLAND STATE DEPARTMENT OF EDUCATION** (referred to hereafter in this Act as "the grantee") for **[**the**]** allocation to eligible school systems under the Aging School Program for the renovation, repair, and capital improvements of qualified zone academies, as defined in § 1397E(d)(4)(A) of the Internal Revenue Code, as amended, and in accordance with the Aging School Program of the Interagency Committee on School Construction, as provided under § 5–303 of the Education Article of the Annotated Code of Maryland**, AND TO PROVIDE EQUIPMENT FOR USE AT SUCH ACADEMIES AS ALLOWED UNDER § 1397E OF THE INTERNAL REVENUE CODE, AS AMENDED, AS OF THE DATE THE LOAN IS MADE**.

Chapter 440 of the Acts of 2000, as amended by Chapter 94 of the Acts of 2007

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 Baltimore City – Park Heights **[**Golf Range and Family Sports Park**]** **SPORTS COMPLEX** Loan of 2000 in a total principal amount equal to the lesser of (i) **[**$250,00**]** **$250,000** 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 Park Heights Golf Range and Family Sports Park, Inc.**]** **MAYOR AND CITY COUNCIL OF BALTIMORE CITY** (referred to hereafter in this Act as "the grantee") for the planning, design, construction, and capital equipping of a **[**family sports park, golf driving range, miniature golf park, and related buildings, to be located on Reisterstown Road in Baltimore, Maryland**]** **SPORTS COMPLEX AND RELATED AMENITIES, LOCATED IN BALTIMORE CITY**.

(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. The fund may consist of real property. No part of the fund may consist of in kind contributions or 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 encumbered by the Board of Public Works or expended for the purposes provided in this Act no later than June 1, **[**2009**]** **2011**.

Chapter 139 of the Acts of 2001

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 **[**Aging School Program –**]** Qualified Zone Academy Bonds Loan of 2001 in a total principal amount of $8,270,000. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation qualified zone academy bonds, as defined in § 1397E(d)(1) of the Internal Revenue Code of the United States, as amended, 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, Article 31, § 22 of the Code, and § 1397E of the Internal Revenue Code, as amended.

(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 held separately in a qualified zone academy bond account, and expended, on approval by the Board of Public Works, for the following public purposes: as a grant to the Interagency Committee on School Construction **OR THE MARYLAND STATE DEPARTMENT OF EDUCATION** (referred

to hereafter in this Act as "the grantee") for **[**the**]** allocation to eligible school systems under the Aging School Program for the renovation, repair, and capital improvements of qualified zone academies, as defined in § 1397E(d)(4)(A) of the Internal Revenue Code, as amended, and in accordance with the Aging School Program of the Interagency Committee on School Construction, as provided under § 5–303 of the Education Article of the Annotated Code of Maryland**, AND TO PROVIDE EQUIPMENT FOR USE AT SUCH ACADEMIES AS ALLOWED UNDER § 1397E OF THE INTERNAL REVENUE CODE, AS AMENDED, AS OF THE DATE THE LOAN IS MADE**.".

On page 4, after line 38, insert:

"(EE)	Park Heights **[**Golf Range and Family**]** Sports Complex. Provide a grant to the **[**Board of Directors of the Park Heights Golf Range and Family Sports Park, Inc.**] MAYOR AND CITY COUNCIL OF BALTIMORE CITY** to assist in the acquisition, design, and construction of the Park Heights **[**Golf Range and Family**]** Sports Complex**. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROCEEDS OF THE LOAN MUST BE ENCUMBERED BY THE BOARD OF PUBLIC WORKS OR EXPENDED FOR THE PURPOSES PROVIDED IN THIS ACT NO LATER THAN JUNE 1, 2011** (Baltimore City)	500,000".

AMENDMENT NO. 4

On page 3, after line 22, insert:

"Chapter 462 of the Acts of 2001

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 – Ebenezer Community Life Center Loan of 2001 in a total principal amount equal to the lesser of (i) $100,000 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 Ebenezer Community Development Corporation (referred to hereafter in this Act as "the grantee") for the design, renovation, reconstruction, and capital equipping of two existing buildings on Whitfield Chapel Road in Lanham, and the design and construction and capital equipping of a new wing, to serve as a mixed educational, administrative, and fellowship complex.

(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 in kind contributions. The fund may consist of real property and 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, 2003, 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) No portion of the proceeds of the loan or any of the matching funds may be used for the furtherance of sectarian religious instruction, or in connection with the design, acquisition, or construction of any building used or to be used as a place of sectarian religious worship or instruction, or in connection with any program or department of divinity for any religious denomination. Upon the request of the Board of Public Works, the grantee shall submit evidence satisfactory to the Board that none of the proceeds of the loan or any matching funds have been or are being used for a purpose prohibited by this Act.

(7) 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.".

On page 5, after line 8, insert:

"Chapter 55 of the Acts of 2003

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 **[**Aging School Program –**]** Qualified Zone Academy Bonds Loan of 2003 in a total principal amount of $9,043,000. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation qualified zone academy bonds, as defined in § 1397E(d)(1) of the Internal Revenue Code of the United States, as amended, 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, Article 31, § 22 of the Code, and § 1397E of the Internal Revenue Code, as amended.

(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 held separately in a qualified zone academy bond account, and expended, on approval by the Board of Public Works, for the following public purposes: as a grant to the Interagency Committee on School Construction **OR THE MARYLAND STATE DEPARTMENT OF EDUCATION** (referred to hereafter in this Act as "the grantee") for **[**the**]** allocation to eligible school systems under the Aging School Program for the renovation, repair, and capital improvements of qualified zone academies, as defined in § 1397E(d)(4)(A) of the Internal Revenue Code, as amended, and in accordance with the Aging School Program of the Interagency Committee on School Construction, as provided under § 5–303 of the Education Article of the Annotated Code of Maryland**, AND TO PROVIDE EQUIPMENT FOR USE AT SUCH ACADEMIES AS ALLOWED UNDER § 1397E OF THE INTERNAL REVENUE CODE, AS AMENDED, AS OF THE DATE THE LOAN IS MADE**.

Chapter 204 of the Acts of 2003

SECTION 12. AND BE IT FURTHER ENACTED, That:

(3)

(I)	Bethel **[**Recreation Center**]** **SENIOR FACILITIES**. Provide a grant equal to the lesser of (i) $250,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Union Bethel A.M.E. Church for the planning, design, construction, and capital equipping of the Bethel **[**Recreation Center for use as a gymnasium, cafe and bookstore, and community meeting area**]** **SENIOR FACILITIES**, located in Brandywine. Notwithstanding the provisions of Section 12(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, 2011, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Prince George's County)	250,000

(V) Ebenezer Community Life Center. Provide a grant equal to the lesser of (i) $200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Ebenezer Community Development Corporation for the renovation, reconstruction, and capital equipping of two existing buildings on Whitfield Chapel Road in Lanham, and the construction and capital equipping of a new wing, to serve as a mixed educational, administrative, and fellowship complex. Notwithstanding the provisions of Section 12(5) of this Act, the matching fund may include real property or funds expended prior to the effective date of this Act**. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROCEEDS OF THE LOAN MUST BE ENCUMBERED BY THE BOARD OF PUBLIC WORKS OR EXPENDED FOR THE PURPOSES PROVIDED IN THIS ACT NO LATER THAN JUNE 1, 2011** (Prince George's County) 200,000";

and after line 35, insert:

"Chapter 431 of the Acts of 2005

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 **[**Aging School Program –**]** Qualified Zone Academy Bonds Loan of 2005 in a total principal amount of $9,364,000.This loan shall be evidenced by the issuance, sale, and delivery of State general obligation qualified zone academy bonds, as defined in § 1397E(d)(1) of the Internal Revenue Code of the United States, as amended, 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 Annotated Code of Maryland, and § 1397E of the Internal Revenue Code, as amended.

(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 held separately in a qualified zone academy bond account, and expended, on approval by the Board of Public Works, for the following public purposes: as a grant to the Interagency Committee on School Construction (referred to hereafter in this Act as "the grantee") for **[**the**]** allocation to eligible school systems under the Aging School Program for the renovation, repair, and capital improvements of qualified zone academies, as defined in § 1397E(d)(4)(A) of the Internal Revenue Code, as amended, and in accordance with the Aging School Program of the Interagency Committee on School Construction, as provided under § 5–303 of the Education Article of the Annotated Code of Maryland**, AND TO PROVIDE EQUIPMENT FOR USE AT SUCH ACADEMIES AS ALLOWED UNDER § 1397E OF THE INTERNAL REVENUE CODE, AS AMENDED, AS OF THE DATE THE LOAN IS MADE**.".

On page 7, after line 20, insert:

"ZA01 LOCAL SENATE INITIATIVES

(BT)	Ebenezer Community Life Center. Provide a grant equal to the lesser of (i) $150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Ebenezer Community Development Corporation for the planning, design, construction, renovation, reconstruction, and capital equipping of the Community Life Center, located in Lanham. 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**. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROCEEDS OF THE LOAN MUST BE ENCUMBERED BY THE BOARD OF PUBLIC WORKS OR EXPENDED FOR THE PURPOSES PROVIDED IN THIS ACT NO LATER THAN JUNE 1, 2011** (Prince George's County)	150,000".

AMENDMENT NO. 5

On page 2, before line 36, insert:

"Chapter 582 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 – Bethel **[**Recreation Center**]** **SENIOR FACILITIES** Loan of 2000 in a total principal amount equal to the lesser of (i) $250,000 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 Trustees of Union Bethel A.M.E. Church (referred to hereafter in this Act as "the grantee") for the planning, design, construction, and capital equipping of the Bethel **[**Recreation Center for use as a gymnasium, cafe and bookstore, and community meeting area**]** **SENIOR FACILITIES**, to be located in Brandywine, Maryland.

(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. The fund may consist of real property, in kind contributions, or 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) No portion of the proceeds of the loan or any of the matching funds may be used for the furtherance of sectarian religious instruction, or in connection with the design, acquisition, or construction of any building used or to be used as a place of sectarian religious worship or instruction, or in connection with any program or department of divinity for any religious denomination. Upon the request of the Board of Public Works, the grantee shall submit evidence satisfactory to the Board that none of the proceeds of the loan or any matching funds have been or are being used for a purpose prohibited by this Act.

(7) 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.".

On page 3, after line 22, insert:

"Chapter 650 of the Acts of 2001

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 – Bethel **[**Recreation Center**]** **SENIOR FACILITIES** Loan of 2001 in a total principal amount equal to the lesser of (i) $250,000 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 Trustees of Union Bethel A.M.E. Church (referred to hereafter in this Act as "the grantee") for the planning, design, construction, and capital equipping of the Bethel **[**Recreation Center for use as a gymnasium, cafe and bookstore, and community meeting area**]** **SENIOR FACILITIES**, to be located in Brandywine, Maryland.

(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. The fund may consist of real property, in kind contributions, or 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, 2003, 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) No portion of the proceeds of the loan or any of the matching funds may be used for the furtherance of sectarian religious instruction, or in connection with the design, acquisition, or construction of any building used or to be used as a place of sectarian religious worship or instruction, or in connection with any program or department of divinity for any religious denomination. Upon the request of the Board of Public Works, the grantee shall submit evidence satisfactory to the Board that none of the proceeds of the loan or any matching funds have been or are being used for a purpose prohibited by this Act.

(7) 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.".

On page 6, after line 3, insert:

"(AY) Bethel **[**Recreation Center**]** **SENIOR FACILITIES**. Provide a grant equal to the lesser of (i) $250,000 or (ii) the amount of the matching fund provided, to the Board of Trustees of Union Bethel A.M.E. Church, Inc. for the planning, design, construction, and capital equipping of the Bethel **[**Recreation Center for

use as a gymnasium, cafe and bookstore, and community meeting area**]** **SENIOR FACILITIES**, located in Brandywine. 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**. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE GRANTEE HAS UNTIL JUNE 1, 2011, TO PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED** (Prince George's County) ..... 250,000".

AMENDMENT NO. 6

On page 5, before line 24, insert:

"(BF) Marlton Gazebo. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the Marlton Gazebo Foundation for the planning, design, construction, repair, reconstruction, and capital equipping of the Marlton Gazebo, located in Upper Marlboro. Notwithstanding Section 13(5) of this Act, the matching fund may consist of in kind contributions **OR FUNDS EXPENDED PRIOR TO THE EFFECTIVE DATE OF THIS ACT** (Prince George's County) 100,000".

On page 9, after line 25, insert:

"(BA) Marlton Gazebo. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the Marlton Gazebo Foundation for the planning, design, construction, repair, reconstruction, and capital equipping of the Marlton Gazebo, located in Upper Marlboro**[**, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust**]**. 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 (Prince George's County) 100,000".

AMENDMENT NO. 7

On page 6, after line 10, insert:

"(K) **[**Tipton Airport Control Tower**]** **BENSON–HAMMOND HOUSE RENOVATION**. Provide a grant equal to the lesser of (i) $100,000 or (ii) the amount of the matching fund provided, to the **[**Anne Arundel County Tipton Airport Authority**]** **BOARD OF DIRECTORS OF THE ANNE ARUNDEL COUNTY HISTORICAL SOCIETY, INC.** for the **REPAIR,** renovation**, RECONSTRUCTION, AND CAPITAL EQUIPPING** of the **[**control tower at Tipton Airport for use as an educational exhibit and organizational meeting place**]** **BENSON–HAMMOND HOUSE AND RELATED OUTBUILDINGS**, located in **[**Odenton**]** **LINTHICUM**. 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 (Anne Arundel County) 100,000".

AMENDMENT NO. 8

On page 6, after line 16, insert:

"Chapter 445 of the Acts of 2005, as amended by Chapter 85 of the Acts of 2007

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

(3) ZA01 LOCAL HOUSE OF DELEGATES INITIATIVES

(BM) Sotterley Plantation. 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 **HISTORIC** Sotterley **[**Foundation**]**, Inc. for the planning, design, acquisition, construction, installation, and capital equipping of **[**security upgrades**]** **EXISTING**

FACILITIES for Sotterley Plantation, located in Hollywood, subject to a requirement that the grantee grant and convey an historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the matching fund may consist of in kind contributions and the grantee must present evidence that a matching fund will be provided by June 1, **[**2009**]** **2011** (St. Mary's County) ..... 50,000".

AMENDMENT NO. 9

On page 8, after line 3, insert:

"(CP) Our House Youth Home. Provide a grant equal to the lesser of (i) $175,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Our House Youth Home, Inc. for the construction and capital equipping of a new dormitory at Our House Youth Home, located in Olney, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the grantee has until June 1, **[**2009**]** **2010**, to present evidence that a matching fund will be provided (Montgomery County) 175,000".

On page 8, after line 4, insert:

"(AZ) Our House Youth Home. Provide a grant equal to the lesser of (i) $250,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Our House Youth Home, Inc. for the construction and capital equipping of a new dormitory at Our House Youth Home, located in Olney, subject to a requirement that the grantee grant and convey a historic easement to the Maryland Historical Trust. Notwithstanding Section 1(5) of this Act, the grantee has until June 1, **[**2009**]** **2010**, to present evidence that a matching fund will be provided (Montgomery County) 250,000".

AMENDMENT NO. 10

On page 8, after line 27, insert:

"(C) Martin Luther King, Jr., National Memorial Project. Provide a grant equal to the lesser of (i) $250,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Washington, D.C. Martin Luther King, Jr., National Memorial Project Foundation, Inc. for the design and construction of a national memorial to Martin Luther King, Jr., located in Washington, D.C. **PROVIDED THAT THE DEPARTMENT OF THE INTERIOR MAY NOT BE REQUIRED TO BECOME A PARTY TO THE GRANT AGREEMENT** (Statewide) .... 250,000".

On page 9, after line 26, insert:

"(D) Martin Luther King, Jr., National Memorial Project. Provide a grant equal to the lesser of (i) $250,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Washington, D.C. Martin Luther King, Jr., National Memorial Project Foundation, Inc. for the design and construction of a national memorial to Martin Luther King, Jr., located in Washington, D.C. **PROVIDED THAT THE DEPARTMENT OF THE INTERIOR MAY NOT BE REQUIRED TO BECOME A PARTY TO THE GRANT AGREEMENT** (Statewide) 250,000".

AMENDMENT NO. 11

On page 12, after line 20, insert:

"(BF) Capitol Heights Municipal Building. Provide a grant equal to the lesser of (i) $150,000 or (ii) the amount of the matching fund provided, to the Mayor and Town Council of the Town of Capitol Heights for the acquisition, planning, design, construction, repair,

renovation, and reconstruction of a municipal building, located in Capitol Heights**. NOTWITHSTANDING SECTION 1(5) OF THIS ACT, THE MATCHING FUND MAY CONSIST OF REAL PROPERTY OR FUNDS EXPENDED PRIOR TO THE EFFECTIVE DATE OF THIS ACT** (Prince George's County) 150,000".

AMENDMENT NO. 12

On page 3, after line 22, insert:

"Chapter 680 of the Acts of 2001, as amended by Chapter 32 of the Acts of 2003, Chapter 30 of the Acts of 2004, and Chapter 219 of the Acts of 2008

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 – Palmer Park Boys and Girls Club Loan of 2001 in **[**a**]** **THE** total principal amount **[**equal to the lesser**]** of **[**(i)**]** $200,000 **[**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 Palmer Park Boys and Girls Club, Inc. (referred to hereafter in this Act as "the grantee") for the

planning, design, repair, renovation, and capital equipping of a facility at Barlowe Road in Palmer Park to house the Palmer Park Boys and Girls Club.

(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. The fund may consist of real property, in kind contributions, or 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, 2005, 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, **[**2009.**]** **2011.** If any funds authorized by this Act remain unexpended or unencumbered after June 1, **[**2009,**]** **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.".

On page 10, after line 14, insert:

"(BS) Palmer Park Boys and Girls Club. Provide a grant equal to **[**the lesser of (i)**]** $175,000 **[**or (ii) the amount of the matching fund provided**]**, to the Board of Directors of the Palmer Park Boys and Girls Club,

Inc. for the planning, design, repair, renovation, and capital equipping of the Palmer Park Boys and Girls Club facility, located in Palmer Park**[**. 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**]** (Prince George's County) ..... 175,000".

On page 11, after line 38, insert:

"(CF) Palmer Park Boys and Girls Club. Provide a grant equal to **[**the lesser of (i)**]** $200,000 **[**or (ii) the amount of the matching fund provided**]**, to the Board of Directors of the Palmer Park Boys and Girls Club, Inc. for the planning, design, repair, renovation, and capital equipping of the Palmer Park Boys and Girls Club facility, located in Palmer Park**[**. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property**]** (Prince George's County) 200,000".

AMENDMENT NO. 13

On page 11, strike beginning with ", subject" in line 24 down through "Trust" in line 26.

On page 12, strike beginning with ", subject" in line 6 down through "Trust" in line 8.

AMENDMENT NO. 14

On page 8, strike beginning with the first "County" in line 30 down through "County" in line 31 and substitute "**MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION**".

On page 9, strike beginning with the first "County" in line 29 down through "County" in line 30 and substitute "**MARYLAND–NATIONAL CAPITAL PARK AND PLANNING COMMISSION**".

AMENDMENT NO. 15

On page 9, after line 25, insert:

"(BG) Delta Alumnae Community Development Center. 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 Prince George's County Delta Alumnae Foundation, Inc. for the acquisition, planning, design, construction, and capital equipping of a community development center, located in **[**Suitland.**]** **PRINCE GEORGE'S COUNTY.** 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** (Prince George's County) ..... 100,000".

On page 12, after line 20, insert:

"(BH) Delta Alumnae Community Development Center. Provide a grant equal to the lesser of (i) $150,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the Prince George's County Delta Alumnae Foundation for the acquisition, planning, and design of a community development center, located in **[**Suitland.**]** **PRINCE GEORGE'S COUNTY.** 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** (Prince George's County) ... 150,000".

AMENDMENT NO. 16

On page 5, after line 23, insert:

"(BD) Ivy Youth and Family Center. Provide a grant equal to the lesser of (i) $300,000 or (ii) the amount of the

matching fund provided, to the Board of Directors of Ivy Community Charities of Prince George's County, Inc. for the acquisition, planning, design, construction, and capital equipping of the Ivy Youth and Family Center, located in **[**Landover**]** **PRINCE GEORGE'S COUNTY**. Notwithstanding Section 13(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 **AND THE GRANTEE MUST PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED BY JUNE 1, 2011** (Prince George's County) 300,000".

On page 5, after line 35, insert:

"(Q) Ivy Youth and Family Center. Provide a grant equal to the lesser of (i) $200,000 or (ii) the amount of the matching fund provided, to the Board of Directors of Ivy Community Charities of Prince George's County, Inc. for the acquisition, planning, design, construction, and capital equipping of the Ivy Youth and Family Center, located in **[**Landover**]** **PRINCE GEORGE'S COUNTY**. Notwithstanding Section 13(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 **AND THE GRANTEE MUST PRESENT EVIDENCE THAT A MATCHING FUND WILL BE PROVIDED BY JUNE 1, 2011** (Prince George's County) 200,000".

AMENDMENT NO. 17

On page 11, after line 1, insert:

"(F) National Children's Museum. Provide a grant equal to the lesser of (i) $1,000,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the National Children's Museum, Inc. for the acquisition, **PLANNING, DESIGN,** construction, and

capital equipping of the National Children's Museum, located in Oxon Hill. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act (Statewide) 1,000,000";

and after line 39, insert:

"(C) National Children's Museum. Provide a grant equal to the lesser of (i) $1,000,000 or (ii) the amount of the matching fund provided, to the Board of Directors of the National Children's Museum, Inc. for the acquisition, **PLANNING, DESIGN,** construction, and capital equipping of the National Children's Museum, located in Oxon Hill. Notwithstanding Section 1(5) of this Act, the matching fund may consist of real property or funds expended prior to the effective date of this Act (Statewide) 1,000,000".

AMENDMENT NO. 18

On page 4, after line 37, insert:

"(3) DE02.01 BOARD OF PUBLIC WORKS

STATE GOVERNMENT CENTER – ANNAPOLIS
(Anne Arundel County)

(A) Legislative Facilities. Provide a portion of the funds to design, construct, renovate, and equip legislative facilities in Annapolis**. NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE PROCEEDS OF THIS LOAN MUST BE ENCUMBERED BY THE BOARD OF PUBLIC WORKS OR EXPENDED FOR THE PURPOSES PROVIDED IN THIS ACT NO LATER THAN JUNE 1, 2011** 19,750,000".

AMENDMENT NO. 19

On page 10, in line 18, after "(3)" insert:

"RD00 ST. MARY'S COLLEGE OF MARYLAND
(St. Mary's County)

(A)	Anne Arundel Hall Reconstruction. Provide funds for detailed design of the Anne Arundel Hall reconstruction **[**and initial construction funds to prepare the site for the federally–funded pedestrian bridge**]**	**[**1,050,000**]** **250,000**
(A–1)	**REPLACEMENT FACILITIES. PROVIDE FUNDS FOR THE DESIGN AND CONSTRUCTION OF A STORAGE FACILITY AND WOODSHOP**	**660,000**
(A–2)	**METAL STORAGE BUILDING. PROVIDE FUNDS FOR THE CONSTRUCTION AND EXPANSION OF THE NEW METAL STORAGE BUILDING**	**140,000**".

AMENDMENT NO. 20

On page 7, strike beginning with "ZA00" in line 11 down through "600,000" in line 20.

On page 8, strike beginning with "ZA00" in line 17 down through "600,000" in line 26.

On page 10, strike beginning with "(S)" in line 32 down through "600,000" in line 40.

AMENDMENT NO. 21

On page 10, before line 15, insert:

"Chapter 585 of the Acts of 2007

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 **[**Aging School

Program –**]** Qualified Zone Academy Bonds Loan of 2007 in a total principal amount of $11,126,000. This loan shall be evidenced by the issuance, sale, and delivery of State general obligation qualified zone academy bonds, as defined in **[**§ 1397E(d)(1)**] §§ 54E AND 1397E** of the Internal Revenue Code of the United States, as amended, 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 Annotated Code of Maryland, and **[**§ 1397E**] §§ 54E AND 1397E** of the Internal Revenue Code, as amended.

(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. Notwithstanding § 8–123 of the State Finance and Procurement Article, the Board of Public Works may sell the 3 bonds authorized herein at one or more private sales that best meet the terms and conditions of sale set by the Board.

(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 held separately in a qualified zone academy bond account, and expended, on approval by the Board of Public Works, for the following public purposes: as a grant to the Interagency Committee on School Construction **OR THE MARYLAND STATE DEPARTMENT OF EDUCATION** (referred to hereafter in this Act as "the grantee") for **[**the**]** allocation to eligible school systems under the Aging School Program for the renovation, repair, and capital improvements of qualified zone academies, as defined in **[**§ 1397E(d)(4)(A)**] §§ 54E AND 1397E(D)(4)(A)** of the Internal Revenue Code, as amended, and in accordance with the Aging School Program of the Interagency Committee on School Construction, as provided under § 5–303 of the Education Article of the Annotated Code of Maryland**, AND TO PROVIDE EQUIPMENT FOR USE AT SUCH ACADEMIES AS ALLOWED UNDER §§ 54E AND 1397E OF THE INTERNAL REVENUE CODE, AS AMENDED, AS OF THE DATE THE LOAN IS MADE**.

(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, if any, 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) (a) The grantee shall document the provision of a matching fund as provided in this paragraph.

(b) No part of the 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. The fund shall consist of private business contributions, which may consist of funds or in kind contributions, as required under **[**§ 1397E(d)(2)**]** **§§ 54E AND 1397E(D)(2)** of the Internal Revenue Code, as amended. In case of any dispute as to 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.

(c) The grantee shall present evidence to the satisfaction of the Board of Public Works of the provision and documentation of the matching fund, and the Board of Public Works shall authorize the disbursement of the proceeds of the grant under the provisions of this Act for the purposes set forth in Section 1(3) above.

(d) As the grantee documents the provision of the matching fund and meets other requirements of **[**§ 1397E**]** **§§ 54E AND 1397E** of the Internal Revenue Code, as amended, the Board of Public Works shall authorize the disbursement of an installment of the proceeds of the grant in proportion to the matching fund documented at that time by the grantee.

(e) This method of documentation of the matching fund shall continue until the first to occur of the disbursement of the total amount of the grant or June 1, 2009.

(f) The grantee has until **[**June**]** **NOVEMBER** 1, 2009, to present the final evidence satisfactory to the Board of Public Works that the total matching fund will be provided and documented. If satisfactory evidence is presented, the Board shall certify this fact to the State Treasurer, and the final proceeds of the loan proportional to the final installment of the matching fund shall be expended for the purposes provided in this Act. After **[**June**]** **NOVEMBER** 1, 2009, any amount of the loan that has not been authorized by the Board of Public Works for disbursement shall be canceled and be of no further effect.

(6) THE COMPTROLLER MAY ADVANCE FUNDS TO THE INTERAGENCY COMMITTEE ON SCHOOL CONSTRUCTION OR THE MARYLAND STATE DEPARTMENT OF EDUCATION FOR ANY EXPENDITURES AUTHORIZED UNDER ANY QUALIFIED ZONE ACADEMY BOND ENABLING ACT, PROVIDED THAT IF

QUALIFIED ZONE ACADEMY BONDS HAVE NOT BEEN ISSUED UNDER THE AUTHORITY OF THAT ACT, THE NEXT ENSUING SALE OF QUALIFIED ZONE ACADEMY BONDS SHALL INCLUDE THE ISSUANCE OF BONDS UNDER THE AUTHORITY OF THAT ACT IN AN AMOUNT AT LEAST EQUIVALENT TO THE AMOUNT OF THE FUNDS SO ADVANCED.".

The preceding 21 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 131 Members present.

(See Roll Call No. 740)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #56

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 – 129 Negative – 3 (See Roll Call No. 741)

The Bill was then sent to the Senate.

House Bill 146 – Harford County Delegation

AN ACT concerning

Harford County – Gaming

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

Affirmative – 132 Negative – 1 (See Roll Call No. 742)

The Bill was then sent to the Senate.

House Bill 391 – Delegates Rosenberg, Dumais, Gutierrez, Ivey, Rice, Ross, ~~and F. Turner~~ F. Turner, Frick, Gilchrist, Shank, Murphy, Cardin, Howard, Hixson, Bartlett, Kaiser, Myers, Walker, Olszewski, Stukes, and George

AN ACT concerning

Voter's Rights Protection Act of 2009

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

Affirmative – 110 Negative – 21 (See Roll Call No. 743)

The Bill was then sent to the Senate.

House Bill 455 – Caroline County Delegation

AN ACT concerning

Caroline County ~~– Elected School Board~~ Board of Education – Election of Members – Referendum

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

Affirmative – 130 Negative – 0 (See Roll Call No. 744)

The Bill was then sent to the Senate.

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 – 131 Negative – 2 (See Roll Call No. 745)

The Bill was then sent to the Senate.

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 – 132 Negative – 0 (See Roll Call No. 746)

The Bill was then sent to the Senate.

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 – 133 Negative – 0 (See Roll Call No. 747)

The Bill was then sent to the Senate.

House Bill 1348 – Delegate Frush

AN ACT concerning

Judges' Retirement System – Reemployment of Retirees

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

Affirmative – 129 Negative – 1 (See Roll Call No. 748)

The Bill was then sent to the Senate.

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 – 133 Negative – 0 (See Roll Call No. 749)

The Bill was then sent to the Senate.

House Bill 1458 – Delegates Carter, Dumais, Dwyer, Ramirez, Simmons, Smigiel, ~~and Vallario~~ Vallario, and Rosenberg

AN ACT concerning

Estates – Disqualification – Conviction for Unlawfully Obtaining Property of Vulnerable Adult

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

Affirmative – 132 Negative – 1 (See Roll Call No. 750)

The Bill was then sent to the Senate.

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 – 132 Negative – 0 (See Roll Call No. 751)

The Bill was then sent to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 133 Members present.

(See Roll Call No. 752)

ADJOURNMENT

At 10:48 A.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day March 28, 2009, Calendar Day Wednesday, April 1, 2009.

Annapolis, Maryland
Legislative Day: March 28, 2009
Calendar Day: Wednesday, April 1, 2009

The House met at 10:09 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Todd L. Schuler of Baltimore County.

QUORUM CALL

The presiding officer announced a quorum call, showing 130 Members present.

(See Roll Call No. 753)

The Journal of March 27, 2009 was read and approved.

EXCUSES:
Del. Beidle – business
Del. Carr – family emergency
Del. McDonough – illness
Del. Proctor – illness
Del. Stifler – daughter's injury
Del. F. Turner – illness

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 50 – Senators Klausmeier and Colburn

AN ACT concerning

~~Commission~~ Advisory Board on Gambling Addiction

FOR the purpose of establishing ~~a Commission~~ an Advisory Board on Gambling Addiction in the Department of Health and Mental Hygiene; providing for the membership, terms, quorum, ~~and meetings~~ meetings, and removal of members of the ~~Commission~~ Advisory Board; providing ~~Commission~~ Advisory Board members with reimbursement for expenses under certain circumstances; ~~specifying that the purpose of the Commission is to study the effects of individuals who are addicted to gambling, to measure the cost of gambling addiction, and~~ requiring the Advisory Board to propose certain ~~solutions;~~

solutions and advise the Department on certain prevalence studies; authorizing the ~~Commission~~ Advisory Board to consult with certain units of State government and establish certain committees or task forces; requiring the ~~Commission~~ Advisory Board to develop certain plans and studies, promote collaboration and coordination with certain programs, and perform certain other tasks; requiring the ~~Commission~~ Advisory Board to submit a certain report to the Governor and the General Assembly by a certain date; requiring the Department to adopt certain regulations; providing for the staggering of the terms of certain members of the ~~Commission~~ Advisory Board; defining a certain term; providing for the payment of the costs of the Advisory Board; and generally relating to the ~~Commission~~ Advisory Board on Gambling Addiction.

BY adding to
Article – Health – General
Section 19–805
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Senate Bill 271 – The President (By Request – Administration) and Senators Colburn, Conway, Forehand, Harrington, Lenett, Middleton, Pinsky, ~~and Raskin~~ Raskin, and Klausmeier

AN ACT concerning

Aquaculture – Shellfish – Leasing

FOR the purpose of repealing certain restrictions, eligibility requirements, authorizations, and procedures relating to leasing certain areas in certain waters of the State for the purpose of protecting, sowing, bedding, or cultivating certain shellfish; repealing certain provisions relating to revenue derived from private oyster culture; repealing a certain recording fee; requiring the Department of Natural Resources to designate a public shellfish area in the Chesapeake Bay and prohibiting its leasing for shellfish aquaculture; requiring the Department to establish certain zones for growing shellfish for commercial purposes in the Chesapeake Bay; limiting the location of the zones; requiring the Department to hold a public hearing before establishing the zones and authorizing the Department to issue certain types of leases in the zones for certain purposes under certain circumstances; establishing a set–aside for certain leases to active tidal fish holders; designating the uses of leased areas; authorizing the issuance of submerged land leases in certain waters of the Chesapeake Bay; limiting the locations of submerged land leases and designating their uses in the Chesapeake Bay; authorizing the issuance of submerged land leases in the Atlantic Coastal Bays; limiting the locations of submerged land leases and designating their uses in the Atlantic Coastal Bays;

establishing a process for designating in the Atlantic Coastal Bays areas preapproved for submerged land leasing, not approved for submerged land leases, and approved for leasing only on certain application; ~~providing for a setback from the Assateague Island National Seashore;~~ establishing an application process for aquaculture and submerged land leases; requiring surveys of leased areas; defining and requiring active use of a leased area; establishing a lease term; requiring payment of rent and an aquaculture development surcharge; requiring the Department to transfer funds derived from the surcharge to the State Department of Agriculture to be used for certain purposes; establishing a process for advertising submerged land lease applications and considering protests of such applications; identifying leaseholder responsibilities for leased areas; providing for a waiver of the active use requirement under certain circumstances; prohibiting a leaseholder from engaging in certain activities; authorizing inspection of shellfish planted or harvested under aquaculture or submerged land leases; providing for renewal and termination of a lease; establishing a demonstration lease and defining its purposes, requirements, and limitations; prohibiting the harvest of shellfish for commercial or consumption purposes in areas subject to a demonstration lease; providing for a setback from the Assateague Island National Seashore for certain submerged land and demonstration leases; requiring a record of each lease; designating a fund for payments of fees and revenues from aquaculture and submerged land leases; authorizing closure of areas to the catching or harvesting of shellfish in certain areas; prohibiting importation of shellfish without approval; requiring reports of lease activities; repealing certain restrictions relating to nonresident leasing in Somerset County; prohibiting interference with a lease under certain circumstances and increasing an administrative penalty for such interference; eliminating the prohibition on leasing on natural oyster bars; repealing certain provisions relating to the classification of submerged bottom for the purpose of shellfish harvest; repealing certain provisions governing the authority of the Department to open and close submerged bottom for shellfish harvest; ~~providing for certain provisions relating to the sale of~~ altering certain restrictions and requirements governing seed oysters; ~~repealing provisions related to aquaculture seed areas in certain counties;~~ exempting certain leasing activities from a certain licensing requirement; requiring the Department of the Environment to revise certain regulations by a certain date; establishing certain requirements for existing shellfish leases; specifying a certain legislative intent; defining certain terms; making certain technical corrections; requiring the Department to monitor the abundance and health of submerged aquatic vegetation in the Atlantic Coastal Bays with a certain intent; making the provisions of this Act severable; and generally relating to shellfish aquaculture leasing in the Chesapeake Bay and the Atlantic Coastal Bays.

BY repealing and reenacting, without amendments,
Article – Environment
Section 16–202(a)
Annotated Code of Maryland

(2007 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 16–202(d)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY repealing
Article – Natural Resources
Section 4–1102 and 4–11A–04 through 4–11A–11
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Natural Resources
Section ~~4–1102,~~ 4–1103, 4–11A–01, 4–11A–12, 4–11A–13, and 4–11A–15
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

~~BY repealing~~
~~Article – Natural Resources~~
~~Section 4–11A–04 through 4–11A–11~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2008 Supplement)~~

BY adding to
Article – Natural Resources
Section 4–11A–04 through 4–11A–11
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Senate Bill 334 – Senator Colburn

AN ACT concerning

Talbot County – Alcoholic Beverages – Limited Wineries

FOR the purpose of authorizing a holder of a Class 4 manufacturer's (limited winery) license in Talbot County to produce wine and pomace brandy at each warehouse for which the holder has been issued an individual storage permit; prohibiting a holder from serving or selling wine and pomace brandy to the public at a warehouse; making a stylistic change; and generally relating to holders of Class 4 manufacturer's licenses in Talbot County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 2–205(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 2–205(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 2–205(d)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Senate Bill 409 – Senator Simonaire

AN ACT concerning

Anne Arundel County Public Schools – Office Discipline Referrals – Accountability Policy

FOR the purpose of requiring the ~~State~~ Anne Arundel County Board of Education to develop a certain ~~model~~ policy for accounting for certain office discipline referrals submitted in certain schools ~~by~~ on or before a certain date; requiring a certain ~~model~~ policy to include certain information; ~~requiring certain county boards of education to establish certain policies to account for certain office discipline referrals submitted in certain schools; requiring certain policies established by county boards of education to include certain components; requiring county boards to develop certain policies in consultation with certain groups; requiring certain county board policies to include information on certain procedures; requiring county boards to submit certain policies to the State Superintendent of Schools on or before a certain date;~~ requiring the county board to implement a certain policy in certain public schools in a certain school year; requiring the county board to submit a certain report to the General Assembly on or before a certain date; defining a certain term; providing for the termination of this Act; and generally relating to an accountability policy by ~~public schools~~ the Anne Arundel County Board of Education for office discipline referrals.

BY adding to
Article – Education
Section 7–311
Annotated Code of Maryland
(2008 Replacement Volume)

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

Senate Bill 464 – Senators Edwards, Colburn, Mooney, Munson, and Stoltzfus

AN ACT concerning

Maryland Trauma Physician Services Fund – Rural Trauma Centers – Reimbursement

FOR the purpose of ~~altering the definition of trauma center to include Peninsula Regional Medical Center, the Western Maryland Health System, and Washington County Hospital~~ altering the maximum number of trauma on–call hours per year that a Level III trauma center is eligible for reimbursement for from the Maryland Trauma Physician Services Fund; providing that the cost incurred by a Level III trauma center to maintain trauma physicians on call shall include certain practice areas under certain circumstances; requiring the Maryland Health Care Commission to make a certain determination on or before a certain date each year; prohibiting the Commission from making certain reimbursements under certain circumstances; providing for the termination of this Act; and generally relating to the Maryland Trauma Physician Services Fund.

BY repealing and reenacting, ~~with~~ without amendments,
Article – Health – General
Section 19–130(a), (b), and (d)(1), (2), and (3)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, ~~without~~ with amendments,
Article – Health – General
Section ~~19–130(b)~~ 19–130(d)(4)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article – Health – General
Section 19–130(d)(7)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Senate Bill 506 – Senator Gladden

AN ACT concerning

Maryland Transit Administration – Public Hearings

FOR the purpose of prohibiting the Administration from ~~changing a bus timetable or~~ reducing under certain circumstances certain bus or rail service until a public hearing is held on the matter; ~~altering the time period during which the Administration may implement a policy change on certain matters;~~ requiring the Administration to ~~revise, correct, and reissue~~ make a reasonable effort to correct certain notice and to provide notice under a certain process to certain persons before implementing a certain change under certain circumstances; providing that certain notice shall be deemed defective; authorizing the Administration to establish a process for providing certain notice; and generally relating to public hearings held by the Maryland Transit Administration.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 7–506
Annotated Code of Maryland
(2008 Replacement Volume)

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

Senate Bill 661 – Senators Garagiola, Astle, Kelley, and Middleton

AN ACT concerning

Health Insurance – Use of Physician Rating Systems by Carriers

FOR the purpose of ~~providing that a carrier may only use a physician rating system for certain health benefit plans if the system meets certain requirements; providing that a carrier may only use certain categories of measurements in a physician rating system; prohibiting a carrier from rating a physician based solely on cost efficiency; requiring a carrier to calculate and disclose certain measures in a certain manner; requiring a carrier to disclose a material change in a physician rating system at a certain time; requiring a carrier to use certain risk adjustments in determining the quality of performance and the cost efficiency of a physician; requiring a carrier to describe its physician rating system to certain physicians in a certain manner; requiring a carrier to make certain disclosures to certain physicians and enrollees; requiring a carrier to ensure that certain data is accurate; requiring a carrier to use certain~~

~~measurements under certain circumstances; requiring a carrier to describe to certain physicians and to a certain ratings examiner certain information; requiring a carrier to make certain determinations in determining the data to be used to measure the quality of performance of a physician; requiring a carrier to use the most current claims and data to measure physician quality of performance; requiring a carrier to use certain computer software under certain circumstances; requiring a carrier that uses a physician rating system to establish a certain complaint process for enrollees; requiring a carrier that uses a physician rating system to post certain information on its website in a certain manner; requiring a carrier to provide certain physicians certain information at a certain time before making certain information available to enrollees; prohibiting a carrier from making a certain change under certain circumstances; requiring a carrier to establish a certain appeals process under certain circumstances; providing that a ratings examiner shall have oversight and review of the appeals process; requiring a carrier to contract with and pay for a ratings examiner to review certain physician rating systems; prohibiting a carrier from implementing a physician rating system until the carrier submits the system to a certain ratings examiner for review; requiring a carrier to make certain disclosures and provide certain information to a ratings examiner; requiring a carrier to obtain certain reviews by a ratings examiner under certain circumstances; requiring a carrier to disclose the results of any reviews conducted by a ratings examiner in a certain manner; requiring a certain ratings examiner to report annually to the Maryland Health Care Commission and the Maryland Insurance Administration regarding certain information; authorizing the Insurance Commissioner, in consultation with the Maryland Health Care Commission, to adopt regulations to implement the provisions of this Act;~~ requiring the Maryland Health Care Commission to approve a certain entity to be a physician rating system examiner under certain circumstances; providing that an entity that has a certain program approved by a certain consortium is deemed to be a ratings examiner; prohibiting certain health insurance carriers from using a physician rating system unless the physician rating system is approved by a ratings examiner; requiring a carrier to contract with and pay for a ratings examiner to review certain physician rating systems; providing that a physician rating system of a carrier is deemed to meet certain requirements of this Act under certain circumstances; requiring certain carriers to establish a certain appeals process; requiring certain carriers to provide certain physicians with certain information under certain circumstances; prohibiting a carrier from disclosing a certain rating under certain circumstances; requiring a carrier to post certain information on a certain section of the carrier's website; requiring a carrier to notify the Maryland Insurance Commissioner of the results of a certain final review within a certain time period; authorizing the Commissioner to order a carrier to correct a certain deficiency or cease use of a certain physician rating system under certain circumstances; requiring certain carriers to annually report to the Commissioner on the number and outcome of certain appeals; 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; defining certain terms; providing for a delayed effective date; and generally relating to use of physician rating systems by health insurance carriers.

BY adding to
Article – Health – General
Section 19–142 and 19–143 to be under the new part "Part IV. Examiners of Physician Rating Systems"; and 19–706(ttt)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article – Insurance
Section 15–1701 through ~~15–1709~~ 15–1705 to be under the new subtitle "Subtitle 17. Regulation of Physician Rating Systems"
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Senate Bill 771 – Senator Edwards

AN ACT concerning

~~Public Utility Companies – Wind Turbines~~ Wind–Powered Electric Generating Facilities and Solar Generating Systems – Performance Standards and Decommissioning and Restoration Studies

FOR the purpose of requiring the ~~Public Service Commission and the Department of the Environment to develop jointly certain general performance standards for wind–powered electric generating turbines erected in the State; requiring the Commission to adopt certain standards by regulation;~~ Power Plant Research Program in the Department of Natural Resources to conduct two studies; requiring the Program to study performance standards for wind–powered electric generating facilities to make a certain determination on the development of standards, identify certain types of standards, and indicate the performance standard for certain types of standards; requiring the Program to study decommissioning and restoration of wind–powered electric generating facilities and solar generating systems to identify certain means to ensure certain adequate funds exist for a certain purpose; requiring the Program to seek input from certain representatives and other appropriate persons; requiring the Program to report on certain findings and recommendations to the Governor and certain committees of the General Assembly in a certain manner on or before a certain date; and generally relating to studies of general performance standards for wind–powered electric generating facilities and

decommissioning and restoration ~~for wind turbines erected~~ of wind–powered electric generating facilities and solar generating systems in the State.

~~BY adding to~~
~~Article – Public Utility Companies~~
~~Section 7–213~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume and 2008 Supplement)~~

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

Senate Bill 776 – Senator Della

AN ACT concerning

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

FOR the purpose of requiring ~~each hospital~~ the Health Services Cost Review Commission to require certain hospitals in the State to develop a financial assistance policy for providing free care and reduced–cost care to certain patients; requiring a hospital to post a certain notice in its billing office; requiring each hospital to develop an information sheet that meets certain requirements; requiring the ~~Health Services Cost Review~~ Commission to establish uniform requirements for the information sheet and review each hospital's implementation of and compliance with certain requirements; requiring each hospital to ensure the availability of staff with certain training; altering requirements for each hospital's submission of a policy on debt collection; requiring the policy to meet certain requirements; requiring the Commission to review each hospital's implementation of and compliance with the policy and requirements; authorizing the Commission to impose a certain fine under certain circumstances and to consider certain items before imposing a fine; altering the requirements for regulations establishing alternative methods for financing certain costs of care; requiring the Commission to establish a workgroup on patient financial assistance and debt collection for ~~a certain purpose~~ certain purposes; requiring the workgroup to report certain findings and recommendations on or before a certain date; requiring the Commission to study, make recommendations, and report on incentives for hospitals to provide free and reduced–cost care to certain patients; ~~requiring the Judiciary to study, make recommendations, and report on the legal rate of interest on a judgment for a certain hospital bill;~~ and generally relating to the Health Services Cost Review Commission and hospital financial assistance and debt collection policies.

BY repealing and reenacting, with amendments,
Article – Health – General

Section 19–214(b) and 19–214.1
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article – Health – General
Section 19–214.2 and 19–214.3
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Senate Bill 796 – Senator Della

AN ACT concerning

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

FOR the purpose of ~~altering the purpose of the Community Services Trust Fund in the Office of the Treasurer; repealing an account holding certain proceeds from the sale or long–term lease of property and equipment resulting from the sale or long–term lease of Mental Hygiene Administration facilities and certain provisions of law relating to the transfer of funds from the account; and generally relating to the repeal of the Mental Hygiene Administration account of the Community Services Trust Fund~~ requiring the Secretary of Health and Mental Hygiene, in collaboration with the Office of the Treasurer, to convene a workgroup to evaluate and make recommendations regarding the Community Services Trust Fund; requiring the Department of Health and Mental Hygiene to make a certain report on or before a certain date; requiring certain funds and proceeds to remain in or accrue to the Trust Fund until the Department makes a certain report; and generally relating to the Community Services Trust Fund.

~~BY repealing and reenacting, without amendments,~~
~~Article – Health – General~~
~~Section 24–1101~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2008 Supplement)~~

~~BY repealing and reenacting, with amendments,~~
~~Article – Health – General~~
~~Section 24–1102, 24–1103, 24–1104, and 24–1105~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2008 Supplement)~~

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

Senate Bill 863 – Senator Edwards

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 and Executive Nominations.

Senate Bill 886 – Senator Rosapepe

AN ACT concerning

Prince George's County – Laurel Commons – Alcoholic Beverages – Additional Class B Licenses

FOR the purpose of adding Laurel Commons to a list of areas designated as underserved in Prince George's County in which a licensee may hold or have an interest in an additional Class B beer, wine and liquor license for a restaurant; specifying that certain exceptions to the maximum number of alcoholic beverages licenses that a license holder may hold in certain areas do not apply in Laurel Commons; and generally relating to alcoholic beverages for restaurants in Prince George's County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 9–217(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 9–217(f)(5)(ii) and (iii)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Senate Bill 955 – Senator Klausmeier

AN ACT concerning

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

FOR the purpose of requiring an electric company under certain circumstances to include procedures for the competitive selection of heating, ventilation, air conditioning, or refrigeration service providers in a certain plan to achieve certain electricity savings and demand reduction targets; authorizing the Public Service Commission to waive a certain requirement under certain circumstances on a request by an electric company; requiring a certain plan and any updates to include a certain certification or recertification; ~~prohibiting an affiliate of an electric company from providing heating, ventilation, air conditioning, or refrigeration services in connection with a certain program or service unless the Public Service Commission verifies~~ requiring an electric company that enters into a contract or obligation with an affiliate of the electric company to provide certain services to notify the Commission within a certain time that the electric company has entered into a certain contract or obligation and certifies that the electric company's regulated service customers ~~are~~ will not ~~subsidizing~~ subsidize the operations of the affiliate; ~~requiring each electric company to submit to the Commission a certain updated plan or a certain statement on or before a certain date;~~ providing that nothing in this Act shall

impair a certain obligation or contract right; defining certain terms; and generally relating to electric companies.

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–211(a), (h), and (i)
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 7–211(g)
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

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

Senate Bill 965 – Senators Colburn and Pipkin

AN ACT concerning

Caroline County – School Buses – Length of Operation

FOR the purpose of altering the length of time a school bus may be operated in Caroline County; providing for the effective date of certain provisions of this Act; providing for the termination of certain provisions of this Act; and generally relating to the length of time a school bus may be operated in Caroline County.

BY repealing and reenacting, with amendments,
Article – Education
Section 7–804
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Education
Section 7–804
Annotated Code of Maryland
(2008 Replacement Volume)
(As enacted by Chapters 637 and 638 of the Acts of the General Assembly of 2008)

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

Senate Bill 987 – Senator Exum ~~and Kittleman~~

AN ACT concerning

Workers' Compensation Commission – Authority – Employer Compliance

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

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

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

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

Senate Bill 1035 – Senators Peters, Muse, Harrington, Currie, Exum, Miller, Pinsky, and Rosapepe

AN ACT concerning

Education – Prince George's Community College Board of Trustees

FOR the purpose of altering the number of members on the Prince George's Community College Board of Trustees; requiring a certain number of the members of the Board to be appointed by the Governor, with the advice and consent of the Senate and a certain number from each of the legislative districts in the county; and generally relating to the membership of the Prince George's Community College Board of Trustees.

BY repealing and reenacting, with amendments,
Article – Education
Section 16–414
Annotated Code of Maryland
(2008 Replacement Volume)

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

Senate Bill 1050 – ~~Senator Harris~~ Senators Harris and Klausmeier

AN ACT concerning

Baltimore County Revenue Authority – Closure, Sale, Transfer, or Conveyance of Facility or Project

FOR the purpose of requiring the Baltimore County Revenue Authority to hold a ~~certain number of~~ public ~~hearings~~ hearing before closing, selling, transferring, or conveying a certain facility or project; ~~requiring that the public hearings be held at certain intervals;~~ requiring that a certain public hearing be held a certain amount of time before a certain facility or project is closed, sold, transferred, or conveyed; and generally relating to the Baltimore County Revenue Authority.

BY repealing and reenacting, without amendments,
The Public Local Laws of Baltimore County
Section 9–1–101(a), (b), and (l)
Article 3 – Public Local Laws of Maryland
(2003 Edition and January 2009 Supplement, as amended)

BY adding to
The Public Local Laws of Baltimore County
Section 9–1–104.1
Article 3 – Public Local Laws of Maryland
(2003 Edition and January 2009 Supplement, as amended)

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

Senate Bill 235 – Senators King, Astle, DeGrange, Garagiola, Klausmeier, Lenett, Robey, ~~and Rosapepe~~ Rosapepe, and Harrington

AN ACT concerning

Education – MDK12 Digital Library

FOR the purpose of establishing the MDK12 Digital Library in the State Department of Education; establishing certain legislative findings; establishing the purpose of the MDK12 Digital Library; establishing a steering committee within the MDK12 Digital Library; establishing the membership of the steering committee; establishing certain duties of the steering committee; establishing the membership of the MDK12 Digital Library, subject to certain limitations; establishing certain limitations to the membership of the MDK12 Digital Library; requiring certain individuals to perform certain duties; authorizing the MDK12 Digital Library to develop certain additional programs that support all residents of Maryland; requiring the Department to employ a certain position; requiring a certain report to be submitted by a certain date to the Department; defining a certain term; and generally relating to the MDK12 Digital Library.

BY adding to
Article – Education
Section 7–9A–01 through 7–9A–05 to be under the new subtitle "Subtitle 9A. MDK12 Digital Library"
Annotated Code of Maryland
(2008 Replacement Volume)

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

Senate Bill 247 – Senators Rosapepe, Colburn, Greenip, Harrington, Harris, and Kelley

AN ACT concerning

Health Occupations – Maryland Athletic Trainers Act

FOR the purpose of establishing the Athletic Trainer Advisory Committee as a subunit of the State Board of Physicians; establishing certain fees for services provided by the Board to athletic trainers; providing for the composition, appointment, and terms of the Committee members; establishing certain powers and duties of the Committee; requiring certain persons to be licensed by the Board as athletic trainers before performing certain work in the State; establishing certain education and experience requirements to qualify for a license; establishing

certain application fees and requirements for obtaining a license; establishing certain terms and procedures for the renewal and reinstatement of a license; prohibiting a licensee from surrendering a license under certain circumstances; authorizing the Board to deny a license to an applicant, reprimand a licensee, place a licensee on probation, or suspend or revoke a license under certain circumstances; establishing certain requirements for reinstatement of a revoked license; providing for certain criminal and civil penalties; establishing certain hearing and appeal procedures for athletic trainers; providing that the Committee is subject to the provisions of the Maryland Program Evaluation Act; requiring that an evaluation of the Committee and statutes and regulations that relate to the Committee be performed on or before a certain date; defining certain terms; providing for the termination of this Act; specifying the terms of the initial members of the Board; and generally relating to the establishment of an athletic trainer license and the Athletic Trainer Advisory Committee.

BY renumbering
Article – State Government
Section 8–403(b)(6) through (68), respectively
to be Section 8–403(b)(7) through (69), respectively
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY adding to
Article – Health Occupations
Section 14–5D–01 through 14–5D–20 to be under the new subtitle "Subtitle 5D. Athletic Trainers"
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – State Government
Section 8–403(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY adding to
Article – State Government
Section 8–403(b)(6)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

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

Senate Bill 352 – Senators Peters, Frosh, Harrington, Lenett, Pinsky, and Rosapepe

AN ACT concerning

Public Utility Tree Management Act of 2009

FOR the purpose of requiring certain public utilities to prepare a certain plan in accordance with certain requirements under certain circumstances; requiring a certain public utility to submit a certain plan to the Department of Natural Resources and certain local governments within a certain amount of time; requiring a certain public utility to make the plan available to the public within a certain amount of time; ~~requiring a certain public utility to enter into a certain agreement with the Department under certain circumstances; requiring certain programs and plans to be published in accordance with certain requirements; authorizing the Department to issue a stop–work order under certain circumstances; providing for certain penalties under certain circumstances;~~ authorizing the Department to adopt certain regulations; defining a certain term; and generally relating to public utilities and tree ~~preservation~~ management.

BY adding to
Article – Natural Resources
Section 5–1901 through ~~5–1905~~ 5–1904 to be under the new subtitle "Subtitle 19. Public Utility Tree Preservation"
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

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

FOR the purpose of expanding the programs to which certain provisions relating to a certain system for outcomes evaluation for certain programs for children in out–of–home placement apply; exempting certain facilities and programs from certain provisions relating to a certain system for outcomes evaluation; altering certain definitions to include certain programs for purposes of certain provisions relating to a certain system for outcomes evaluation; providing for the effective dates of this Act; and generally relating to children in out–of–home placement and a certain system for outcomes evaluation.

BY repealing and reenacting, without amendments,
Article – Human Services
Section 8–101(a) and (m)

Annotated Code of Maryland
(2007 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Human Services
Section 8–1001 through 8–1003 to be under the amended subtitle "Subtitle 10. Programs for Children in Out–of–Home Placement – Standards for Staff and System for Outcomes Evaluation"
Annotated Code of Maryland
(2007 Volume and 2008 Supplement)

BY adding to
Article – Human Services
Section 8–1002
Annotated Code of Maryland
(2007 Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Human Services
Section 8–1001(a) and (e)
Annotated Code of Maryland
(2007 Volume and 2008 Supplement)
(As enacted by Section 1 of this Act)

BY repealing and reenacting, with amendments,
Article – Human Services
Section 8–1001(d)
Annotated Code of Maryland
(2007 Volume and 2008 Supplement)
(As enacted by Section 1 of this Act)

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

Senate Bill 967 – Senator Colburn

AN ACT concerning

Environment – Bay Restoration Fund – Authorized Uses

FOR the purpose of authorizing certain fee revenue collected for the Bay Restoration Fund to be used to pay the cost of connecting properties served by onsite sewage disposal systems to certain existing municipal wastewater facilities under certain circumstances; establishing certain requirements for certain funding of certain costs; providing for the termination of this Act; and generally relating to authorized uses of the Bay Restoration Fund.

BY repealing and reenacting, without amendments,
Article – Environment
Section 9–1605.2(a) and (h)(1)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Environment
Section 9–1605.2(h)(2) and (3)
Annotated Code of Maryland
(2007 Replacement Volume and 2008 Supplement)

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

Senate Bill 990 – ~~Senator Stone~~ Senators Stone, Conway, Dyson, Colburn, Greenip, Harrington, Harris, Lenett, Pinsky, and Rosapepe

AN ACT concerning

Education – Reporting Requirement – Class Size

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

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

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

Senate Bill 1011 – Senators DeGrange, Currie, Jones, Kasemeyer, and Munson

AN ACT concerning

Department of Transportation – Consolidated Transportation Bonds – Issuance Procedures

FOR the purpose of authorizing the Department of Transportation to sell its consolidated transportation bonds at either a public, competitive sale or a private, negotiated sale, as determined by the Secretary of Transportation in accordance with certain criteria; providing that a public, competitive sale is the preferred method of issuance; providing for the form of notice of a public sale; providing for the publication of the notice of sale in a certain journal; repealing a certain publication requirement; and generally relating to the sale of the Department of Transportation's consolidated transportation bonds.

BY repealing and reenacting, with amendments,
Article – Transportation
Section 3–202 and 3–203
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Transportation
Section 3–207
Annotated Code of Maryland
(2008 Replacement Volume)

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

Senate Bill 1060 – Senator Jones (Chair, Joint Committee on the Management of Public Funds) and Senators Currie, Forehand, and Haines

AN ACT concerning

General Obligation Bonds – Method of Sale by Board of Public Works

FOR the purpose of stating that it is the policy of the State that the preferred method of sale of general obligation bonds of the State by the Board of Public Works is by public, competitive sale; authorizing the Board of Public Works to sell general obligation bonds by private, negotiated sale if the Board makes certain determinations; adding ~~tax credit~~ certain forms to the kinds of forms in which State bonds are to be issued; providing for certain determinations by the Board; providing for the construction of this Act; and generally relating to the sale of general obligation bonds of the State.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement

Section 8–121(a) and 8–124
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

THE COMMITTEE ON APPROPRIATIONS REPORT #12

Delegate Conway, Chair, for the Committee on Appropriations 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

HB1448/404769/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1448
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "establishing" in line 8 down through "employees;" in line 9; strike beginning with "classifying" in line 10 down through "office;" in line 11; and in line 13, after "terms;" insert "requiring the Secretary of Human Resources to report to certain committees of the General Assembly on or before certain dates;".

AMENDMENT NO. 2

On page 4, strike beginning with "**(G)**" in line 3 down through "**ARTICLE.**" in line 7; and in lines 8 and 10, strike "**(H)**" and "**(I)**", respectively, and substitute "**(G)**" and "**(H)**", respectively.

AMENDMENT NO. 3

On page 5, strike beginning with "**(D)**" in line 19 down through "**POSITION.**" in line 29; and in line 30, strike "**(E)**" and substitute "**(D)**".

On page 6, in lines 1, 4, and 18, strike "**(F)**", "**(G)**", and "**(H)**", respectively, and substitute "**(E)**", "**(F)**", and "**(G)**", respectively.

AMENDMENT NO. 4

On page 6, after line 19, insert:

"SECTION 3. AND BE IT FURTHER ENACTED, That, on or before December 31, 2010, and December 21, 2011, the Secretary of Human Resources shall evaluate the Child Support Enforcement Privatization Program in Baltimore City and Performance Incentive Model Offices in all other jurisdictions and, in accordance with § 2–1246 of the State Government Article, report on the evaluation to the Senate Finance Committee and the House Appropriations Committee.";

and in line 20, strike "3." and substitute "4.".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON APPROPRIATIONS REPORT #13

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

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

AN ACT concerning

Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2009, and the Maryland Consolidated Capital Bond Loans of 2001, 2002, 2003, 2004, 2005, 2006, 2007, and 2008

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

(See Exhibit H of Appendix II)

HOUSE APPROPRIATIONS COMMITTEE REPRINT TO
HOUSE BILL 102 – THE CAPITAL BUDGET

(See Exhibit I of Appendix II)

Delegate Jones moved to make the Bill and Amendments a Special Order for Thursday.

The motion was adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 754)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #57

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 – 133 Negative – 1 (See Roll Call No. 755)

The Bill was then sent to the Senate.

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 – 134 Negative – 0 (See Roll Call No. 756)

The Bill was then sent to the Senate.

House Bill 1023 – Prince George's County Delegation

AN ACT concerning

Prince George's County – Vehicle Laws – Speed Monitoring Systems

PG 313–09

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

Affirmative – 90 Negative – 42 (See Roll Call No. 757)

The Bill was then sent to the Senate.

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 – 135 Negative – 0 (See Roll Call No. 758)

The Bill was then sent to the Senate.

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

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

Affirmative – 134 Negative – 1 (See Roll Call No. 759)

The Bill was then sent to the Senate.

House Bill 1314 – Howard County Delegation

AN ACT concerning

Howard County – Vehicle Laws – Speed Monitoring Systems

Ho. Co. 6–09

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

Affirmative – 89 Negative – 45 (See Roll Call No. 760)

The Bill was then sent to the Senate.

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 – 134 Negative – 0 (See Roll Call No. 761)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #58

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 – 133 Negative – 2 (See Roll Call No. 762)

The Bill was then sent to the Senate.

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 – 133 Negative – 1 (See Roll Call No. 763)

The Bill was then sent to the Senate.

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

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

Affirmative – 135 Negative – 0 (See Roll Call No. 764)

The Bill was then sent to the Senate.

House Bill 396 – Delegate Anderson (By Request – Baltimore City Administration) and Delegates McIntosh, Kirk, Robinson, and Rosenberg

AN ACT concerning

Baltimore City – Vehicle Laws – Speed Monitoring Systems

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

Affirmative – 91 Negative – 44 (See Roll Call No. 765)

The Bill was then sent to the Senate.

House Bill 475 – Delegates O'Donnell, Aumann, Bates, Beitzel, Boteler, Dwyer, Eckardt, Elliott, Frank, George, Haddaway, Impallaria, Jennings, Kach, King, Kipke, Krebs, McComas, McConkey, McDonough, Miller, Myers, Norman, Serafini, Shank, Shewell, Smigiel, Sossi, Stifler, Stocksdale, Stull, Walkup, ~~and Weldon~~ Weldon, Bobo, and V. Clagett

AN ACT concerning

Ethics – Executive Branch – Lobbying by Former Officials

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

Affirmative – 132 Negative – 2 (See Roll Call No. 766)

The Bill was then sent to the Senate.

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 – 133 Negative – 1 (See Roll Call No. 767)

The Bill was then sent to the Senate.

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 – 126 Negative – 9 (See Roll Call No. 768)

The Bill was then sent to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 769)

ADJOURNMENT

At 10:50 A.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day March 29, 2009, Calendar Day Thursday, April 2, 2009.

Annapolis, Maryland
Legislative Day: March 29, 2009
Calendar Day: Thursday, April 2, 2009

The House met at 10:05 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Steven R. Schuh of Anne Arundel County.

QUORUM CALL

The presiding officer announced a quorum call, showing 132 Members present.

(See Roll Call No. 770)

The Journal of March 28, 2009 was read and approved.

EXCUSES:
Del. Cane – late – doctor's appointment
Del. Proctor – foot injury
Del. F. Turner – illness

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 221 – Senator Lenett

AN ACT concerning

Health Care Facilities – Disclosures – Use of Life–Sustaining Procedures

FOR the purpose of requiring certain health care facilities to provide certain information concerning the right to make certain decisions about health care and the availability of hospice care, request a copy of existing advance directives under specified circumstances, and inform certain individuals or proxy decision makers about certain facility procedures; requiring a health care facility to disclose the facility's policy on honoring advance directive provisions in a certain manner; requiring an admitting physician at a health care facility to inform an individual or an individual's proxy decision maker of the facility's policy on honoring advance directive provisions under certain circumstances; requiring the State Advisory Council on Quality Care at the End of Life to consult with certain groups before developing and making publicly available certain

resources; defining certain terms; providing for a delayed effective date for certain provisions of this Act; and generally relating to the provision of information by health care facilities on an individual's admission to a facility.

BY renumbering
Article – Health – General
Section 5–615(c)
to be Section ~~5–615(d)~~ 5–615(e)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 5–615(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing
Article – Health – General
Section 5–615(b)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article – Health – General
Section 5–615(b) ~~and (c)~~, (c), and (d)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

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"

FOR the purpose of authorizing collective bargaining negotiations pertaining to certain State employees to include negotiations relating to the right of an employee organization to receive service fees from nonmembers; exempting certain employees who are members of certain religions from the requirement to pay a service fee under certain circumstances; providing that an employee who is exempt from paying a service fee may be required to pay a certain amount to

a certain organization under certain circumstances; requiring a certain memorandum of understanding to include a list of certain organizations; and generally relating to permissible matters of negotiation under the State employee collective bargaining process.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 3–502
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

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

Senate Bill 342 – Senators Pugh, Della, Gladden, Lenett, Madaleno, Pinsky, Raskin, and Rosapepe

AN ACT concerning

Consumer Protection – Fur Labeling Requirements for Articles of Clothing

FOR the purpose of prohibiting a merchant from displaying for sale, offering for sale, or selling an article of clothing made wholly or partly from animal fur unless a label or tag is attached to the article of clothing identifying certain names of animals and certain countries of origin; exempting a merchant who displays for sale, offers for sale, or sells a used article of clothing made wholly or partly from animal fur; authorizing certain identification information to be added to a certain label or tag or affixed in a certain manner to an article of clothing; exempting a merchant from liability under certain circumstances; authorizing the Attorney General to initiate a certain civil action and recover certain penalties; providing that each article of clothing that is not labeled or tagged in accordance with this Act ~~constitutes~~ does not constitute a separate violation; defining certain terms; providing for a delayed effective date; and generally relating to fur labeling requirements for articles of clothing.

BY adding to
Article – Commercial Law
Section 14–1322
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Senate Bill 569 – Senators Pugh, Frosh, Lenett, Muse, Raskin, and Stone

AN ACT concerning

Education – Collective Bargaining – Topics of Negotiation

FOR the purpose of including the discipline and discharge of an employee for just cause ~~and employee transfers and assignments~~ among the matters a public school employer must meet and negotiate with a certain employee organization on request; repealing the public school employer's authority to negotiate due process for discipline and discharge with a certain employee organization under certain circumstances; providing for the application of this Act; and generally relating to collective bargaining for public school employees.

BY repealing and reenacting, without amendments,
Article – Education
Section 6–501
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Education
Section 6–510
Annotated Code of Maryland
(2008 Replacement Volume)

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

Senate Bill 759 – Senator Dyson

AN ACT concerning

Public Health – ~~Authority to Certify Incapacity or~~ Certificates of Death – Nurse Practitioners

FOR the purpose of authorizing certain nurse practitioners to ~~make a certain determination of incapacity or debilitation under certain circumstances; authorizing certain nurse practitioners to~~ fill out and sign a certain certificate of death under certain circumstances; ~~authorizing certain nurse practitioners to certify that certain patients are incapable of making a certain decision under certain circumstances; authorizing certain nurse practitioners to certify that certain patients are in a certain health condition;~~ and generally relating to nurse practitioners and ~~authority to certify incapacity or death~~ death certificates.

~~BY repealing and reenacting, with amendments,~~
~~Article – Estates and Trusts~~
~~Section 13–906~~
~~Annotated Code of Maryland~~

~~(2001 Replacement Volume and 2008 Supplement)~~

BY repealing and reenacting, with amendments,
Article – Health – General
Section ~~4–212, 5–602(c), 5–606, and 5–608(a)~~ 4–212
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Senate Bill 844 – ~~Senator Middleton~~ The President (By Request – Administration) and Senators Middleton, McFadden, Pipkin, Rosapepe, Brochin, Conway, Dyson, Exum, Forehand, Frosh, Haines, Harrington, Muse, Peters, Pinsky, Raskin, Simonaire, Stone, and Zirkin

AN ACT concerning

Public Service Commission – New Electric Generation Facilities – Rate Regulation and Contracts

FOR the purpose of requiring an electric company to develop and submit to the Public Service Commission a certain long–range plan regarding the electric company's electricity needs; requiring the ~~Public Service~~ Commission to ~~assemble and~~ evaluate certain plans regarding generating needs and the means to meet those needs; requiring the Commission to issue certain orders upon completion of certain evaluations; authorizing the Commission to direct an investor–owned electric company to acquire a certain site by condemnation under a certain provision of law; requiring the Commission to take final action on an application for a certificate of public convenience and necessity only after a certain consideration of a need to meet certain electric services; providing that the grant of a certificate of public convenience and necessity constitutes authority for an electric company to acquire certain property by condemnation in accordance with certain provisions of law; making a certain finding and declaration regarding a goal of the State to return to a regulated electric market; ~~requiring that a certain new electric generation facility be owned by a certain electric company or consortium of electric companies; allowing a certain new generation facility to be owned by certain entities other than an electric company under certain circumstances; requiring the sale of certain electricity to be offered for sale first to a certain electric company or consortium; providing that the Commission has a certain jurisdiction over a certain electric generation facility; requiring certain persons to enter into a certain contract for the sale of certain electricity; specifying the standards that the Commission must apply in approving a certain contract;~~ requiring the Commission, on a certain determination, to order one or more investor–owned electric companies to construct an electric generation facility, procure the necessary electricity in a certain manner, or procure other electricity resources; requiring that the price

of certain electricity be regulated by the Commission under certain cost–of–service regulation principles; ~~authorizing~~ requiring the Commission to adopt a non–bypassable surcharge or other mechanism under certain circumstances; prohibiting an electric generation facility from being constructed in the State unless the electric generation facility is constructed in accordance with certain provisions of laws subject to certain exceptions; authorizing the Commission to allow an electric cooperative to construct, acquire, or lease and operate all or part of certain facilities, subject to certain regulation by the Commission; authorizing the Commission to require or allow certain electric companies to contract for a certain output under certain circumstances; requiring the Commission to develop and implement a certain plan for residential and small commercial customers to transition from a certain program of customer choice; requiring the Commission ~~to consider whether~~, in consultation with the Maryland Energy Administration, to implement a program to require an investor–owned electric company ~~shall~~ to offer a certain option for green power to its residential and small commercial customers; requiring the Commission to initiate a certain proceeding; requiring the Commission to report on a certain investigation and transition plan by a certain date; requiring the Commission to implement ~~a certain provision~~ certain provisions of law by regulation or order; ~~defining a certain term;~~ providing certain applications of certain provisions; and generally relating to the Public Service Commission and new electric generation facilities under rate regulation or contracts.

BY repealing and reenacting, with amendments,
Article – Public Utility Companies
Section 7–201 ~~and 7–207~~, 7–207, and 7–208(h)
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,
Article – Public Utility Companies
Section 7–208(a) and (e)
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

BY adding to
Article – Public Utility Companies
Section ~~7–518~~ 7–5A–01 through 7–5A–06 to be under the new subtitle "Subtitle 5A. Electric Industry Regulation"
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

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

Senate Bill 951 – Senator Lenett

AN ACT concerning

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

FOR the purpose of clarifying certain qualifications of applicants for a license to practice psychology; altering the definition of a certain term; and generally relating to the definition of "doctoral degree in psychology" and applicants for a license to practice psychology in the State.

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 18–101(c) and 18–302
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Senate Bill 1033 – Senators Madaleno ~~and Raskin~~, Raskin, and Lenett

EMERGENCY BILL

AN ACT concerning

Special Election – Absentee Voting – Late Applications

FOR the purpose of establishing a process to allow a voter in the State to vote in certain special elections by absentee ballot; requiring local boards of elections to be open for absentee voting and to receive absentee ballots on certain days and during certain hours before a special election; making certain provisions of law applicable to absentee voting for a special election; requiring the State Board of Elections and local boards of elections to take certain steps to inform voters about a special election and about absentee voting for a special election; authorizing the State Board to adopt regulations and guidelines for the conduct of absentee voting for a special election; making this Act an emergency measure; providing for the termination of this Act; and generally relating to absentee voting for a special election.

BY repealing and reenacting, without amendments,
Article – Election Law
Section 9–304, 9–305, and 10–102
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

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

THE COMMITTEE ON ECONOMIC MATTERS REPORT #19

Delegate Davis, Chair, for the Committee on Economic Matters 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

HB0644/783198/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 644
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 7, strike "a"; in the same line, strike "purpose" and substitute "purposes"; and in line 11, after "circumstances;" insert "prohibiting the fringe benefit contribution amount required to be paid by certain contractors and subcontractors from exceeding a certain amount;".

AMENDMENT NO. 2

On page 3, in line 13, after "**TO**" insert "**:**

(1)";

in line 17, after "**PROGRAMS**" insert "**; AND**

(2) PAY ANY COSTS ASSOCIATED WITH CARRYING OUT THE PROVISIONS OF THIS SUBTITLE";

in line 23, strike "**FOR EACH COVERED CRAFT**"; in line 24, strike "**OR**"; and in line 25, after "**FUND**" insert "**; OR**

(3) THE CONTRACTOR WILL MAKE PAYMENTS TO A REGISTERED APPRENTICESHIP PROGRAM OR TO AN ORGANIZATION THAT HAS REGISTERED APPRENTICESHIP PROGRAMS".

On page 4, in line 5, strike "**FOR EACH COVERED CRAFT**"; in line 6, strike "**OR**"; in line 7, after "**FUND**" insert "**; OR**

(3) THE SUBCONTRACTOR WILL MAKE PAYMENTS TO A REGISTERED APPRENTICESHIP PROGRAM OR TO AN ORGANIZATION THAT HAS REGISTERED APPRENTICESHIP PROGRAMS";

and after line 20, insert:

"**(3) THE FRINGE BENEFIT CONTRIBUTION AMOUNT UNDER PARAGRAPH (1) OF THIS SUBSECTION MAY NOT EXCEED 25 CENTS PER HOUR FOR EACH WORKER IN THE COVERED CRAFT WHO IS EMPLOYED BY THE CONTRACTOR OR SUBCONTRACTOR ON THE COVERED PROJECT.**".

The preceding 2 amendments were read only.

Delegate Davis moved to make the Bill and Amendments a Special Order for Friday.

The motion was adopted.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 239 – Senator Frosh

AN ACT concerning

Maryland Antitrust Act – Establishment of Minimum Sale Price for Commodities or Services – Prohibited

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

Senate Bill 392 – Senator Exum

AN ACT concerning

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

SB0392/463094/1

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

Senate Bill 703 – Senators Klausmeier, Pugh, and Middleton

AN ACT concerning

Electric Universal Service Program – Modifications

SB0703/633094/1

BY: Economic Matters Committee

AMENDMENT TO SENATE BILL 703
(Third Reading File Bill)

On page 1, at the top of the page, insert "EMERGENCY BILL"; and in line 15, after "correction;" insert "making this Act an emergency measure;".

On page 7, strike in their entirety lines 21 and 22 and substitute:

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

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 860 – Senator Pugh

AN ACT concerning

Maryland Not–For–Profit Development Center Program – Qualifying Not–For–Profit Entity Assistance

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #14

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

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

AN ACT concerning

Maryland Heritage Structure Rehabilitation Tax Credit Program

HB0309/775863/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 309
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and Vaughn" and substitute "Vaughn, and Manno"; strike in their entirety lines 3 through 27, inclusive, and substitute:

"FOR the purpose of requiring the Director of the Maryland Historical Trust to adopt certain regulations relating to the Maryland heritage structure rehabilitation tax credit; altering the circumstances under which the Director may accept an application for approval of plans for a proposed rehabilitation; repealing a certain limit on the award of initial credit certificates for projects in a single jurisdiction for purposes of the credit; providing for an additional credit if certain rehabilitations meet a certain high–performance building standard; providing for the expiration of certain credit certificates under certain circumstances; authorizing the Governor to include an appropriation to a certain reserve fund for certain fiscal years; extending to certain fiscal years the authority of the Director to issue initial credit certificates; making certain rehabilitations ineligible for the tax credit unless occupancy of a certain number of residential rental units in a rehabilitated structure is restricted for households whose median income is below a certain percentage of the area median income; authorizing the Trust to enter into certain agreements for certain purposes; altering a certain provision related to a certain fee for proposed rehabilitations; authorizing a certain fee to be imposed for the monitoring of certain rehabilitations under certain circumstances; providing for the recapture of the credit under certain circumstances; extending the date for the termination of the credit; defining certain terms; altering certain definitions; providing for the application of this Act; and generally relating to the Maryland Heritage Structure Rehabilitation Tax Credit Program.".

On pages 1 and 2, strike in their entirety the lines beginning with line 28 on page 1 through line 10 on page 2, inclusive.

On page 2, in line 11, strike "and transferring to the Session Laws"; and in line 13, after "5A–303" insert "and 5A–318(b)".

AMENDMENT NO. 2

On pages 2 through 16, strike in their entirety the lines beginning with line 19 on page 2 through line 21 on page 16, inclusive.

On page 16, in line 22, strike the brackets; and in the same line, strike "**1.**".

AMENDMENT NO. 3

On page 17, in line 14, after "that" insert "**:**

1.";

in line 15, after "government" insert "**; OR**

2. INCLUDES 30 OR MORE RESIDENTIAL RENTAL UNITS, UNLESS AT LEAST 10% OF THE UNITS ARE RESTRICTED FOR AT LEAST 15 YEARS FOR OCCUPANCY BY LOW– OR MODERATE–INCOME HOUSEHOLDS";

after line 25, insert:

"**(10) "LOW– OR MODERATE–INCOME HOUSEHOLD" MEANS A HOUSEHOLD WHOSE INCOME DOES NOT EXCEED 60% OF THE AREA MEDIAN INCOME.**".

On page 19, in line 36, after "rehabilitations" insert "**AND A REASONABLE FEE TO MONITOR OCCUPANCY OF RESTRICTED OCCUPANCY RESIDENTIAL RENTAL UNITS BY LOW– OR MODERATE–INCOME HOUSEHOLDS**".

AMENDMENT NO. 4

On page 17, after line 22, insert:

"**(8) "HIGH–PERFORMANCE BUILDING" MEANS A BUILDING THAT:**

(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 GOLD RATING; OR

(II) ACHIEVES AT LEAST A COMPARABLE NUMERIC RATING ACCORDING TO A NATIONALLY RECOGNIZED, ACCEPTED, AND APPROPRIATE NUMERIC SUSTAINABLE DEVELOPMENT RATING SYSTEM, GUIDELINE, OR STANDARD APPROVED BY THE SECRETARY OF BUDGET AND MANAGEMENT AND THE SECRETARY OF GENERAL SERVICES UNDER § 3–602.1 OF THIS ARTICLE.";

and in lines 23, 26, and 31, strike "(8)", "(9)", and "(10)", respectively, and substitute "**(9)**", "**(11)**", and "**(12)**", respectively.

AMENDMENT NO. 5

On page 18, after line 16, insert:

"**(13) (I) "SINGLE–FAMILY, OWNER–OCCUPIED RESIDENCE" MEANS A STRUCTURE OCCUPIED BY THE OWNER AND THE OWNER'S IMMEDIATE FAMILY AS THEIR PRIMARY OR SECONDARY RESIDENCE.**

(II) "SINGLE–FAMILY, OWNER–OCCUPIED RESIDENCE" INCLUDES A RESIDENTIAL UNIT IN A COOPERATIVE PROJECT OWNED BY OR LEASED TO A COOPERATIVE HOUSING CORPORATION, AS DEFINED IN § 5–6B–01 OF THE CORPORATIONS AND ASSOCIATIONS ARTICLE, AND LEASED FOR EXCLUSIVE OCCUPANCY TO, AND OCCUPIED BY, A MEMBER OF THE CORPORATION AND THE MEMBER'S IMMEDIATE FAMILY UNDER A PROPRIETARY LEASE.";

and in line 17, strike "(11)" and substitute "**(14)**".

AMENDMENT NO. 6

On page 18, in line 19, after "year" insert "**WHEN THE REHABILITATION IS COMPLETED**".

AMENDMENT NO. 7

On page 18, in line 33, strike "and"; and after line 33, insert:

"**(IV) FOR COMMERCIAL REHABILITATIONS, DETERMINE WHETHER THE CERTIFIED REHABILITATION IS A HIGH–PERFORMANCE BUILDING;**

(V) FOR COMMERCIAL REHABILITATIONS, ESTABLISH A REQUIRED EXTERNAL MARKER FOR A REHABILITATION PROJECT THAT IDENTIFIES THAT THE REHABILITATION WAS FUNDED BY MARYLAND HERITAGE STRUCTURE REHABILITATION TAX CREDITS;

(VI) FOR COMMERCIAL REHABILITATIONS, ESTABLISH PROCEDURES FOR MONITORING THE OCCUPANCY OF ANY STRUCTURE WITH 30 OR MORE RESIDENTIAL RENTAL UNITS, TO ENSURE THAT AT LEAST 10% OF THE RESIDENTIAL RENTAL UNITS ARE OCCUPIED BY LOW– OR MODERATE–INCOME HOUSEHOLDS; AND".

On page 19, in line 1, strike "(iv)" and substitute "**(VII)**".

AMENDMENT NO. 8

On page 19, in line 10, strike the second "and"; in line 17, after "Places" insert "**; AND**

4. FAVORS THE AWARD OF TAX CREDITS FOR REHABILITATION PROJECTS THAT EXCEED THE REQUIREMENTS OF STANDARD 90.1 OF THE AMERICAN SOCIETY OF HEATING, REFRIGERATING AND AIR–CONDITIONING ENGINEERS, INC. (ASHRAE)".

AMENDMENT NO. 9

On page 19, in line 25, after "(4)" insert "**(I)**"; in the same line, strike "For commercial rehabilitations" and substitute "**EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH**"; in lines 27 and 29, strike "(i)" and "(ii)", respectively, and substitute "**1.**" and "**2.**", respectively; strike beginning with "any" in line 27 down through "begun" in line 28 and substitute "**ACTUAL SUBSTANTIVE CONSTRUCTION HAS STARTED**"; and after line 31, insert:

"**(II) IF ACTUAL SUBSTANTIVE CONSTRUCTION HAS STARTED, THE DIRECTOR MAY ACCEPT AN APPLICATION FOR APPROVAL OF PLANS FOR A PROPOSED REHABILITATION IF THE REHABILITATION**

EXPENDITURES WERE NECESSARY TO MAKE THE STRUCTURE HABITABLE IMMEDIATELY AFTER AN EMERGENCY BEYOND THE CONTROL OF THE APPLICANT.".

AMENDMENT NO. 10

On page 20, in line 1, after "fee" insert "**CHARGED TO CERTIFY HERITAGE STRUCTURES AND REHABILITATIONS**"; in line 4, after "(iii)" insert "**1.**"; in the same line, after "charged" insert "**TO CERTIFY HERITAGE STRUCTURES AND REHABILITATIONS**"; and after line 8, insert:

"**2. THE FEE CHARGED FOR MONITORING OCCUPANCY OF RESTRICTED OCCUPANCY RESIDENTIAL RENTAL UNITS BY LOW– OR MODERATE–INCOME HOUSEHOLDS MAY NOT EXCEED THE COST TO THE TRUST FOR THE MONITORING OF THE RESTRICTION.**

(IV) IF THE FEE CHARGED FOR CERTIFICATION OF A COMMERCIAL REHABILITATION IS NOT RECEIVED BY THE TRUST WITHIN 120 DAYS AFTER THE TRUST SENDS NOTICE THAT THE FEE IS DUE, THE RESERVATION OF AN AWARD FOR AN INITIAL CREDIT CERTIFICATE FOR THE REHABILITATION SHALL EXPIRE.";

in line 9, strike "fee" and substitute "**FEES**"; and in lines 9 and 12, strike "(iv)" and "(v)", respectively, and substitute "**(V)**" and "**(VI)**", respectively.

AMENDMENT NO. 11

On page 19, strike in their entirety lines 32 through 34, inclusive; and in line 35, strike "(6)" and substitute "**(5)**".

AMENDMENT NO. 12

On page 20, in line 16, after "(1)" insert "**(I)**"; and in line 18, after "to" insert "**:**

1.";

in line 19, strike "the rehabilitation" and substitute "**A SINGLE–FAMILY, OWNER–OCCUPIED RESIDENTIAL REHABILITATION; OR**

2. EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS SUBSECTION, 20% OF THE INDIVIDUAL'S OR BUSINESS ENTITY'S QUALIFIED REHABILITATION EXPENDITURES FOR A COMMERCIAL REHABILITATION.

(II) FOR THE TAXABLE YEAR IN WHICH A CERTIFIED COMMERCIAL REHABILITATION IS COMPLETED, AN INDIVIDUAL OR BUSINESS ENTITY MAY CLAIM A TAX CREDIT IN AN AMOUNT EQUAL TO 25% OF THE INDIVIDUAL'S OR BUSINESS ENTITY'S QUALIFIED REHABILITATION EXPENDITURES IF THE CERTIFIED REHABILITATION IS A HIGH–PERFORMANCE BUILDING".

AMENDMENT NO. 13

On page 21, in line 3, after "if" insert "**:**

1. WITHIN 18 MONTHS AFTER THE INITIAL CREDIT CERTIFICATE WAS ISSUED, THE APPLICANT HAS NOT NOTIFIED THE DIRECTOR, IN WRITING, THAT THE COMMERCIAL REHABILITATION HAS BEGUN; OR

2.";

and in line 5, after the second "the" insert "**30–MONTH**".

AMENDMENT NO. 14

On page 21, in line 16, strike the brackets; in the same line, strike "**THE STATE FINANCE AND PROCUREMENT ARTICLE**"; in line 26, strike "(b)(6)(v)" and substitute "**(B)(5)(VI)**"; and strike beginning with "the" in line 30 down through "if" in line 36, inclusive.

AMENDMENT NO. 15

On page 22, in line 7, strike "2009 and 2010" and substitute "**2011, 2012, 2013, AND 2014**"; in line 9, strike the brackets; in line 10, strike "**THE STATE FINANCE AND PROCUREMENT ARTICLE**"; and in line 14, strike "2010" and substitute "**2014**".

On page 26, in lines 22, 23, and 28, in each instance, strike "2010" and substitute "**2014**".

AMENDMENT NO. 16

On page 22, in line 34, after "(1)" insert "**(I)**"; and in the same line, strike beginning with the comma through "that:" and substitute "**THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

(II) 1. "DISPOSE OF" MEANS TO TRANSFER LEGAL TITLE OR, IN THE CASE OF A LEASEHOLD, THE LEASEHOLD INTEREST.

2. "DISPOSE OF" INCLUDES TO SELL IN A SALE–AND–LEASEBACK TRANSACTION, TO TRANSFER ON THE FORECLOSURE OF A SECURITY INTEREST, OR TO TRANSFER BY GIFT.

3. "DISPOSE OF" DOES NOT INCLUDE TO TRANSFER TITLE OR THE LEASEHOLD INTEREST TO A CREDITOR ON CREATION OF A SECURITY INTEREST.

(III) "DISQUALIFYING WORK" MEANS WORK THAT:".

On page 23, in lines 1 and 3, strike "(i)" and "(ii)", respectively, and substitute "**1.**" and "**2.**", respectively; in line 8, strike the comma and substitute "**:**

(I)";

in line 10, after "completed" insert "**; OR**

(II) FOR A COMMERCIAL REHABILITATION, THE CERTIFIED REHABILITATION IS COMPLETE AND HAS BEEN DISPOSED OF";

and in lines 11, 14, 17, 20, 23, and 29, in each instance, after "performed" insert "**OR THE CERTIFIED REHABILITATION IS DISPOSED OF**"; and after line 29, insert:

"**(4) (I) 100% OF THE CREDIT ALLOWED UNDER THIS SECTION FOR REHABILITATION OF A STRUCTURE WITH 30 OR MORE RESIDENTIAL RENTAL UNITS SHALL BE RECAPTURED IF, AT ANY TIME DURING THE TAXABLE YEAR IN WHICH THE CERTIFIED REHABILITATION IS COMPLETED OR ANY OF THE 15 TAXABLE YEARS SUCCEEDING THE TAXABLE YEAR IN WHICH THE**

CERTIFIED REHABILITATION IS COMPLETED, THE STRUCTURE NO LONGER MEETS THE REQUIREMENTS OF SUBSECTION (A)(4)(II)2 OF THIS SECTION.

(II) THE INDIVIDUAL OR BUSINESS ENTITY THAT CLAIMED THE TAX CREDIT SHALL PAY THE AMOUNT TO BE RECAPTURED UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH AS TAXES PAYABLE TO THE STATE FOR THE FIRST TAXABLE YEAR IN WHICH THE STRUCTURE NO LONGER MEETS THE REQUIREMENTS OF SUBSECTION(A)(4)(II)2 OF THIS SECTION.".

AMENDMENT NO. 17

On page 27, after line 3, insert:

"5A–318.

(b) The Trust may:

(1) adopt regulations to carry out this subtitle;

(2) take legal action to enforce this subtitle;

(3) adopt and use an official seal;

(4) contract for consultant or other services;

(5) apply for and accept money, grants, or loans from federal, State, local, or private sources;

(6) agree with a prospective mortgagor or grantee to provide financial assistance to a historic preservation project;

(7) acquire and hold real and personal historic property by gift, purchase, devise, bequest, or any other means;

(8) acquire or take assignment of a note, mortgage, or other security or evidence of indebtedness;

(9) acquire, attach, accept, or take title to an historic property by conveyance or, if a mortgage is in default, by foreclosure;

(10) sell, convey, assign, lease, or otherwise transfer or dispose of any property held by the Trust;

(11) make contracts, leases, or other agreements necessary or incidental to the performance of the **POWERS AND** duties of the Trust**, INCLUDING AGREEMENTS WITH THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT OR OTHER ENTITIES TO MONITOR COMPLIANCE WITH THE REQUIREMENTS UNDER § 5A–303(A)(4)(II)2 OF THIS SUBTITLE**;

(12) preserve, restore, rehabilitate, reconstruct, protect, document, excavate, salvage, exhibit, and interpret historic properties;

(13) accept a gift or bequest for any purpose of the Trust and, unless the donor specifies otherwise, use the principal and income of the gift or bequest by:

(i) spending all or part of them to further the Trust; or

(ii) investing them, with the consent of the State Treasurer, in general obligations of the State or other securities;

(14) apply to Trust purposes any money, asset, property, or other thing of value the Trust receives incident to its operation; or

(15) delegate any of the powers of the Trust to one or more trustees or the Director.".

AMENDMENT NO. 18

On page 27, strike in their entirety lines 4 through 35, inclusive.

On page 28, in line 1, strike "6." and substitute "2."; and in line 2, after "2009" insert ", and shall be applicable to:

(1) Any project for rehabilitation of a single–family, owner–occupied residence for which an application for approval of a plan of proposed rehabilitation is received by the Director of the Maryland Historical Trust on or after July 1, 2009; and

(2) Any commercial rehabilitation project for which an initial credit certificate is issued on or after July 1, 2009".

The preceding 18 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

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

HB1396/565967/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1396
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 10, after the semicolon insert "changing the name of the Dual Enrollment Grant Program to the Early College Access Grant Program;"; in line 13, strike "and" and substitute a comma; in the same line, after "18–1402" insert ", and 18–14A–01 through 18–14A–03"; and in line 18, strike "18–14A–01 through".

AMENDMENT NO. 2

On page 3, in lines 11 and 16 and 17, in each instance, strike "a dual enrollment" and substitute "**AN EARLY COLLEGE ACCESS**"; in lines 20 and 23, in each instance, strike "Dual Enrollment" and substitute "**EARLY COLLEGE ACCESS**"; and in line 27, strike "dual enrollment" and substitute "**EARLY COLLEGE ACCESS**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

House Bill 1553 – Delegates Conway, Mathias, and Elmore

AN ACT concerning

Video Lottery Operations – Horse Racing

HB1553/885265/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1553
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, before "Video" insert "Worcester County –"; in the same line, strike "– Horse Racing"; strike beginning with "altering" in line 3 down through "licensee;" in line 10; strike beginning with "requiring" in line 12 down through "costs;" in line 13; in line 15, strike "and horse racing" and substitute "in Worcester County"; in line 18, strike "9–1A–09(b)(5), 9–1A–10(a)(5), 9–1A–14(c), 9–1A–23(b),"; and in line 19, strike ", and 9–1A–32(a)".

AMENDMENT NO. 2

On pages 2 and 3, strike in their entirety the lines beginning with line 2 on page 2 through line 31 on page 3, inclusive.

On page 4, strike in their entirety lines 3 through 7, inclusive.

AMENDMENT NO. 3

On page 4, in line 18, after "**PUBLIC**" insert "**INFRASTRUCTURE**".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Delegate O'Donnell moved to make the Bill a Special Order for Friday.

The motion was adopted.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

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

AN ACT concerning

Student Stigma Act

HB1558/165761/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1558
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Beidle,"; and in lines 3 and 4 and 7, in each instance, strike "or behavioral".

AMENDMENT NO. 2

On page 1, in lines 20 and 21, strike "**OR BEHAVIORAL**".

On page 2, in line 28, strike "or behavioral".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

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

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

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

AN ACT concerning

Tax Sales – Fees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

Senate Bill 698 – Senators Klausmeier, Colburn, Middleton, and Rosapepe

AN ACT concerning

Income Tax Refund – Direct Deposit – Multiple Accounts

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

Senate Bill 800 – ~~Senator King~~ Senators King and Jones

AN ACT concerning

Biotechnology Investment Incentive Tax Credit

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 102 – The Speaker (By Request – Administration)

AN ACT concerning

Creation of a State Debt – Maryland Consolidated Capital Bond Loan of 2009, and the Maryland Consolidated Capital Bond Loans of 2001, 2002, 2003, 2004, 2005, 2006, 2007, and 2008

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

(See Exhibit H of Appendix II)

HOUSE APPROPRIATIONS COMMITTEE REPRINT TO
HOUSE BILL 102 – THE CAPITAL BUDGET

(See Exhibit I of Appendix II)

STATUS OF BILL: BILL ON 2ND READING. COMMITTEE AMENDMENTS NOT ADOPTED. FAVORABLE REPORT NOT ADOPTED.

Committee amendments #1 – 60 were read and adopted.

Favorable report, as amended, adopted.

FLOOR AMENDMENT

HB0102/133425/1

BY: Delegate Donoghue

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

AMENDMENT NO. 1

On page 14, after line 26, insert:

"(B) Western Maryland Regional Library. Provide funds to design, construct, and equip renovations and an addition to the Western Maryland Regional Library, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to

appropriation of all the funds necessary to complete this project 5,000,000".

AMENDMENT NO. 2

On page 59, in line 33, after "Garage" insert "**, PROVIDED THAT, NOTWITHSTANDING SECTION 6 OF THIS ACT, WORK MAY COMMENCE ON THIS PROJECT PRIOR TO APPROPRIATION OF ALL THE FUNDS NECESSARY TO COMPLETE THIS PROJECT**"; and in lines 18 and 34, strike "**$15,050,000**" and "**15,050,000**", respectively, and substitute "**$10,050,000**" and "**10,050,000**", respectively.

AMENDMENT NO. 3

On page 61, in line 36, strike "$154,089,500" and substitute "$164,089,500".

AMENDMENT NO. 4

On page 62, after line 15, insert:

"RA01 STATE DEPARTMENT OF EDUCATION
(Statewide)

(B) Western Maryland Regional Library. Provide funds to design, construct, and equip renovations and an addition to the Western Maryland Regional Library, provided that notwithstanding Section 6 of this Act, work may commence on this project prior to appropriation of all the funds necessary to complete this project 5,000,000".

AMENDMENT NO. 5

On page 63, after line 12, insert:

"WA01 DEPARTMENT OF STATE POLICE
(Washington County)

(A) New Hagerstown Barrack and Garage. Provide funds to construct and equip a new Hagerstown Barrack and Garage 5,000,000".

AMENDMENT NO. 6

On page 64, in line 33, strike "15,050,000" and substitute "10,050,000".

The preceding 6 amendments were read and adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT #11

CONSENT CALENDAR #8

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Economic Matters:

Senate Bill 32 – Senators DeGrange and Astle

EMERGENCY BILL

AN ACT concerning

Junk Dealers and Scrap Metal Processors – Required Records

The Bill was re–referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Judiciary:

Senate Bill 53 – Senator Haines

AN ACT concerning

Criminal Law – Use of Firearm in the Commission of a Crime of Violence or a Felony

The Bill was re–referred to the Committee on Judiciary.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Health and Government Operations:

Senate Bill 79 – Chair, Finance Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Health Insurance – Reform

The Bill was re–referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Judiciary:

Senate Bill 99 – ~~Senator Stone~~ Senators ~~Stone and Simonaire~~ Stone, Simonaire, Jacobs, and Kramer

AN ACT concerning

Criminal Law – Possession of Child Pornography – Penalties

The Bill was re–referred to the Committee on Judiciary.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Ways and Means:

Senate Bill 156 – Senator Frosh

AN ACT concerning

Maryland Estate Tax – Filing of Returns

The Bill was re–referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Judiciary:

Senate Bill 181 – Senator McFadden (By Request – Baltimore City Administration) and Senators Brochin, Forehand, Gladden, Haines, Jacobs, Raskin, Simonaire, and Stone

AN ACT concerning

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

The Bill was re–referred to the Committee on Judiciary.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Health and Government Operations:

Senate Bill 216 – Senators Simonaire, Brinkley, Brochin, Colburn, Della, Edwards, Forehand, Frosh, Gladden, Glassman, Greenip, Haines,

Harrington, Harris, Jacobs, Kelley, King, Kittleman, Lenett, Madaleno, Mooney, Muse, Peters, Raskin, Robey, Rosapepe, Stoltzfus, ~~and Stone~~ Stone, Garagiola, Jones, Kramer, McFadden, Middleton, Miller, Munson, Pipkin, Pugh, and Zirkin

AN ACT concerning

State Government – Commemorative ~~Month~~ Day – Young Heroes ~~Month~~ Day

The Bill was re–referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Ways and Means:

Senate Bill 234 – Senators King, Conway, Currie, Della, Exum, Harrington, Jones, Kasemeyer, Lenett, Madaleno, Peters, Pugh, Raskin, and Robey

AN ACT concerning

Education – Maryland's Preschool for All Business Plan – Final Report Requirements

The Bill was re–referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Ways and Means:

Senate Bill 403 – Senators Harrington, Muse, and Peters

AN ACT concerning

Prince George's County – Green Businesses – Tax Credits

The Bill was re–referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Environmental Matters:

Senate Bill 408 – Senators Simonaire, Brochin, Colburn, Forehand, Gladden, Harrington, Lenett, Raskin, Rosapepe, and Stone

AN ACT concerning

Environment – Water Pollution Control – ~~Incentives and~~ Penalties

The Bill was re–referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Ways and Means:

Senate Bill 453 – Senators Peters, King, and Muse

AN ACT concerning

Income Tax – Payments – Sale of Real Property by Nonresidents

The Bill was re–referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Economic Matters:

Senate Bill 518 – ~~Senator Miller~~ Senators Miller and Dyson

AN ACT concerning

Calvert County – Alcoholic Beverages

The Bill was re–referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Environmental Matters:

Senate Bill 554 – Senators Lenett, Conway, Currie, Della, Forehand, Frosh, Garagiola, Gladden, Harrington, Jones, Kasemeyer, Kelley, Klausmeier, Madaleno, McFadden, Miller, Muse, Pinsky, Pugh, Raskin, and Robey

AN ACT concerning

Chesapeake Bay Nitrogen Reduction Act of 2009

The Bill was re–referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Judiciary:

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

The Bill was re–referred to the Committee on Judiciary.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Appropriations:

Senate Bill 617 – Senators DeGrange, Astle, Brinkley, King, Kramer, Madaleno, Munson, Peters, and Stoltzfus

EMERGENCY BILL

AN ACT concerning

Local Government – Deposits of Unexpended or Surplus Money

The Bill was re–referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Judiciary:

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

The Bill was re–referred to the Committee on Judiciary.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Ways and Means:

Senate Bill 627 – Senators Middleton, Colburn, Dyson, Edwards, Kasemeyer, and Klausmeier

AN ACT concerning

Loan Assistance Repayment and Practice Assistance for Physicians

The Bill was re–referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Health and Government Operations:

Senate Bill 637 – Senators Garagiola, Astle, DeGrange, Glassman, Kelley, King, Kittleman, and Klausmeier

AN ACT concerning

Health Insurance – Small Group Market Regulation – Modifications

The Bill was re–referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Health and Government Operations:

Senate Bill 638 – Senators Garagiola, Glassman, Kittleman, and Klausmeier

AN ACT concerning

Health Insurance – ~~Discrimination or Rebates –~~ Bona Fide Wellness Programs – Incentives

The Bill was re–referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Ways and Means:

Senate Bill 644 – Senator Astle

AN ACT concerning

Property Tax Credit – Marine Trade Waterfront Property

The Bill was re–referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Health and Government Operations:

Senate Bill 656 – Senators Peters, Astle, Colburn, Conway, Dyson, Garagiola, Munson, ~~and Rosapepe~~ Rosapepe, Harrington, Harris, Pinsky, Lenett, and Greenip

AN ACT concerning

Procurement – Service Disabled Veteran Business Enterprise Participation

The Bill was re–referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Environmental Matters:

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

The Bill was re–referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Environmental Matters:

Senate Bill 668 – Senators Raskin, Forehand, and Stone

AN ACT concerning

Vehicle Laws – Manufacturers, Distributors, and Factory Branches – Prohibited Acts

The Bill was re–referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Appropriations:

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

The Bill was re–referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Health and Government Operations:

Senate Bill 700 – Senator Klausmeier

AN ACT concerning

Pharmacists – Administration of Vaccinations – Expanded Authority

The Bill was re–referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Environmental Matters:

Senate Bill 807 – Senator Colburn

AN ACT concerning

Real Property – Residential Mortgages and Deeds of Trust – Recordation and Foreclosure

The Bill was re–referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Health and Government Operations:

Senate Bill 808 – Senator Colburn

AN ACT concerning

Milk Products – Pilot Farmstead Cheese Program – Permits

The Bill was re–referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Ways and Means:

Senate Bill 809 – Senator Colburn

AN ACT concerning

State Boat Act – Excise Tax – Computation of Trade–In Value

The Bill was re–referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Ways and Means:

Senate Bill 821 – Harford County Senators

AN ACT concerning

Harford County – Property Tax Exemption – Continuing Care Facility for Aged

The Bill was re–referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Environmental Matters:

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

The Bill was re–referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Environmental Matters:

Senate Bill 859 – Senator Pugh

AN ACT concerning

Vehicle Laws – Advertising Practices – Prohibited Acts

The Bill was re–referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Judiciary:

Senate Bill 870 – Senator Gladden

AN ACT concerning

Marriage Ceremonies – Performance by Tax Court Judges

The Bill was re–referred to the Committee on Judiciary.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Economic Matters and the Committee on Ways and Means:

Senate Bill 885 – Senators Jones and McFadden

AN ACT concerning

Baltimore City Charter – East Baltimore Community Benefits District

The Bill was re–referred to the Committee on Economic Matters and the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Ways and Means:

Senate Bill 898 – ~~Senator Zirkin~~ Senators Zirkin, Brinkley, Currie, DeGrange, Edwards, Jones, Kasemeyer, King, Kramer, Madaleno, McFadden, Munson, Peters, Robey, and Stoltzfus

AN ACT concerning

Sales and Use Tax – Exemptions – Veterans' Organizations

The Bill was re–referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Environmental Matters:

Senate Bill 915 – Senators Forehand, Madaleno, and Muse

AN ACT concerning

Washington Metropolitan Area Transit Authority – Finance and Governance

The Bill was re–referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Environmental Matters:

Senate Bill 931 – Senator Currie

AN ACT concerning

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

The Bill was re–referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Appropriations:

Senate Bill 932 – Senator Currie

AN ACT concerning

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

The Bill was re–referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Economic Matters:

Senate Bill 1036 – Senator Middleton

EMERGENCY BILL

AN ACT concerning

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

The Bill was re–referred to the Committee on Economic Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Health and Government Operations:

Senate Bill 1039 – Senators Currie, Harrington, Miller, Muse, Peters, Pinsky, and Rosapepe

EMERGENCY BILL

AN ACT concerning

Prince George's County Hospital Authority

The Bill was re–referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Health and Government Operations:

Senate Bill 1054 – Senator Lenett

AN ACT concerning

State Advisory Council on Quality Care at the End of Life – Membership

The Bill was re–referred to the Committee on Health and Government Operations.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 642 – Senator Kittleman

AN ACT concerning

Workers' Compensation – Temporary Total Disability Benefits – Credit

FOR the purpose of providing a credit for an employer or insurer for certain payments to a covered employee for temporary total disability benefits under certain circumstances and during a certain period; providing for the application of this Act; and generally relating to payment of temporary total benefits.

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 9–618
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 9–621
Annotated Code of Maryland
(2008 Replacement Volume)

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

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

FOR the purpose of prohibiting certain employers from failing to properly classify individuals who perform work for remuneration paid by the employer; authorizing the Commissioner of Labor and Industry to initiate an investigation under certain circumstances to determine whether certain violations occurred; requiring the Commissioner to enforce certain provisions; establishing the method of determining whether an employer–employee relationship exists for purposes of proper classification under certain circumstances; establishing certain presumptions and evidentiary considerations; prohibiting certain employers from knowingly failing to properly classify individuals who perform work for remuneration paid by the employer; providing certain criteria to be used to determine whether a violation is knowing; requiring the Commissioner to make certain investigations; providing for the confidentiality of certain complaints or statements; authorizing the Commissioner to enter a place of business or work site under certain circumstances and to require certain employers to take certain actions; authorizing the Commissioner to issue a subpoena under certain circumstances and to file a complaint in circuit court under certain circumstances; requiring the Commissioner to issue a citation under certain circumstances; requiring the Commissioner to grant an employer's request for a hearing conducted by the Office of Administrative Hearings to contest a citation; requiring the Commissioner to disclose certain evidence and information under certain circumstances; providing that the Commissioner has the burden of proof under certain circumstances; authorizing certain judicial review and appeals under certain circumstances; providing for certain penalties for certain violations of this Act; requiring an employer to come into compliance with certain laws; providing that the requirement for compliance with certain laws after certain violations may include requiring an employer to enter into a certain agreement with a certain governmental unit within a certain time period; limiting the time period for which certain payments may be required for compliance with certain laws after certain violations; requiring the Commissioner to provide notice of potential violations of this Act to the Workers' Compensation Commission, the Office of Unemployment Insurance, the Insurance Administration, and the Comptroller's Office under certain circumstances; requiring cooperation under this Act by certain units of State government; authorizing certain individuals who have not been properly classified as employees to bring a civil action for damages against an employer; requiring that a civil action be filed within a certain time period; requiring a court to award an individual or class of individuals certain costs and relief under certain circumstances; prohibiting an employer from discriminating against a person under certain circumstances; prohibiting a person from making certain complaints to the Commissioner; authorizing certain individuals to submit certain complaints alleging discrimination; authorizing the Commissioner to investigate certain complaints and file certain complaints in

certain circuit courts; requiring the Commissioner to notify a public body of a citation issued for certain violations by an employer; requiring the public body, on notification, to withhold payment to an employer in a certain amount; ~~requiring the Commissioner to file with the Secretary of State, the Department of Budget and Management, and the Department of General Services a list of certain violators of this Act; authorizing an employer to request a review by the Secretary of Labor, Licensing, and Regulation of the decision to place the employer on the list; prohibiting certain employers from entering into a contract with a public body under certain circumstances;~~ requiring certain employers to retain certain records for a certain period of time; requiring certain employers to provide certain individuals notice of their status and classification; prohibiting a person from incorporating or assisting in the incorporation of certain entities for the purposes of facilitating or evading detection of a violation of this Act; prohibiting certain persons from conspiring with, aiding and abetting, assisting, advising, or facilitating another person with violating this Act; establishing certain civil and administrative penalties under this Act and other laws under the jurisdiction of the Commissioner; prohibiting a person from taking certain actions maliciously or in bad faith; authorizing recovery of attorneys' fees under certain circumstances; requiring certain penalties to be paid into the General Fund of the State; requiring the Commissioner to prepare certain reports; requiring the Commissioner to adopt regulations to carry out certain provisions of this Act; establishing certain unemployment insurance penalties for employers that ~~misclassify~~ fail to properly classify employees in violation of this Act; authorizing the Secretary of Labor, Licensing, and Regulation to adopt certain regulations; creating certain presumptions under the unemployment insurance law and workers' compensation law; requiring the Secretary of Labor, Licensing, and Regulation to consider certain evidence that an employer did not knowingly fail to properly classify an individual; requiring an employing unit that has knowingly failed to properly classify an employee as an independent contractor to pay at a certain rate certain unemployment insurance contributions; prohibiting an employer from ~~misclassifying~~ failing to properly classify an employee as an independent contractor for purposes of workers' compensation; requiring the Workers' Compensation Commission to pay certain costs; authorizing the Workers' Compensation Commission to order certain remedies if an employer ~~misclassifies~~ fails to properly classify an employee; authorizing the Workers' Compensation Commission to adopt certain regulations; defining certain terms; providing for certain funding; making certain provisions of this Act severable; prohibiting the proposal of emergency regulations under this Act as emergency regulations; and generally relating to the failure to properly classify an individual as an employee.

BY repealing and reenacting, with amendments,
Article – Labor and Employment
Section 2–107(g), 3–102(a), 3–103, 3–104, 8–201, 8–205, 8–628, 9–202, and 9–316(b)
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Labor and Employment
Section 3–101
Annotated Code of Maryland
(2008 Replacement Volume)

~~BY repealing and reenacting, with amendments,~~
~~Article – Labor and Employment~~
~~Section 3–102(a), 3–103, 3–104, 8–201, 8–628, and 9–202~~
~~Annotated Code of Maryland~~
~~(2008 Replacement Volume)~~

BY adding to
Article – Labor and Employment
Section 3–901 through ~~3–919~~ 3–920 to be under the new subtitle "Subtitle 9. Workplace Fraud"; 8–201.1, 8–610.1, 9–315.1, and 9–402.1
Annotated Code of Maryland
(2008 Replacement Volume)

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

Senate Bill 983 – ~~Senator Conway~~ Senators ~~Conway and Gladden~~ Conway, Gladden, and Jones

SECOND PRINTING

AN ACT concerning

Baltimore City – ~~43rd Legislative District –~~ Alcoholic Beverages – Beer, Wine, and Liquor Tasting License

FOR the purpose of establishing a Class BWLT beer, wine, and liquor tasting license in ~~a~~ certain ~~par~~t parts of the 41st Legislative ~~District and~~ District, the 43rd Legislative District, and the 44th Legislative District of Baltimore City; establishing fees for Class BWLT licenses; authorizing a Class BWLT license holder to allow the consumption of certain alcoholic beverages for tasting or sampling; requiring a Class A license holder to apply for a Class BWLT license in a certain manner; requiring a Class BWLT license holder to dispose of any unconsumed alcoholic beverages remaining in a container that was opened for tasting or sampling; and generally relating to alcoholic beverages licenses in Baltimore City.

BY adding to
Article 2B – Alcoholic Beverages
Section 8–403.2

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

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

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 771)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #59

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 772)

The Bill was then sent to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 138 Members present.

(See Roll Call No. 773)

ADJOURNMENT

At 10:52 A.M. on motion of Delegate Barve the House adjourned until 11:00 A.M. on Legislative Day March 30, 2009, Calendar Day Friday, April 3, 2009.

Annapolis, Maryland
Legislative Day: March 30, 2009
Calendar Day: Friday, April 3, 2009

The House met at 11:15 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Sheila E. Hixson of Montgomery County.

QUORUM CALL

The presiding officer announced a quorum call, showing 132 Members present.

(See Roll Call No. 775)

The Journal of March 29, 2009 was read and approved.

EXCUSES:
Del. Doory – illness
Del. Griffith – personal
Del. Proctor – foot injury
Del. F. Turner – illness

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 277 – The President (By Request – Administration) and Senators Robey, Forehand, Klausmeier, and Peters

AN ACT concerning

Vehicle Laws – Speed Monitoring Systems – Statewide Authorization and Use in Highway Work Zones

FOR the purpose of expanding to all counties and municipalities in the State the authority to use certain speed monitoring systems to enforce certain highway speed laws under certain standards and procedures; altering the speed of a motor vehicle at which a speed monitoring system will produce a recorded image of the vehicle; prohibiting the use of a speed monitoring system in a local jurisdiction unless authorized by the governing body by ordinance or resolution adopted after reasonable notice and a public hearing; requiring a county, before using a speed monitoring system at certain locations, to obtain certain approval,

provide certain notice, and provide a municipal corporation instead of the county the opportunity to use a speed monitoring system at the locations; requiring certain local ordinances or resolutions to provide for the issuance of warnings during a certain period for certain violations; ~~increasing the maximum speed limit for the purpose of establishing residential highways on which speed laws may be enforced using speed monitoring systems~~ limiting the operation of a speed monitoring system in a school zone; requiring a local jurisdiction to publish a certain notice before activating a certain speed monitoring system; ~~requiring a certain speed monitoring system placed in a certain location to be calibrated only to record images of motor vehicles traveling at or above a certain speed;~~ repealing a certain requirement that an individual provide certain information to satisfy a certain evidentiary burden; requiring the Chief Judge of the District Court to consult with certain agencies in adopting certain procedures; clarifying that certain fines for certain motor vehicle violations shall be paid to the District Court; expanding the pool of entities authorized to administer a speed monitoring program; authorizing the placement of certain work zone speed control systems on certain highways under certain circumstances; requiring ~~the Comptroller to distribute to the State Highway Administration the~~ revenues from certain civil fines collected under this Act ~~in an amount to cover the costs of implementing and administering the work zone speed control system~~ to be distributed to a certain special fund to be used only for certain purposes; limiting the issuance of citations to owners or drivers of vehicles that exceed certain speeds; requiring a work zone speed control system operator to complete certain training and follow certain procedures; requiring a work zone speed control system to undergo certain calibration; requiring the procurement of a work zone speed control system by a unit of State government to be conducted in a certain manner; requiring the State Highway Administration to place a certain road sign within a reasonable distance of a highway work zone containing a speed monitoring system; providing that certain owners or drivers of motor vehicles, recorded by a work zone speed control system while being operated in violation of certain speed limit laws, are subject to certain penalties; authorizing certain police departments to mail a certain citation to the owner of a motor vehicle; establishing certain civil penalties for a violation of certain provisions of this Act; requiring certain citations to include certain information; authorizing a police department to send a warning instead of a citation under certain circumstances; authorizing the police department to reissue a citation to the driver of a vehicle under certain circumstances; requiring certain citations to be mailed within certain time periods; requiring the District Court to prescribe a certain citation form and to indicate the amount of a certain civil penalty on the citation; establishing the standard of proof in a trial for certain violations of this Act; authorizing persons receiving certain citations to have the work zone speed control system operator be present and able to testify at trial; providing that certain persons are responsible for paying the civil penalty indicated on the citation under certain circumstances; providing that persons receiving certain citations may elect to stand trial in the District Court; establishing defenses that the District Court may consider; authorizing vehicle owners to submit a

certain letter to the District Court to establish a certain defense; authorizing the Motor Vehicle Administration to impose certain penalties if the person cited for violating certain provisions of this Act fails to pay the civil penalty or contest liability; prohibiting certain violations under this Act from being considered for certain purposes; providing for the admissibility and use of certain evidence; modifying the jurisdiction of the District Court to include certain proceedings; providing for the handling of certain court costs and penalties; clarifying certain language; prohibiting an insurer from considering a certain civil penalty for purposes of reclassifying an insured; prohibiting the custodian of recorded images produced by a work zone speed control system from allowing inspection of the recorded images, subject to certain exceptions; requiring the Department of State Police and the State Highway Administration jointly to adopt regulations establishing the standards and procedures for work zone speed control systems; requiring certain State and local entities to administer and process civil citations issued under this Act in consultation with the District Court; providing that the fees of certain contractors may not be contingent on the number of citations issued or paid under this Act; requiring the issuance of warnings for a certain time period for certain violations; defining certain terms; repealing a certain definition; altering a certain definition; making certain stylistic changes; making a technical correction; restricting the use of certain revenues generated by this Act; ~~requiring a local jurisdiction to remit revenue generated from the use of speed monitoring systems to the Comptroller for deposit to the General Fund of the State if the revenue is not spent within a certain period of time~~ providing for the distribution of certain revenues collected by political subdivisions as a result of violations enforced by speed monitoring systems; requiring a political subdivision to submit a certain report under certain circumstances; providing for the application of this Act; providing that existing obligations or contract rights may not be impaired by this Act; providing that certain provisions of this Act do not apply to certain speed monitoring systems in Montgomery County; requiring certain local jurisdictions to issue a certain report by a certain date; providing for a delayed effective date for certain provisions of this Act; and generally relating to the use of speed monitoring systems to enforce certain laws regarding the operation of motor vehicles in excess of certain speed limits.

BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 4–401(13), 7–301(a), 7–302(e), and 10–311
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 11–215(e) and 11–318(e)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – State Government
Section 10–616(o)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 12–118(c), 21–809, 26–305(a), and 26–401
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY adding to
Article – Transportation
Section 12–118(e) and 21–810
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Transportation
Section 12–118(e)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)
(As enacted by Section 1 of this Act)

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

Senate Bill 192 – Senators Brinkley, Currie, Dyson, Haines, and Robey

AN ACT concerning

Criminal Law – ~~Theft~~ Fraudulent Conversion of Rental Property

FOR the purpose of ~~prohibiting a person from hiring or leasing personal property or equipment from another person who is in lawful possession of the personal property or equipment with intent to defraud that person of the rental due under the rental agreement; prohibiting a person from abandoning or willfully refusing to redeliver personal property as required under a rental agreement without the consent of the lessor or the lessor's agent with intent to defraud the lessor or the lessor's agent; establishing penalties for a violation of this Act; making technical corrections;~~ clarifying that the prohibition against fraudulent conversion of rental property applies to a written contract or written lease for a leased or rented good or thing of value whether or not the contract or lease contains an option to purchase the good or thing of value if the contract or lease meets certain requirements; providing that the item or thing of value have a certain value; providing that a prosecution under the prohibition against

fraudulent conversion of rental property does not preclude prosecution for theft; requiring a conviction for fraudulent conversion of rental property to merge for sentencing purposes into a conviction for theft under certain circumstances; and generally relating to the ~~theft~~ fraudulent conversion of rental property.

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section ~~7–104~~ 8–407
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

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

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

FOR the purpose of providing that certain provisions requiring the registration on a certain offender registry of certain persons convicted of committing certain offenses are to be applied retroactively to include a person convicted on or after a certain date of an offense committed before a certain date; requiring the Department of Public Safety and Correctional Services to contact and notify certain individuals of the registration requirements under this Act; and generally relating to the offender registry.

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 11–702.1
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 11–704
Annotated Code of Maryland
(2008 Replacement Volume)

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

Senate Bill 572 – Senator Stoltzfus

AN ACT concerning

Worcester County – Gaming – Bingo

FOR the purpose of increasing certain fees for bingo conducted in Worcester County; increasing certain maximum prizes offered in bingo; repealing a prohibition against conducting bingo outside a certain area; specifying that a certain game may be played without a prize limit; repealing a prohibition against conducting bingo on Sunday; authorizing a person to advertise in a certain way the location and time of bingo and bingo prizes; and generally relating to bingo conducted in Worcester County.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 13–2602
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 13–2610, 13–2611, and 13–2612
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

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

Senate Bill 654 – Senator Stone

AN ACT concerning

Violent Crimes – Conditional Release Under Mandatory Supervision – Limitation

FOR the purpose of establishing that an inmate convicted of a certain violent crime committed on or after a certain date is not eligible for a certain conditional release until after the inmate becomes eligible for parole; requiring a court, when a sentence of confinement is imposed for a certain violent crime, to state in open court the minimum time a certain defendant must serve before becoming eligible for a certain conditional release under mandatory supervision; and generally relating to imposing sentences.

BY repealing and reenacting, without amendments,
Article – Correctional Services
Section 7–301(c) and (d)
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 7–501
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Procedure
Section 6–217
Annotated Code of Maryland
(2008 Replacement Volume)

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

Senate Bill 664 – Senators Garagiola, Currie, Klausmeier, McFadden, Peters, and Robey

AN ACT concerning

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

FOR the purpose of requiring the Department of Health and Mental Hygiene to ~~consult with certain individuals to make a certain evaluation on or before a certain date; requiring the Department to make a certain report to the General Assembly on or before a certain date; prohibiting the Department from distributing certain revenues until a certain date or the termination of certain rate reductions; requiring the Department to use certain accountability measures;~~ develop certain accountability measures for use in a pay–for–performance program; requiring the Department, in consultation with certain stakeholders, to make certain changes to the program on or before a certain date and each year thereafter; requiring the Department to examine and modify the program to include improvement measures in the scoring criteria on or before certain dates; requiring the Department to score nursing facilities based on certain scoring criteria and to send a certain transmittal to certain nursing facilities on or before a certain date; requiring the Department to distribute a certain percentage of the revenues generated by a certain quality assessment beginning on a certain date; requiring the Department to implement a certain program beginning on a certain date; requiring the Department to consult with certain stakeholders to assess the State's long–term care reimbursement methodology, to conduct a certain evaluation of the methodology, and to make a certain report to the General Assembly on or before a certain date; codifying the provisions of law relating to the pay–per–performance program; and generally relating to nursing facilities and accountability measures for a pay–for–performance program.

~~BY repealing and reenacting, with amendments,~~
~~Chapter 503 of the Acts of the General Assembly of 2007, as amended by Chapter 200 of the Acts of the General Assembly of 2008~~
~~Section 5~~

BY adding to
Article – Health – General
Section 19–14B–01 to be under the new subtitle "Subtitle 14B. Pay–for–Performance Program for Nursing Homes"
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Senate Bill 852 – Senator Garagiola

AN ACT concerning

Health Insurance – Assignment of Benefits – Notice and Report

FOR the purpose of ~~prohibiting a carrier from prohibiting the assignment of benefits to a health care provider by an insured, subscriber, or enrollee; prohibiting a carrier from refusing to directly reimburse a health care provider under an assignment of benefits~~ requiring a carrier to notify an insured, subscriber, or enrollee at certain times about the policy of the carrier regarding the assignment of benefits to a health care provider; requiring the notice to include certain information; requiring the Joint Committee on Health Care Delivery and Financing to conduct a certain study and report on its findings to the General Assembly on or before a certain date; providing for the effective dates of this Act; providing for a delayed effective date for certain provisions of this Act; providing for the application of certain provisions of this Act; defining certain terms; and generally relating to the assignment of benefits under health insurance.

BY adding to
Article – Health – General
Section 19–706(ttt)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article – Insurance
Section 15–132
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Senate Bill 868 – Senator Brinkley

AN ACT concerning

Frederick County – Tip Jars and Punchboards – Licensed Distributors

FOR the purpose of altering a certain requirement to be met by a distributor licensed in Frederick County from whom certain persons may purchase a tip jar or punchboard for gaming purposes; and generally relating to tip jar and punchboard gaming in Frederick County.

BY repealing and reenacting, without amendments,
Article – Criminal Law
Section 13–1302 and 13–1305(a)(1)
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Criminal Law
Section 13–1305(d)
Annotated Code of Maryland
(2002 Volume and 2008 Supplement)

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

Senate Bill 1053 – Senators Brochin, Della, Frosh, Klausmeier, and Stone

AN ACT concerning

Criminal Procedure – Strip Search or Body Cavity Search of an Arrestee – Restrictions

FOR the purpose of prohibiting a police officer from conducting or supervising a strip search or body cavity search of an individual arrested for certain misdemeanors or traffic offenses under certain circumstances, or of a minor detained for a certain act that would be a misdemeanor if committed by an adult, or for certain traffic offenses under certain circumstances; providing for certain exceptions; authorizing a police officer to conduct or supervise a strip search or body cavity search only if the officer has a reasonable suspicion that certain items may be concealed by the individual or minor and the officer is granted authorization by a certain supervising officer on duty; establishing certain requirements for the conducting of a strip search or a body cavity search; requiring a medical

professional to conduct a body cavity search; providing that a complaint against a police officer alleging a violation of this Act shall be investigated in accordance with a certain law; providing that nothing in this Act limits or repeals any common law or statutory rights of an individual regarding an action for damages or injunctive relief; defining certain terms; and generally relating to restrictions on the conducting of a strip search or body cavity search of persons arrested under certain circumstances.

BY repealing and reenacting, without amendments,
Article – Criminal Procedure
Section 2–101(a) and (c)
Annotated Code of Maryland
(2008 Replacement Volume)

BY adding to
Article – Criminal Procedure
Section 2–108
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, without amendments,
Article – Public Safety
Section 3–101(a) and 3–104(a)
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Public Safety
Section 3–101(e) and 3–104(c)
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)

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

THE COMMITTEE ON ECONOMIC MATTERS REPORT #20

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

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

HB0453/363599/2

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 453
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in lines 5 and 8, in each instance, after "customer" insert "in a certain area"; in line 6, after "temperature" insert "in the area"; in line 8, strike "certain days if" and substitute "a day for which"; in line 9, strike "heat index" and substitute "temperature in the area"; in the same line, strike "level;" and substitute "temperature; requiring the Public Service Commission to require certain public service companies to designate certain weather station areas for certain purposes; providing for the construction of this Act;"; and in the same line, strike "Public Service".

AMENDMENT NO. 2

On page 2, in lines 2 and 6, in each instance, after "**CUSTOMER**" insert "**IN A DESIGNATED WEATHER STATION AREA**"; in line 4, after "**BELOW**" insert "**IN THAT WEATHER STATION AREA**"; strike beginning with the colon in line 6 down through "**(1)**" in line 7; in line 7, strike "**HEAT INDEX**" and substitute "**TEMPERATURE**"; in line 8, after "**ABOVE**" insert "**IN THAT WEATHER STATION AREA**"; strike beginning with the semicolon in line 8 down through "**ABOVE**" in line 10; after line 10, insert:

"**(C) THE COMMISSION SHALL REQUIRE EACH PUBLIC SERVICE COMPANY THAT PROVIDES ELECTRIC OR GAS SERVICE TO DESIGNATE AND FILE WITH THE COMMISSION DESIGNATED WEATHER STATION AREAS WITHIN ITS SERVICE TERRITORY FOR USE IN ADMINISTERING THE RESTRICTIONS ON WEATHER–RELATED TERMINATIONS UNDER SUBSECTIONS (A) AND (B) OF THIS SECTION.**

(D) THIS SECTION MAY NOT BE CONSTRUED TO LIMIT THE AUTHORITY OF THE COMMISSION TO ADOPT, BY REGULATION OR ORDER, ADDITIONAL LIMITATIONS AND CONDITIONS ON TERMINATION OF ELECTRIC OR GAS SERVICE THAT ARE MORE PROTECTIVE OF CONSUMERS.";

and in line 11, strike "**(C)**" and substitute "**(E)**".

AMENDMENT NO. 3

On page 2, in line 14, strike "October" and substitute "June".

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters 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

HB1411/993491/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1411
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 4 down through "licenses;" in line 5; and in line 7, after "years;" insert "altering certain continuing education requirements for a licensee who possesses a certain graduate degree;".

AMENDMENT NO. 2

On page 1, in line 20, strike the brackets; in line 21, strike "**AN ASSOCIATE REAL ESTATE BROKER OR REAL ESTATE SALESPERSON**".

On page 2, strike in their entirety lines 14 through 17, inclusive; in line 18, strike "**(3)**" and substitute "**(2)**"; in lines 27 and 32, in each instance, strike the bracket; in lines 27 and 32, strike "**(4)**" and "**(5)**", respectively; in lines 18 and 34, in each instance, strike "**PARAGRAPHS (1) AND (2)**" and substitute "**PARAGRAPH (1)**"; and in line 29, strike "**OR (2)**".

On page 3, in line 7, strike the brackets and "**(6)**"; in line 8, strike the brackets and "**(5)**"; and in line 33, after "**MANAGER**" insert "**OR A TEAM LEADER**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters 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

HB1526/633898/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1526
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 4, after "Corporation;" insert "prohibiting the Corporation from offering or providing certain training under certain circumstances;"; strike beginning with "advance" in line 14 down through "Act" in line 16 and substitute "allocate funds to the Corporation for the expenses of the Corporation as provided for in the budget".

AMENDMENT NO. 2

On page 2, after line 31, insert:

"**(3) OBTAIN RESOURCES FOR THE STATEWIDE WORKFORCE PROGRAMS DEVELOPED UNDER THIS SUBTITLE FROM PRIVATE AND PUBLIC SOURCES INCLUDING:**

(I) LOCAL WORKFORCE INVESTMENT BOARDS;

(II) COMMUNITY COLLEGES;

(III) ADULT LEARNING PROGRAMS;

(IV) CORRECTIONAL EDUCATION AND VOCATIONAL PROGRAMS;

(V) THE DEPARTMENT OF HUMAN RESOURCES;

(VI) THE DEPARTMENT OF BUSINESS AND ECONOMIC DEVELOPMENT;

(VII) THE HIGHER EDUCATION COMMISSION; AND

(VIII) THE DEPARTMENT;".

On page 3, in lines 1, 4, 6, and 8, strike "**(3)**", "**(4)**", "**(5)**", and "**(6)**", respectively, and substitute "**(4)**", "**(5)**", "**(7)**", "**(8)**", respectively; in line 1, strike "**CONDUCT**" and substitute "**ADMINISTER**"; after line 5, insert:

"**(6) CONTRACT WITH TRAINING PROVIDERS TO CONDUCT EDUCATION AND SKILLS TRAINING PROGRAMS;**";

after line 21, insert:

"**(V) THE SECRETARY OF JUVENILE SERVICES;**

(VI) THE CHANCELLOR OF THE UNIVERSITY SYSTEM OF MARYLAND;

(VII) THE STATE SUPERINTENDENT OF SCHOOLS;";

in lines 22 and 24, strike "**(V)**" and "**(VI)**", respectively, and substitute "**(VIII)**" and "**(IX)**", respectively; and in line 26, strike "**ELEVEN**" and substitute "**FOURTEEN**".

On page 4, in line 1, after "**EDUCATION,**" insert "**INCLUDING ADULT BASIC EDUCATION,**".

On page 5, strike in their entirety lines 3 through 6, inclusive; and in line 7, strike "**(H)**" and substitute "**(G)**".

On page 7, in line 6, after "**ACT**" insert "**AND THE OPEN MEETINGS ACT**"; and strike in their entirety lines 7 and 8.

On page 8, in line 10, strike "**CONDUCT**" and substitute "**ADMINISTER**"; in line 13, after "**EMPLOYERS,**" insert "**ADMINISTRATORS OF LABOR/MANAGEMENT TRAINING AND UPGRADING FUNDS,**"; in line 14, strike "**WORKFORCE**"; after line 15, insert:

"**(7) CONTRACT WITH TRAINING PROVIDERS TO CONDUCT EDUCATION AND SKILLS TRAINING PROGRAMS;**

(8) ASSIST TRAINING PROVIDERS BY COORDINATING FUNDING FOR TRAINING PROGRAMS;";

in lines 16, 18, 19, and 22, strike "**(7)**", "**(8)**", "**(9)**", and "**(10)**", respectively, and substitute "**(9)**", "**(10)**", "**(12)**", and "**(13)**", respectively; after line 18, insert:

"**(11) SEEK TAX EXEMPT STATUS FROM THE INTERNAL REVENUE SERVICE;**";

after line 23, insert:

"**(C) THE CORPORATION MAY NOT OFFER OR PROVIDE EDUCATIONAL OR SKILLS TRAINING UNLESS THE CORPORATION DETERMINES THAT THERE ARE NO OTHER TRAINING PROVIDERS AVAILABLE.**";

after line 24, insert:

"**THE SECRETARY MAY ALLOCATE FUNDS TO THE CORPORATION FOR ITS EXPENSES, AS PROVIDED FOR IN THE STATE BUDGET.**";

and strike in their entirety lines 25 through 30, inclusive.

On page 11, in lines 18 and 19, in each instance, strike "three" and substitute "four"; and in line 21, strike "two" and substitute "three".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

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~~

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 85 – Chair, Finance Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance – Notice of Cancellation or Nonrenewal – Mailing Address

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 133 – Senators Forehand and Miller

AN ACT concerning

~~**Task Force to Study Changes to the Automotive Warranty Enforcement Act**~~

Consumer Protection – Automotive Warranty Enforcement Act – Warranty Period

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 270 – The President (By Request – Administration) and Senators Kelley ~~and Middleton~~, Middleton, Exum, and Garagiola

EMERGENCY BILL

SECOND PRINTING

AN ACT concerning

Unemployment Insurance – Eligibility – Part–Time Work

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 720 – Senator Forehand

AN ACT concerning

Real Estate Investment Trusts – Declaration of Trust and Bylaws

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 896 – Senators Garagiola, Astle, Middleton, and Pugh

AN ACT concerning

Commercial Law – Equipment Dealer Contract Act – Scope

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON ECONOMIC MATTERS REPORT #21

Delegate Davis, Chair, for the Committee on Economic Matters and Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

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

HB1556/733899/2

BY: Economic Matters Committee and the Environmental Matters Committee

AMENDMENTS TO HOUSE BILL 1556
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 6, after "fee" insert ", subject to certain conditions"; and in line 7, after "fee;" insert "prohibiting the imposition or collection of the fee on certain coal combustion by–products used in certain manners;".

AMENDMENT NO. 2

On page 3, in line 2, strike "**WHICH**" and substitute "**THAT**"; in line 8, strike "**IN ACCORDANCE WITH THIS PART**"; in line 10, strike "**BY**" and substitute "**EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, BY**"; in the same line, strike "**MAY**" and substitute "**SHALL**"; in the same line, strike "**, IMPOSE,**"; strike beginning with "**BY**" in line 14 down through "**TO**" in line 20 and substitute "**THE DEPARTMENT SHALL BASE THE FEES ON**"; in line 21, after "**(1)**" insert "**THE TOTAL ANNUAL TONNAGE OF COAL COMBUSTION BY–PRODUCTS THAT THE GENERATOR GENERATES;**

(2)";

in lines 23, 25, 28, and 29, strike "**(2)**", "**(3)**", "**(4)**", and "**(D)**", respectively, and substitute "**(3)**", "**(4)**", "**(6)**", and "**(C)**", respectively; strike beginning with the comma in line 23 down through the comma in line 24; strike beginning with "**THE**" in line 25 down through "**DEPARTMENT**" in line 27 and substitute "**TO THE EXTENT THAT THE COAL COMBUSTION BY–PRODUCTS ARE USED RATHER THAN DISPOSED OF, THE TYPES OF THE USES;**

(5) WHETHER THE COAL COMBUSTION BY–PRODUCTS ARE TRANSPORTED FOR USE OR DISPOSAL OUT–OF–STATE";

in line 28, strike "**ANY OTHER**" and substitute "**OTHER**"; in the same line, strike "**AS**"; in the same line, strike "**MAY DETERMINE**" and substitute "**CONSIDERS APPROPRIATE**"; and strike beginning with "**IN**" in line 31 down through "**BY**" in line 32 and substitute "**AS**"; and in line 32, after "**DEPARTMENT**" insert "**DETERMINES**".

On page 4, in line 1, strike "**DISPOSED OF OUTSIDE THE STATE**" and substitute "**USED FOR COAL MINE RECLAMATION IN ACCORDANCE WITH REGULATIONS THE DEPARTMENT ADOPTS OR WITH REGULATIONS OF THE RECEIVING STATE**"; strike in their entirety lines 2 and 3 and substitute:

"**(D) FEES IMPOSED ON COAL COMBUSTION BY–PRODUCTS THAT ARE TRANSPORTED FOR USE OR DISPOSAL OUT–OF–STATE MAY NOT EXCEED 50% OF THE FEES ESTABLISHED FOR DISPOSAL IN–STATE.**";

in line 4, strike "**(F)**" and substitute "**(E)**"; after line 6, insert:

"**(F) THE FEES IMPOSED SHALL BE SET AT THE RATE NECESSARY TO IMPLEMENT THE PURPOSES SET FORTH IN § 9–284 OF THIS SUBTITLE.**";

in line 7, strike "**IF**" and substitute "**IN ANY FISCAL YEAR, IF**"; in the same line, after "**DEPARTMENT**" insert "**GENERATES REVENUE THAT**"; and in line 10, strike "**FEE SCHEDULE ACCORDINGLY**" and substitute "**FEES IN THE FOLLOWING FISCAL YEAR**".

AMENDMENT NO. 3

On page 4, in line 12, before "**THE**" insert "**(A)**"; strike beginning with the colon in line 12 down through "**TO**" in line 13 and substitute "**SOLELY TO**"; in line 13, strike

"**MANAGE DEPARTMENT**" and substitute "**IMPLEMENT**"; in line 14, strike "**RELATED**"; in the same line, after "**TO**" insert "**CONTROL**"; in line 15, after "**OR**" insert "**OTHER REQUIREMENTS RELATED TO THE**"; in line 16, strike the semicolon and substitute "**, INCLUDING ALL COSTS INCURRED BY THE STATE TO:**"; in lines 17, 21, and 25, strike "**(2)**", "**(3)**", and "**(4)**", respectively, and substitute "**(1)**", "**(2)**", and "**(3)**", respectively; strike beginning with "**TO**" in line 17 down through "**EVALUATING**" in line 18 and substitute "**REVIEW, INSPECT, AND EVALUATE**"; in line 20, strike "**RELATED TO COAL COMBUSTION BY–PRODUCTS**"; in line 21, strike "**FOR SITE**" and substitute "**PERFORM AND OVERSEE**"; strike beginning with "**RELATED**" in line 22 down through "**PRODUCTS**" in line 24; in line 25, strike "**TO DEVELOP, PROPOSE, OR**" and substitute "**DEVELOP, ADOPT, AND**"; and strike beginning with "**DISPOSAL**" in line 27 down through "**OR**" in line 28.

AMENDMENT NO. 4

On page 5, strike beginning with the colon in line 14 down through "**TO**" in line 15 and substitute "**TO**"; and strike beginning with the comma in line 15 down through "**PART**" in line 20.

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 1567 – Delegate Hecht

AN ACT concerning

Clean Energy Loan Programs

HB1567/303999/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1567
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "Delegate Hecht" and substitute "Delegates Hecht, Barkley, Braveboy, Burns, Feldman, Haddaway, Harrison, Impallaria, Jameson, King, Kirk, Krysiak, Love, Manno, Mathias, McHale, Minnick, Rudolph, Stifler, Taylor, Vaughn, and Walkup"; and strike beginning with "requiring" in line 16 down through "Assembly;" in line 17.

AMENDMENT NO. 2

On page 2, in line 19, after the second "**TO**" insert a colon; in line 20, strike "**RESIDENTIAL**" and substitute:

"**(1) RESIDENTIAL**";

and in line 21, after "**PROJECTS**" insert "**; AND**

(2) COMMERCIAL PROPERTY OWNERS FOR THE FINANCING OF:

(I) ENERGY EFFICIENCY PROJECTS; AND

(II) RENEWABLE ENERGY PROJECTS WITH AN ELECTRIC GENERATING CAPACITY OF NOT MORE THAN 100 KILOWATTS".

On page 4, in line 15, strike "**SUBSECTIONS**" and substitute "**SUBSECTION**"; and in the same line, strike "**AND (D)**".

On pages 4 and 5, strike in their entirety the lines beginning with line 28 on page 4 through line 4 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.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 118 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Athletic Commission – Sunset Extension and Program Evaluation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 128 – Senators Conway, Della, Dyson, Greenip, Lenett, and Zirkin

AN ACT concerning

Business Occupations and Professions – Accountants – Continuing Education

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 174 – ~~Senator Brinkley~~ Senators Brinkley, Garagiola, Glassman, Kittleman, Klausmeier, and Pugh

AN ACT concerning

Business Regulation – Vending Machine Sales – Bulk Vending Machine Exemption

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 616 – ~~Senator Glassman~~ Senators Glassman, Middleton, Exum, Garagiola, Kelley, Klausmeier, and Pugh

AN ACT concerning

Insurance Producers – Continuing Education – ~~Exemption for~~ Funeral Directors and Morticians

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 768 – Senator Astle

AN ACT concerning

Commercial Insurance and Workers' Compensation Insurance – Renewals of Policies – Transfers of Policyholders Between Insurers

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 806 – Senators Colburn and Brinkley

AN ACT concerning

Business Regulation – Charitable Organizations – Audits and Reviews

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON HEALTH AND GOVERNMENT OPERATIONS REPORT #11

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 12 – Senator Forehand

AN ACT concerning

Tobacco Product Manufacturers – Settlement of State Claims – Nonparticipating Manufacturers – Deposit of Funds in Escrow – Codification of Model Statute

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 173 – Senators Kelley, Conway, Currie, Della, Exum, Forehand, Frosh, Klausmeier, Kramer, Madaleno, Munson, Peters, Pugh, Raskin, ~~and Robey~~ Robey, Garagiola, Glassman, ~~and Middleton~~ Middleton, and Harris

AN ACT concerning

Health Insurance – Mandated Benefits – Hospitalization and Home Visits Following a Mastectomy

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 305 – Senators King, Astle, DeGrange, Lenett, Madaleno, Muse, Raskin, and Robey

AN ACT concerning

Mortality and Quality Review Committee – Sunset ~~Repeal~~ Extension and Membership

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 492 – Senators Kelley, Klausmeier, and Middleton

AN ACT concerning

Community Mental Health Services Programs – Financial Statements and Salary Information

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 493 – Senators Kelley, Klausmeier, and Middleton

AN ACT concerning

Mental Health Programs and Facilities – Reports of Death

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 716 – Senators Kelley, Exum, Klausmeier, and Pugh

AN ACT concerning

Long–Term Care Insurance – Annuity Contracts and Qualified State Long–Term Care Insurance Partnership ~~– Revisions~~

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 862 – Senator Pugh

AN ACT concerning

Child Fatality Review – Child Death Review Case Reporting System

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hammen, Chair, for the Committee on Health and Government Operations reported favorably:

Senate Bill 985 – Senator Garagiola

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #15

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

Senate Bill 64 – Chair, Budget and Taxation Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Alcoholic Beverage Tax – Assessment and Appeals – Tax Procedures and Penalties

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

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

AN ACT concerning

Tax – Property – Exempt Manufacturing Personal Property Application Deadline

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

Senate Bill 96 – Chair, Budget and Taxation Committee (By Request – Departmental – Comptroller) and Senator Jones (Chair, Joint Committee on the Management of Public Funds)

AN ACT concerning

Income Tax – Mandatory Income Tax Return Preparer Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably:

Senate Bill 328 – Senators Colburn and Pipkin

AN ACT concerning

Caroline County – Tax Sales – Auctioneer Fees

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

SPECIAL ORDERS

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

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: BILL ON 2ND READING. COMMITTEE AMENDMENTS NOT ADOPTED. FAVORABLE REPORT NOT ADOPTED.

Committee amendments 783198/1 were withdrawn.

HB0644/833695/1

BY: Economic Matters Committee

SUBSTITUTE AMENDMENTS TO HOUSE BILL 644
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 11, after "circumstances;" insert "requiring certain contractors and subcontractors to make certain payments to certain employees in wages; specifying that payments made by certain contractors and subcontractors fulfill

certain obligations under certain provisions of law; specifying that certain payments made by certain contractors and subcontractors are permissible deductions under certain provisions of law;".

AMENDMENT NO. 2

On page 3, in line 13, after "**TO**" insert "**:**

(1)";

in line 17, after "**PROGRAMS**" insert "**; AND**

(2) PAY ANY COSTS ASSOCIATED WITH CARRYING OUT THE PROVISIONS OF THIS SUBTITLE";

in line 23, strike "**FOR EACH COVERED CRAFT**"; in line 24, strike "**OR**"; and in line 25, after "**FUND**" insert "**; OR**

(3) THE CONTRACTOR WILL MAKE PAYMENTS TO A REGISTERED APPRENTICESHIP PROGRAM OR TO AN ORGANIZATION THAT HAS REGISTERED APPRENTICESHIP PROGRAMS".

On page 4, in line 5, strike "**FOR EACH COVERED CRAFT**"; in line 6, strike "**OR**"; in line 7, after "**FUND**" insert "**; OR**

(3) THE SUBCONTRACTOR WILL MAKE PAYMENTS TO A REGISTERED APPRENTICESHIP PROGRAM OR TO AN ORGANIZATION THAT HAS REGISTERED APPRENTICESHIP PROGRAMS";

strike beginning with "**THAT**" in line 15 down through "**SECRETARY**" in line 18 and substitute "**, AS DETERMINED BY THE SECRETARY, NOT TO EXCEED 25 CENTS PER HOUR FOR EACH EMPLOYEE IN EACH COVERED CRAFT WHO IS EMPLOYED BY THE CONTRACTOR OR SUBCONTRACTOR ON THE COVERED PROJECT**"; after line 18, insert:

"**(2) IF THE PREVAILING WAGE DETERMINATION FOR A COVERED CRAFT INCLUDES A FRINGE BENEFIT CONTRIBUTION FOR APPRENTICESHIP PROGRAMS THAT EXCEEDS 25 CENTS, THE CONTRACTOR OR SUBCONTRACTOR**

SHALL PAY THE DIFFERENCE TO THE EMPLOYEES IN THE COVERED CRAFT IN WAGES.

(3) PAYMENTS MADE UNDER THIS SECTION FULFILL ANY OBLIGATIONS OF THE CONTRACTOR OR SUBCONTRACTOR REGARDING CONTRIBUTIONS FOR APPRENTICESHIP PROGRAMS INCLUDED IN THE PREVAILING WAGE DETERMINATION UNDER § 17–208 OF THIS TITLE.

(4) PAYMENTS MADE UNDER PARAGRAPH (1) OF THIS SECTION ARE PERMISSIBLE DEDUCTIONS UNDER § 17–215(B) OF THIS TITLE.";

and in line 19, strike "**(2)**" and substitute "**(5)**".

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 1553 – Delegates Conway, Mathias, and Elmore

AN ACT concerning

Video Lottery Operations – Horse Racing

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT ADOPTED.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 776)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #60

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

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

Affirmative – 124 Negative – 13 (See Roll Call No. 777)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (HOUSE BILLS) #61

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 778)

The Bill was then sent to the Senate.

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 – 137 Negative – 0 (See Roll Call No. 779)

The Bill was then sent to the Senate.

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

AN ACT concerning

Student Stigma Act

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

Affirmative – 135 Negative – 0 (See Roll Call No. 780)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #6

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

AN ACT concerning

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

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

Affirmative – 137 Negative – 0 (See Roll Call No. 781)

The Bill was then returned to the Senate.

Senate Bill 239 – Senator Frosh

AN ACT concerning

Maryland Antitrust Act – Establishment of Minimum Sale Price for Commodities or Services – Prohibited

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

Affirmative – 129 Negative – 8 (See Roll Call No. 782)

The Bill was then returned to the Senate.

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

AN ACT concerning

Tax Sales – Fees

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

Affirmative – 137 Negative – 0 (See Roll Call No. 783)

The Bill was then returned to the Senate.

Senate Bill 392 – Senator Exum

AN ACT concerning

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

Delegate Davis moved to make the Bill a Special Order for Tuesday.

The motion was adopted.

Senate Bill 698 – Senators Klausmeier, Colburn, Middleton, and Rosapepe

AN ACT concerning

Income Tax Refund – Direct Deposit – Multiple Accounts

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

Affirmative – 136 Negative – 1 (See Roll Call No. 784)

The Bill was then returned to the Senate.

Senate Bill 703 – Senators Klausmeier, Pugh, and Middleton

AN ACT concerning

Electric Universal Service Program – Modifications

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

Affirmative – 136 Negative – 0 (See Roll Call No. 785)

The Bill was then returned to the Senate.

Senate Bill 800 – ~~Senator King~~ Senators King and Jones

AN ACT concerning

Biotechnology Investment Incentive Tax Credit

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

Affirmative – 137 Negative – 0 (See Roll Call No. 786)

The Bill was then returned to the Senate.

Senate Bill 860 – Senator Pugh

AN ACT concerning

Maryland Not–For–Profit Development Center Program – Qualifying Not–For–Profit Entity Assistance

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

Affirmative – 135 Negative – 0 (See Roll Call No. 787)

The Bill was then returned to the Senate.

AMENDED IN THE SENATE

House Bill 100 – The Speaker (By Request – Administration)

Budget Bill

(Fiscal Year 2010)

Delegate Conway moved that the House not concur in the Senate amendments.

REPORT OF THE SENATE BUDGET AND TAXATION COMMITTEE TO THE MARYLAND SENATE – 2009 SESSION – RECOMMENDATIONS, REDUCTIONS, AND SUMMARY OF ACTION PERTAINING TO HOUSE BILL 100 – THE BUDGET BILL

(See Exhibit J of Appendix II)

SENATE BUDGET AND TAXATION COMMITTEE REPORT ON HOUSE BILL 100 – THE BUDGET BILL AND HOUSE BILL 101 – THE BUDGET RECONCILIATION AND FINANCING ACT

(See Exhibit K of Appendix II)

SENATE BUDGET AND TAXATION COMMITTEE REPRINT TO
HOUSE BILL 100 – THE BUDGET BILL

(See Exhibit L of Appendix II)

The preceding 85 amendments were read and not concurred in.

HB0100/793923/1

BY: Senator Harris

AMENDMENT TO HOUSE BILL 100, AS AMENDED
(Third Reading File Bill – Committee Reprint)

On page 40, in Committee Amendment No. 15, under:

Heading: MAJOR INFORMATION TECHNOLOGY DEVELOPMENT PROJECT FUND

Program: F50A01.01

Entitled: Major Information Technology Development Project Fund

In line 13, after "by" insert "up to"; and in line 19, after "of" insert "up to".

The preceding amendment was read and not concurred in.

HB0100/363924/2

BY: Senator Brinkley

AMENDMENT TO HOUSE BILL 100
(Third Reading File Bill – Committee Reprint)

On page 60, under:

Heading: MOTOR VEHICLE ADMINISTRATION

After line 8, insert:

"Provided that the Motor Vehicle Administration may not expend any funds for any purpose related to the issuance of a driver's license or personal identification card to an applicant who fails to provide documentation acceptable to the Administration that the applicant is lawfully present in the United States in accordance with federal law.".

The preceding amendment was read and not concurred in.

HB0100/933922/1

BY: Senator Raskin

AMENDMENT TO HOUSE BILL 100
(Third Reading File Bill – Committee Reprint)

On page 7, under:

Heading: JUDICIARY

Program: C00A00.06

Entitled: Administrative Office of the Courts

Strike lines 37 through 41 in their entirety.

On page 8, in lines 1 and 4, strike "(4)" and "(5)", respectively, and substitute "(3)" and "(4)", respectively.

The preceding amendment was read and not concurred in.

HB0100/683929/1

BY: Senator Stone

AMENDMENT TO HOUSE BILL 100
(Third Reading File Bill – Committee Reprint)

On page 178, under:

Heading: SCIENCE SERVICES ADMINISTRATION

Program: U00A05.01

Entitled: Science Services Administration

In line 15, after "Appropriation" insert ", provided that $75,000 of this appropriation made for the purpose of operating expenses may not be expended for that purpose but instead may only be used for a noise control program. These funds shall be administered in accordance with Title 3 of the Environment Article. Funds not expended for this restricted purpose may not be transferred by budget amendment or otherwise to any other purpose, and shall revert to the General Fund".

The preceding amendment was read and not concurred in.

HB0100/576917/3

BY: Prince George's County Senators

AMENDMENT TO HOUSE BILL 100
(Third Reading File Bill – Committee Reprint)

On page 137, under:

Heading: AID TO EDUCATION

Program: R00A02.01

Entitled: State Share of Foundation Program

After line 32, insert:

"Further provided that disbursement of $36,000,000 of this appropriation to be disbursed to the Prince George's County Board of Education is contingent on the Board of Education terminating, cancelling, or not proceeding with any contract to purchase or lease a new administration building and paying no damages due to terminating, cancelling, or not proceeding with any contract.".

The preceding amendment was read and not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 0100**
SPONSOR: The Speaker (Admin)
SUBJECT: Budget Bill Fiscal Year 2010

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, Chair
Delegate Bohanan
Delegate Gaines
Delegate G. Clagett
Delegate Aumann

In addition, the House has appointed in advisory capacity: Delegates Jones, James and Branch.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

AMENDED IN THE SENATE

House Bill 101 – The Speaker (By Request – Administration)

AN ACT concerning

Budget Reconciliation and Financing Act of 2009

Delegate Conway moved that the House not concur in the Senate amendments.

SENATE BUDGET AND TAXATION COMMITTEE REPORT ON
HOUSE BILL 100 – THE BUDGET BILL AND
HOUSE BILL 101 – THE BUDGET RECONCILIATION AND FINANCING ACT

(See Exhibit K of Appendix II)

HB0101/709134/1

BY: Budget and Taxation Committee

AMENDMENTS TO HOUSE BILL 101
(Third Reading File Bill)

AMENDMENT NO. 1

On page 2, strike beginning with "providing" in line 5 down through "Fund;" in line 6; in line 20, after "vehicles;" insert "requiring the counties and Baltimore City to share certain costs of administering the Department of Assessments and Taxation for certain fiscal years; authorizing the Comptroller to withhold the distribution of certain local income tax revenue to a county or Baltimore City under certain circumstances;"; 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 39, after "facilities;" insert "requiring the counties and Baltimore City to reimburse the State for certain funding for law clerks for circuit court judges for certain fiscal years;".

On page 3, strike beginning with "reducing" in line 14 down through "Fund;" in line 17; 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 "prohibiting the expenditure of funds for a certain purpose except in accordance with certain provisions of law; 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;".

AMENDMENT NO. 2

On page 4, in line 1, after "Section" insert "5–202(a)(13)(i) and (e), 5–205(c)(3),"; and 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)".

On page 5, in line 8, strike "3–306" and substitute "7–325(a)"; and in line 28, after "Section" insert "2–106 and".

On page 6, after line 17, insert:

"BY repealing and reenacting, with amendments,
Article – Courts and Judicial Proceedings
Section 2–512
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)".

AMENDMENT NO. 3

On page 8, in line 8, strike "**(1)**"; in the same line, strike "**FISCAL YEARS 2010 AND 2011**" and substitute "**EACH FISCAL YEAR**"; in line 10, strike "for each fiscal year"; and strike in their entirety lines 11 through 17, inclusive.

AMENDMENT NO. 4

On page 14, in lines 24 and 34, strike "**23.4%**" and "**26%**", respectively, and substitute "**23.7%**" 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 "**26%**"; in line 6, strike "previous" and substitute "**SAME**"; in the same line, strike "**AND**"; after line 6, insert:

"**6. IN FISCAL YEAR 2014, NOT LESS THAN AN AMOUNT EQUAL TO 27.5% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL–TIME EQUIVALENT STUDENT TO THE 4–YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR; AND**";

in line 13, strike "**6.**" and substitute "**7.**"; in the same line, strike "**2014**" and substitute "**2015**"; 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, and 17, strike "**64.6%**", "**65%**", and "**69%**", respectively, and substitute "**65.4%**", "**66.5%**", and "**67.5%**", respectively; in lines 5, 10, 15, and 21, in each instance, strike "previous" and substitute "**SAME**"; in line 21, strike "**AND**"; after line 21, insert:

"**(VI) IN FISCAL YEAR 2014, NOT LESS THAN AN AMOUNT EQUAL TO 68% OF THE STATE'S GENERAL FUND APPROPRIATION PER FULL–TIME EQUIVALENT STUDENT TO THE 4–YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THE STATE AS DESIGNATED BY THE COMMISSION FOR THE PURPOSE OF ADMINISTERING THE JOSEPH A. SELLINGER PROGRAM UNDER TITLE 17 OF THIS ARTICLE IN THE SAME FISCAL YEAR; AND**";

in line 28, strike "**(VI)**" and substitute "**(VII)**"; in the same line, strike "**2014**" and substitute "**2015**"; in line 29, strike "**71%**" and substitute "**68.5%**"; 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 page 17, after line 15, insert:

"**(II) IN FISCAL YEAR 2010, AN AMOUNT NOT LESS THAN 13.8% OF THE STATE'S GENERAL FUND PER FULL–TIME EQUIVALENT STUDENT APPROPRIATION TO THE 4–YEAR PUBLIC INSTITUTIONS OF HIGHER EDUCATION IN THIS STATE FOR THE SAME FISCAL YEAR;**";

in lines 17, 22, 26, 30, and 34, strike "**(II)**", "**(III)**", "**(IV)**", "**(V)**", and "**(VI)**", respectively, and substitute "**(III)**", "**(IV)**", "**(V)**", "**(VI)**", and "**(VII)**", 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 "**14%**", "**14.3%**", "**14.7%**", "**15%**", 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 31, after line 9, insert:

"7–325.

(a) **(1) FOR EACH OF FISCAL YEARS 2010 THROUGH 2013, THE GOVERNOR SHALL INCLUDE IN THE ANNUAL BUDGET BILL SUBMITTED TO THE GENERAL ASSEMBLY A GENERAL FUND APPROPRIATION FOR THE MARYLAND STATE ARTS COUNCIL OF NOT LESS THAN $13,545,740.**

(2) For **[**each**]** fiscal year **2014 AND EACH FISCAL YEAR THEREAFTER**, the Governor shall include in the annual budget bill submitted to the General Assembly a General Fund appropriation for the Maryland State Arts Council in an amount not less than the amount of the General Fund appropriation for the Council as approved in the State budget as enacted by the General Assembly for the prior fiscal year, increased by not less than **A PERCENTAGE EQUAL TO ONE–HALF** the percentage by which the projected total General Fund revenues for the upcoming fiscal year exceed the revised estimate of total General Fund revenues for the current fiscal year, as contained in the report of estimated State revenues submitted by the Board of Revenue Estimates to the Governor under § 6–106(b) of this article.".

On page 54, strike in their entirety lines 27 through 31, inclusive.

AMENDMENT NO. 9

On page 34, in lines 30 and 31, strike "**2013 THROUGH 2022**" and substitute "**2011 THROUGH 2020**".

AMENDMENT NO. 10

On page 38, after line 18, insert:

"2–106.

(A) Each county shall provide the supervisor of the county with an office in the county seat or in Baltimore City, for the supervisor of Baltimore City. The Department is responsible for providing each supervisor with clerical staff, equipment, and other facilities and assistance that the Department considers necessary and as provided in the State budget.

(B) FOR FISCAL YEAR 2010 AND FISCAL YEAR 2011 ONLY, EACH COUNTY AND BALTIMORE CITY SHALL BE RESPONSIBLE FOR REIMBURSING THE STATE FOR THE COSTS OF ADMINISTERING THE DEPARTMENT AS FOLLOWS:

(1) 50% OF THE COSTS OF REAL PROPERTY VALUATION;

(2) 50% OF THE COSTS OF BUSINESS PROPERTY VALUATION; AND

(3) 50% OF THE COSTS OF THE OFFICE OF INFORMATION TECHNOLOGY WITHIN THE DEPARTMENT, INCLUDING ANY FUNDING FOR DEPARTMENTAL PROJECTS IN THE MAJOR INFORMATION TECHNOLOGY DEVELOPMENT PROJECT FUND ESTABLISHED UNDER § 3A–309 OF THE STATE FINANCE AND PROCUREMENT ARTICLE.

(C) COSTS UNDER SUBSECTION (B) OF THIS SECTION SHALL BE ALLOCATED AMONG THE COUNTIES AND BALTIMORE CITY AS FOLLOWS:

(1) COSTS UNDER SUBSECTION (B)(1) AND (3) OF THIS SECTION WILL BE ALLOCATED BASED ON THE NUMBER OF REAL PROPERTY ACCOUNTS OF A COUNTY OR BALTIMORE CITY AS A PERCENTAGE OF THE TOTAL NUMBER OF REAL PROPERTY ACCOUNTS STATEWIDE AS OF JULY 1 OF THE PRECEDING FISCAL YEAR; AND

(2) COSTS UNDER SUBSECTION (B)(2) OF THIS SECTION WILL BE ALLOCATED BASED ON THE BUSINESS PERSONAL PROPERTY ASSESSABLE BASE OF A COUNTY OR BALTIMORE CITY AS A PERCENTAGE OF THE TOTAL BUSINESS PERSONAL PROPERTY ASSESSABLE BASE STATEWIDE AS OF JULY 1 OF THE PRECEDING FISCAL YEAR.

(D) EACH COUNTY AND BALTIMORE CITY SHALL REMIT A QUARTERLY PAYMENT TO THE COMPTROLLER FOR 25% OF THE JURISDICTION'S SHARE OF COSTS ON OR BEFORE THE FOLLOWING DATES:

(1) JULY 1;

(2) OCTOBER 1;

(3) JANUARY 1; AND

(4) APRIL 1.

(E) THE COMPTROLLER MAY WITHHOLD A PORTION OF A LOCAL INCOME TAX DISTRIBUTION OF A COUNTY OR BALTIMORE CITY THAT FAILS TO MAKE TIMELY PAYMENT IN ACCORDANCE WITH THIS SECTION.".

AMENDMENT NO. 11

On page 40, in line 2, strike "**$98,000,000**" and substitute "**AT LEAST $85,000,000**"; and in line 4, strike "**$113,913,000**" and substitute "**ANY REMAINING BALANCE**".

AMENDMENT NO. 12

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 AND 2011 ONLY, A LICENSED AGENT SHALL RECEIVE REGULAR COMMISSIONS OF 5.0% OF THE LICENSED AGENT'S GROSS RECEIPTS FROM TICKET SALES.**".

AMENDMENT NO. 13

On page 54, in line 10, strike "the State is not required" and substitute "the State's responsibility"; in line 11, strike "any amounts"; and in line 12, after "2009," insert "is limited to $5,700,000,".

AMENDMENT NO. 14

On page 48, in line 8, strike "$30,000,000" and substitute "$24,000,000".

AMENDMENT NO. 15

On page 49, in line 9, strike "$1,656,101" and substitute "$1,605,035".

AMENDMENT NO. 16

On page 50, in line 1, strike "$15,000,000" and substitute "$10,000,000".

AMENDMENT NO. 17

On page 43, after line 37, insert:

"Article – Courts and Judicial Proceedings

2–512.

(a) Each circuit court judge shall have one law clerk, to be employed by the State.

(b) The budget for the Administrative Office of the Courts shall include funds to employ one law clerk for each circuit court judge.

(C) FOR EACH OF FISCAL YEARS 2010 AND 2011, EACH COUNTY AND BALTIMORE CITY SHALL REIMBURSE THE STATE FOR 25% OF THE SALARY AND OTHER EXPENSES TO EMPLOY ONE LAW CLERK FOR EACH CIRCUIT COURT JUDGE IN THE COUNTY OR BALTIMORE CITY.".

AMENDMENT NO. 18

On pages 51 and 52, strike in their entirety the lines beginning with line 22 on page 51 through line 3 on page 52, inclusive, and substitute:

"Allegany	$1,936,869
Anne Arundel	8,455,371
Baltimore City	15,167,424
Baltimore	11,373,924
Calvert	1,879,461
Caroline	1,345,246
Carroll	3,798,183
Cecil	2,104,844
Charles	2,725,980
Dorchester	1,487,390
Frederick	5,010,164
Garrett	1,684,208
Harford	4,410,969
Howard	4,187,808
Kent	755,951
Montgomery	11,879,769
Prince George's	10,349,543
Queen Anne's	1,556,658

St. Mary's	2,092,537
Somerset	898,609
Talbot	1,238,867
Washington	3,222,630
Wicomico	2,511,852
Worcester	1,845,742".

AMENDMENT NO. 19

On pages 30 and 31, strike in their entirety the lines beginning with line 25 on page 30 through line 9 on page 31, inclusive.

AMENDMENT NO. 20

On page 56, in line 22, strike "$53,500,000" and substitute "$50,000,000".

AMENDMENT NO. 21

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, strike in their entirety lines 10 through 18, inclusive, and substitute:

"(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.".

AMENDMENT NO. 22

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. 23

On page 57, after line 18, insert:

"SECTION 30. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, on or before June 30, 2009:

(a) The Governor may transfer to the General Fund:

(1) $40,000,000 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; and

(2) $25,000,000 of the unencumbered balance of the funds for local 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 "31." and "32.", respectively; in line 21, after "2009," insert "in addition to amounts transferred under Section 30 of this Act,"; strike beginning with the colon in line 35 down through "section" in line 36; and in line 39, strike "subsection" and substitute "section".

On page 58, strike in their entirety lines 1 through 12, inclusive.

AMENDMENT NO. 24

On page 8, after line 34, insert:

"5–202.

(a) (13) "Target per pupil foundation amount" means:

(i) In **EACH OF** fiscal years 2008**[**, 2009, and 2010**]** **THROUGH 2012**, $6,694; and

(e) (1) In this subsection, "State financial assistance for public education" means the total financial assistance provided by the State to a county board under the following programs:

(i) Funding for the foundation program under this section;

(ii) In fiscal year 2009, 50% of the funding received under the GCEI adjustment grant program under subsection (f) of this section and in **[**fiscal year**]** **EACH OF FISCAL YEARS** 2010 **THROUGH 2012**, 60% of the funding received under the GCEI adjustment grant program under subsection (f) of this section;

(iii) Transportation aid under § 5–205 of this subtitle;

(iv) Funding for compensatory education under § 5–207 of this subtitle;

(v) Funding for students with limited English proficiency under § 5–208 of this subtitle;

(vi) Funding for special education students under § 5–209 of this subtitle;

(vii) Funding for the guaranteed tax base program under § 5–210 of this subtitle;

(viii) 50% of the State payments for retirement contributions for employees of a local school system in accordance with the provisions of Division II of the State Personnel and Pensions Article; and

(ix) Funding for supplemental grants under this subsection.

(2) (i) For fiscal years 2009 and 2010 only, the State shall provide a supplemental grant to a county board that does not receive at least a 1% increase in State financial assistance for public education over the amount received by the county board in the previous fiscal year.

(ii) The supplemental grant under this paragraph shall be the amount necessary to increase a county board's State financial assistance for public education by 1% over the amount received by the county board in the previous fiscal year.

(3) **(I)** For fiscal year 2011**, THE STATE SHALL PROVIDE A SUPPLEMENTAL GRANT TO A COUNTY BOARD THAT DOES NOT RECEIVE AT LEAST A 0.5% INCREASE IN STATE FINANCIAL ASSISTANCE FOR PUBLIC EDUCATION OVER THE AMOUNT RECEIVED BY THE COUNTY BOARD IN THE PREVIOUS FISCAL YEAR.**

(II) THE SUPPLEMENTAL GRANT UNDER THIS PARAGRAPH SHALL BE THE AMOUNT NECESSARY TO INCREASE A COUNTY BOARD'S STATE FINANCIAL ASSISTANCE FOR PUBLIC EDUCATION BY 0.5% OVER THE AMOUNT RECEIVED BY THE COUNTY BOARD IN THE PREVIOUS FISCAL YEAR.

(4) (I) FOR FISCAL YEAR 2012, THE STATE SHALL PROVIDE A SUPPLEMENTAL GRANT TO A COUNTY BOARD THAT DOES NOT RECEIVE AT LEAST THE SAME AMOUNT OF STATE FINANCIAL ASSISTANCE FOR PUBLIC EDUCATION AS THE AMOUNT RECEIVED BY THE COUNTY BOARD IN THE PREVIOUS FISCAL YEAR.

(II) THE SUPPLEMENTAL GRANT UNDER THIS PARAGRAPH SHALL BE THE AMOUNT NECESSARY TO ENSURE THAT A COUNTY BOARD'S STATE FINANCIAL ASSISTANCE FOR PUBLIC EDUCATION EQUALS AT LEAST THE AMOUNT RECEIVED BY THE COUNTY BOARD IN THE PREVIOUS FISCAL YEAR.

(5) FOR FISCAL YEAR 2013 and each fiscal year thereafter, a county board shall receive a supplemental grant equal to the amount the county board received under paragraph **[**(2)**] (4)** of this subsection in fiscal year **[**2010**] 2012**.

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 EACH OF FISCAL YEARS 2011 AND 2012, THE AMOUNT OF THE COUNTY'S BASE GRANT FOR STUDENT TRANSPORTATION MAY NOT BE INCREASED OVER THE GRANT FOR THE PREVIOUS YEAR BASED ON AN INCREASE IN THE PRIVATE TRANSPORTATION CATEGORY OF THE CONSUMER PRICE INDEX.".

On page 54, after line 26, insert:

"SECTION 25. 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; or

(2) the State's employer contribution to the State Retirement and Pension System required under § 21–308 of the State Personnel and Pensions Article.".

AMENDMENT NO. 25

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. 26

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"; and in lines 7, 28, and 40, in each instance, strike "an intercept" and substitute "a reduction of the appropriation".

AMENDMENT NO. 27

On page 37, strike in their entirety lines 5 and 6; in lines 7 and 9, strike "2." and "3.", respectively, and substitute "**1.**" and "**2.**", respectively; and in line 8, strike "2010" and substitute "**2008**".

AMENDMENT NO. 28

On page 58, before line 13, insert:

"SECTION 33. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, no funds may be expended for repair and modification of the Court of Appeals building except in accordance with § 3–602(d) of the State Finance and Procurement Article.

SECTION 34. 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) $2,887,538 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) 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 35. AND BE IT FURTHER ENACTED, That, notwithstanding any other provision of law, $50,550,154 of the fiscal year 2010 appropriation for the State Foundation Program under § 5–202 of the Education Article may only be used for public school construction projects approved by the Interagency Committee on School Construction and the Board of Public Works.

SECTION 36. 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 37. 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.".

AMENDMENT NO. 29

On page 58, in lines 13, 19, 23, 26, and 31, strike "32.", "33.", "34.", "35.", and "36.", respectively, and substitute "38.", "39.", "40.", "41.", and "42.", respectively.

On page 59, in lines 1, 4, and 9, strike "37.", "38.", and "39.", respectively, and substitute "43.", "44.", and "45.", respectively; and in line 10, strike "33 and 34" and substitute "39 and 40".

The preceding 29 amendments were read and not concurred in.

HB0101/963921/1

BY: Senator Harris

AMENDMENT TO HOUSE BILL 101, AS AMENDED

On page 17 of the Budget and Taxation Committee Amendments, in line 11 of Amendment No. 28, after "(b)" insert "Subject to subsection (c) of this section, up to"; after line 13, insert:

"(c) A transfer under this section may not reduce the balance in the Fund below $2,000,000.";

and in line 14, strike "(c)" and substitute "(d)".

The preceding amendment was read and not concurred in.

HB0101/793927/1

BY: Senator McFadden

AMENDMENT TO HOUSE BILL 101
(Third Reading File Bill)

On page 48, in line 27, strike "$10,000,000" and substitute "$9,500,000".

The preceding amendment was read and not concurred in.

HB0101/663425/1

BY: Senator Brinkley

AMENDMENT TO HOUSE BILL 101, AS AMENDED

On page 19 of the Budget and Taxation Committee Amendments (HB101/709134/1), in line 10 of Amendment No. 28, after "part." insert "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.".

The preceding amendment was read and not concurred in.

MESSAGE TO THE SENATE

BILL: **HB 0101**
SPONSOR: The Speaker (Admin)
SUBJECT: Budget Reconciliation and Financing 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 Conway, Chair
Delegate Bohanan
Delegate Gaines
Delegate Hixson
Delegate Schuh

In addition, the House has appointed in advisory capacity: Delegates James, G. Clagett and Branch.

Said Bill is returned herewith.

By Order,

Mary Monahan
Chief Clerk

Read and adopted.

QUORUM CALL

The presiding officer announced a quorum call, showing 137 Members present.

(See Roll Call No. 788)

ADJOURNMENT

At 11:59 A.M. on motion of Delegate Barve the House adjourned until 8:00 P.M., on Legislative Day March 31, 2009, Calendar Day, Monday, April 6, 2009.

Annapolis, Maryland
Legislative Day: March 31, 2009
Calendar Day: Monday, April 6, 2009

The House met at 8:07 P.M. and pledged Allegiance to the Flag.

Prayer by Delegate Samuel I. Rosenberg of Baltimore City.

QUORUM CALL

The presiding officer announced a quorum call, showing 134 Members present.

(See Roll Call No. 790)

The Journal of March 30, 2009 was read and approved.

EXCUSES:
Del. Davis – illness
Del. Glenn – dental surgery
Del. Proctor – foot injury
Del. Shank – child's illness
Del. F. Turner – illness
Del. Walkup – illness

MESSAGE FROM THE EXECUTIVE

EXECUTIVE ORDER NO. 01.01.2009.04
PROCLAIMING AN EXTENDED SESSION OF THE MARYLAND GENERAL ASSEMBLY

(Exhibit M of Appendix II)

Read and ordered journalized.

THE COMMITTEE ON APPROPRIATIONS REPORT #14

Delegate Conway, Chair, for the Committee on Appropriations and Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 268 – Delegates Rosenberg, Oaks, Haynes, and James

AN ACT concerning

Welfare to Work – Job Skills Enhancement Program – Green Jobs

HB0268/714767/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 268
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike "and James" and substitute "James, Barkley, Bronrott, Hecht, Krysiak, Mathias, Manno, McHale, Robinson, and Taylor"; 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 "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 lines 3, 10, and 11, in each instance, after "**RECIPIENTS**" insert "**, CHILDREN OF CURRENT OR FORMER RECIPIENTS, FOSTER YOUTH, AND OBLIGORS**"; in line 11, after "**OF**" insert "**CURRENT AND FORMER**"; 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"; 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.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

House Bill 1383 – Delegates Gaines, Healey, and Ross

AN ACT concerning

Town of University Park Employees – Participation in the Employees' Pension System

HB1383/854369/1

BY: Appropriations Committee

AMENDMENT TO HOUSE BILL 1383
(First Reading File Bill)

On page 4, in line 31, strike "**90%**" and substitute "**70%**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

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

HB1435/214160/1

BY: Appropriations Committee

AMENDMENTS TO HOUSE BILL 1435
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "authorizing" in line 12 down through "regulations;" in line 13 and substitute "altering the authority of the Commission to limit the issues to be determined in a certain hearing;".

AMENDMENT NO. 2

On page 3, strike in their entirety lines 10 through 12, inclusive, and substitute:

"**(3) WITHOUT PRIOR APPROVAL OF THE COMMISSION, THE CERTIFICATE OF APPROVAL OF A SCHOOL IS SOLD, PLEDGED, OR TRANSFERRED, OR THERE IS A CHANGE OF OWNERSHIP OF A SCHOOL.**";

in line 24, strike "or"; in line 26, after "occurred" insert "**; OR**

(III) THE ALLEGED SALE, PLEDGE, OR TRANSFER, OR CHANGE OF OWNERSHIP OF THE PRIVATE CAREER SCHOOL IN FACT OCCURRED";

and strike in their entirety lines 30 through 32, inclusive.

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 66 – Chair, Budget and Taxation Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Supplemental Retirement Plans and Optional Retirement Program – Employing Institutions – Community Colleges

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 146 – Senators Frosh and Madaleno

AN ACT concerning

Municipal Corporations and Taxing Districts – Financial Audits

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

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

AN ACT concerning

Education – Baltimore City Community College – Academic Facility Bonds

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 178 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – ~~Investment Manager Service Fees~~ Investments

Favorable report adopted.

Delegate McDonough moved to make the Bill a Special Order for Tuesday.

The motion was adopted.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 179 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement Agency – Monitoring of Telephone Calls – Quality Assurance

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

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

AN ACT concerning

Foster Care – Tuition Exemption – Expanded Eligibility

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 450 – Senator Edwards

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably with amendments:

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

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 484 – Senators Pipkin and Jacobs

AN ACT concerning

Cecil County – Public Facilities Bond Bill

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 517 – Senator Jones (Chair, Joint Committee on the Management of Public Funds) and Senators Currie, Forehand, and Haines

AN ACT concerning

State Debt – Annuity Bond Fund – Payment of Fiscal Agents

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 579 – Senator Jones (Chair, Joint Committee on the Management of Public Funds) and Senators Currie, Forehand, and Haines

AN ACT concerning

State Checks – Electronic Publication of Payee Names

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 591 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Military Service Credit – Clarification and Simplification

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 592 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Compliance with Federal Tax Provisions

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 617 – Senators DeGrange, Astle, Brinkley, King, Kramer, Madaleno, Munson, Peters, and Stoltzfus

EMERGENCY BILL

AN ACT concerning

Local Government – Deposits of Unexpended or Surplus Money

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 779 – Carroll County Senators

AN ACT concerning

Carroll County – Public Facilities Bonds

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Conway, Chair, for the Committee on Appropriations reported favorably:

Senate Bill 932 – Senator Currie

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.

THE COMMITTEE ON ENVIRONMENTAL MATTERS REPORT #17

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 73 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Sale of Land Preservation Easements – Confidentiality of Records

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 74 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)

AN ACT concerning

State Tobacco Authority – Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 78 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Practice of Veterinary Medicine – Students – Immunity

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 90 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Valuation of Terminated Easements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 91 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Lawn and Turf Grass Seed – Testing and Labeling Requirements

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 116 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Veterinary Medical Examiners – Sunset Extension and Program Evaluation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 117 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Well Drillers – Sunset Extension and Program Evaluation

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 292 – Senator Edwards

AN ACT concerning

Vehicle Laws – Motor Vehicle and Bicycle Racing Events – Sunset Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

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

EMERGENCY BILL

AN ACT concerning

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

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 449 – Senator Edwards

AN ACT concerning

Allegany County and Garrett County – Exceptional Hauling Permits for Forestry Products – Sunset Repeal

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 614 – ~~Senator Gladden~~ Senators Gladden, Jones, and Kelley

AN ACT concerning

Transportation – Baltimore Corridor Transit Study – Red Line Area

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

Senate Bill 652 – Senator Edwards

AN ACT concerning

Allegany and Garrett Counties – Deer Hunting on Private Property – Sundays

SB0652/220818/1

BY: Environmental Matters Committee

AMENDMENTS TO SENATE BILL 652
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Allegany" insert ", Cecil,"; in line 4, after "Allegany County" insert ", Cecil County,"; and in line 6, after "Allegany" insert ", Cecil,".

AMENDMENT NO. 2

On page 2, in line 20, after "**ALLEGANY,**" insert "**CECIL,**".

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 ENVIRONMENTAL MATTERS REPORT #18

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 19 – Senator Colburn

AN ACT concerning

Dorchester County – Sheriff – Salary

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 22 – Senators Colburn and Pipkin

AN ACT concerning

Caroline County – Sheriff's Salary

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably with amendments:

Senate Bill 47 – Senator Harrington

AN ACT concerning

Environment – Permit Applications – Notice Requirements

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 171 – Senators Lenett and Kittleman

AN ACT concerning

Maryland Condominium Act – Closed Meetings of Board of Directors

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 172 – Senators Lenett and Kittleman

AN ACT concerning

Maryland Homeowners Association Act – Closed Meetings of Homeowners Association

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 224 – Senator Edwards

AN ACT concerning

Garrett County – Code of Ordinances – Review of Salaries

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 364 – Senator Gladden

AN ACT concerning

Real Property – Mechanic's Lien – Certified Interior Design Services

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 378 – Senator Stoltzfus

AN ACT concerning

Somerset County – Fire Company – Appropriations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 541 – Senator Kelley

AN ACT concerning

Common Ownership Communities – Fidelity Insurance

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 574 – Senators Stoltzfus and Colburn

AN ACT concerning

Wicomico County – Annual Financial Report – Filing Date

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 742 – Senator Kelley

AN ACT concerning

Condominiums and Homeowners Associations – Transition of Control

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate McIntosh, Chair, for the Committee on Environmental Matters reported favorably:

Senate Bill 767 – Senator Astle

AN ACT concerning

Fire, Rescue, and Emergency Medical Services in Anne Arundel County – Agreements with Federal Government – Reimbursement

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

QUORUM CALL

The presiding officer announced a quorum call, showing 134 Members present.

(See Roll Call No. 791)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #62

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 – 127 Negative – 6 (See Roll Call No. 792)

The Bill was then sent to the Senate.

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

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

Affirmative – 95 Negative – 39 (See Roll Call No. 793)

The Bill was then sent to the Senate.

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

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

Affirmative – 117 Negative – 17 (See Roll Call No. 794)

The Bill was then sent to the Senate.

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 – 134 Negative – 1 (See Roll Call No. 795)

The Bill was then sent to the Senate.

House Bill 1553 – Delegates Conway, Mathias, and Elmore

AN ACT concerning

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

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

Affirmative – 130 Negative – 2 (See Roll Call No. 796)

The Bill was then sent to the Senate.

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 – 110 Negative – 25 (See Roll Call No. 797)

The Bill was then sent to the Senate.

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

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

Affirmative – 135 Negative – 0 (See Roll Call No. 798)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #7

Senate Bill 10 – Senator Klausmeier

AN ACT concerning

Consumer Protection – False Advertising – Misrepresentations in Advertisements and Telephone Directory Listings ~~– Publication of Local Numbers by Nonlocal Businesses~~

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

Affirmative – 134 Negative – 0 (See Roll Call No. 799)

The Bill was then returned to the Senate.

Senate Bill 85 – Chair, Finance Committee (By Request – Departmental – Insurance Administration, Maryland)

AN ACT concerning

Insurance – Notice of Cancellation or Nonrenewal – Mailing Address

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

Affirmative – 134 Negative – 0 (See Roll Call No. 800)

The Bill was then returned to the Senate.

Senate Bill 118 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Athletic Commission – Sunset Extension and Program Evaluation

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

Affirmative – 134 Negative – 0 (See Roll Call No. 801)

The Bill was then returned to the Senate.

Senate Bill 128 – Senators Conway, Della, Dyson, Greenip, Lenett, and Zirkin

AN ACT concerning

Business Occupations and Professions – Accountants – Continuing Education

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

Affirmative – 135 Negative – 0 (See Roll Call No. 802)

The Bill was then returned to the Senate.

Senate Bill 133 – Senators Forehand and Miller

AN ACT concerning

~~**Task Force to Study Changes to the Automotive Warranty Enforcement Act**~~

Consumer Protection – Automotive Warranty Enforcement Act – Warranty Period

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

Affirmative – 120 Negative – 15 (See Roll Call No. 803)

The Bill was then returned to the Senate.

Senate Bill 174 – ~~Senator Brinkley~~ Senators Brinkley, Garagiola, Glassman, Kittleman, Klausmeier, and Pugh

AN ACT concerning

Business Regulation – Vending Machine Sales – Bulk Vending Machine Exemption

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

Affirmative – 135 Negative – 0 (See Roll Call No. 804)

The Bill was then returned to the Senate.

Senate Bill 270 – The President (By Request – Administration) and Senators Kelley ~~and Middleton~~, Middleton, Exum, and Garagiola

EMERGENCY BILL

SECOND PRINTING

AN ACT concerning

Unemployment Insurance – Eligibility – Part–Time Work

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

Affirmative – 93 Negative – 40 (See Roll Call No. 805)

The Bill was then returned to the Senate.

Senate Bill 616 – ~~Senator Glassman~~ Senators Glassman, Middleton, Exum, Garagiola, Kelley, Klausmeier, and Pugh

AN ACT concerning

Insurance Producers – Continuing Education – ~~Exemption for~~ Funeral Directors and Morticians

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

Affirmative – 135 Negative – 0 (See Roll Call No. 806)

The Bill was then returned to the Senate.

Senate Bill 720 – Senator Forehand

AN ACT concerning

Real Estate Investment Trusts – Declaration of Trust and Bylaws

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

Affirmative – 135 Negative – 0 (See Roll Call No. 807)

The Bill was then returned to the Senate.

Senate Bill 768 – Senator Astle

AN ACT concerning

Commercial Insurance and Workers' Compensation Insurance – Renewals of Policies – Transfers of Policyholders Between Insurers

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

Affirmative – 134 Negative – 0 (See Roll Call No. 808)

The Bill was then returned to the Senate.

Senate Bill 806 – Senators Colburn and Brinkley

AN ACT concerning

Business Regulation – Charitable Organizations – Audits and Reviews

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

Affirmative – 133 Negative – 0 (See Roll Call No. 809)

The Bill was then returned to the Senate.

Senate Bill 896 – Senators Garagiola, Astle, Middleton, and Pugh

AN ACT concerning

Commercial Law – Equipment Dealer Contract Act – Scope

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

Affirmative – 134 Negative – 0 (See Roll Call No. 810)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #8

Senate Bill 12 – Senator Forehand

AN ACT concerning

Tobacco Product Manufacturers – Settlement of State Claims – Nonparticipating Manufacturers – Deposit of Funds in Escrow – Codification of Model Statute

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

Affirmative – 135 Negative – 0 (See Roll Call No. 811)

The Bill was then returned to the Senate.

Senate Bill 64 – Chair, Budget and Taxation Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Alcoholic Beverage Tax – Assessment and Appeals – Tax Procedures and Penalties

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

Affirmative – 133 Negative – 1 (See Roll Call No. 812)

The Bill was then returned to the Senate.

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

AN ACT concerning

Tax – Property – Exempt Manufacturing Personal Property Application Deadline

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

Affirmative – 134 Negative – 0 (See Roll Call No. 813)

The Bill was then returned to the Senate.

Senate Bill 96 – Chair, Budget and Taxation Committee (By Request – Departmental – Comptroller) and Senator Jones (Chair, Joint Committee on the Management of Public Funds)

AN ACT concerning

Income Tax – Mandatory Income Tax Return Preparer Requirements

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

Affirmative – 135 Negative – 0 (See Roll Call No. 814)

The Bill was then returned to the Senate.

Senate Bill 173 – Senators Kelley, Conway, Currie, Della, Exum, Forehand, Frosh, Klausmeier, Kramer, Madaleno, Munson, Peters, Pugh, Raskin, ~~and Robey~~ Robey, Garagiola, Glassman, ~~and Middleton~~ Middleton, and Harris

AN ACT concerning

Health Insurance – Mandated Benefits – Hospitalization and Home Visits Following a Mastectomy

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

Affirmative – 135 Negative – 0 (See Roll Call No. 815)

The Bill was then returned to the Senate.

Senate Bill 305 – Senators King, Astle, DeGrange, Lenett, Madaleno, Muse, Raskin, and Robey

AN ACT concerning

Mortality and Quality Review Committee – Sunset ~~Repeal~~ Extension and Membership

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

Affirmative – 135 Negative – 0 (See Roll Call No. 816)

The Bill was then returned to the Senate.

Senate Bill 328 – Senators Colburn and Pipkin

AN ACT concerning

Caroline County – Tax Sales – Auctioneer Fees

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

Affirmative – 134 Negative – 0 (See Roll Call No. 817)

The Bill was then returned to the Senate.

Senate Bill 492 – Senators Kelley, Klausmeier, and Middleton

AN ACT concerning

Community Mental Health Services Programs – Financial Statements and Salary Information

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

Affirmative – 135 Negative – 0 (See Roll Call No. 818)

The Bill was then returned to the Senate.

Senate Bill 493 – Senators Kelley, Klausmeier, and Middleton

AN ACT concerning

Mental Health Programs and Facilities – Reports of Death

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

Affirmative – 134 Negative – 0 (See Roll Call No. 819)

The Bill was then returned to the Senate.

Senate Bill 716 – Senators Kelley, Exum, Klausmeier, and Pugh

AN ACT concerning

Long–Term Care Insurance – Annuity Contracts and Qualified State Long–Term Care Insurance Partnership ~~– Revisions~~

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

Affirmative – 135 Negative – 0 (See Roll Call No. 820)

The Bill was then returned to the Senate.

Senate Bill 862 – Senator Pugh

AN ACT concerning

Child Fatality Review – Child Death Review Case Reporting System

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

Affirmative – 135 Negative – 0 (See Roll Call No. 821)

The Bill was then returned to the Senate.

Senate Bill 985 – Senator Garagiola

AN ACT concerning

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

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

Affirmative – 135 Negative – 0 (See Roll Call No. 822)

The Bill was then returned to the Senate.

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT #12

CONSENT CALENDAR #9

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Ways and Means:

Senate Bill 50 – Senators Klausmeier and Colburn

AN ACT concerning

~~Commission~~ Advisory Board on Gambling Addiction

The Bill was re–referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Health and Government Operations:

Senate Bill 221 – Senator Lenett

AN ACT concerning

Health Care Facilities – Disclosures – Use of Life–Sustaining Procedures

The Bill was re–referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Ways and Means:

Senate Bill 235 – Senators King, Astle, DeGrange, Garagiola, Klausmeier, Lenett, Robey, ~~and Rosapepe~~ Rosapepe, and Harrington

AN ACT concerning

Education – MDK12 Digital Library

The Bill was re–referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Health and Government Operations:

Senate Bill 247 – Senators Rosapepe, Colburn, Greenip, Harrington, Harris, and Kelley

AN ACT concerning

Health Occupations – Maryland Athletic Trainers Act

The Bill was re–referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Appropriations:

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"

The Bill was re–referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Environmental Matters:

Senate Bill 271 – The President (By Request – Administration) and Senators Colburn, Conway, Forehand, Harrington, Lenett, Middleton, Pinsky, ~~and Raskin~~ Raskin, and Klausmeier

AN ACT concerning

Aquaculture – Shellfish – Leasing

The Bill was re–referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Environmental Matters:

Senate Bill 277 – The President (By Request – Administration) and Senators Robey, Forehand, Klausmeier, and Peters

AN ACT concerning

Vehicle Laws – Speed Monitoring Systems – Statewide Authorization and Use in Highway Work Zones

The Bill was re–referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Health and Government Operations:

Senate Bill 464 – Senators Edwards, Colburn, Mooney, Munson, and Stoltzfus

AN ACT concerning

Maryland Trauma Physician Services Fund – Rural Trauma Centers – Reimbursement

The Bill was re–referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Environmental Matters:

Senate Bill 506 – Senator Gladden

AN ACT concerning

Maryland Transit Administration – Public Hearings

The Bill was re–referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Ways and Means:

Senate Bill 569 – Senators Pugh, Frosh, Lenett, Muse, Raskin, and Stone

AN ACT concerning

Education – Collective Bargaining – Topics of Negotiation

The Bill was re–referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Health and Government Operations:

Senate Bill 661 – Senators Garagiola, Astle, Kelley, and Middleton

AN ACT concerning

Health Insurance – Use of Physician Rating Systems by Carriers

The Bill was re–referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Health and Government Operations:

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

The Bill was re–referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Health and Government Operations:

Senate Bill 759 – Senator Dyson

AN ACT concerning

Public Health – ~~Authority to Certify Incapacity or~~ Certificates of Death – Nurse Practitioners

The Bill was re–referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Health and Government Operations:

Senate Bill 776 – Senator Della

AN ACT concerning

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

The Bill was re–referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Health and Government Operations:

Senate Bill 796 – Senator Della

AN ACT concerning

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

The Bill was re–referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Health and Government Operations:

Senate Bill 951 – Senator Lenett

AN ACT concerning

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

The Bill was re–referred to the Committee on Health and Government Operations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Ways and Means:

Senate Bill 965 – Senators Colburn and Pipkin

AN ACT concerning

Caroline County – School Buses – Length of Operation

The Bill was re–referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Environmental Matters:

Senate Bill 967 – Senator Colburn

AN ACT concerning

Environment – Bay Restoration Fund – Authorized Uses

The Bill was re–referred to the Committee on Environmental Matters.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Ways and Means:

Senate Bill 990 – ~~Senator Stone~~ Senators Stone, Conway, Dyson, Colburn, Greenip, Harrington, Harris, Lenett, Pinsky, and Rosapepe

AN ACT concerning

Education – Reporting Requirement – Class Size

The Bill was re–referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Appropriations:

Senate Bill 1011 – Senators DeGrange, Currie, Jones, Kasemeyer, and Munson

AN ACT concerning

Department of Transportation – Consolidated Transportation Bonds – Issuance Procedures

The Bill was re–referred to the Committee on Appropriations.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Ways and Means:

Senate Bill 1033 – Senators Madaleno ~~and Raskin~~, Raskin, and Lenett

EMERGENCY BILL

AN ACT concerning

Special Election – Absentee Voting – Late Applications

The Bill was re–referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Ways and Means:

Senate Bill 1035 – Senators Peters, Muse, Harrington, Currie, Exum, Miller, Pinsky, and Rosapepe

AN ACT concerning

Education – Prince George's Community College Board of Trustees

The Bill was re–referred to the Committee on Ways and Means.

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Appropriations:

Senate Bill 1060 – Senator Jones (Chair, Joint Committee on the Management of Public Funds) and Senators Currie, Forehand, and Haines

AN ACT concerning

General Obligation Bonds – Method of Sale by Board of Public Works

The Bill was re–referred to the Committee on Appropriations.

MESSAGE FROM THE SENATE

FIRST READING OF SENATE BILLS

Senate Bill 226 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Participating Governmental Units

FOR the purpose of clarifying the definition of a "local pension system" for participating governmental units ~~in~~ withdrawing from the State Retirement and Pension System; altering the period of time that certain employees of certain participating governmental units have to elect to participate in certain systems of the State Retirement and Pension System; and generally relating to participating governmental units in the State Retirement and Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section ~~31–101(h),~~ 31–111(a), ~~31–2A–01(f),~~ 31–2A–04, ~~31–2B–01(e), and~~ 31–2B–04, and 31–301(d)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

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

Senate Bill 344 – Senator Exum

AN ACT concerning

Prince George's County – Alcoholic Beverages – Drive–Through Purchase Facilities

FOR the purpose of prohibiting the Board of License Commissioners in Prince George's County from issuing a new alcoholic beverages license on or after a

certain date for use in a drive–through purchase facility in which alcoholic beverages are sold at retail and dispensed through a door or window to purchasers in or on a motor vehicle; providing for the application of this Act; and generally relating to alcoholic beverages sales in Prince George's County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 9–217(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article 2B – Alcoholic Beverages
Section 9–217(n)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Senate Bill 346 – Senator Exum

AN ACT concerning

Prince George's County – Alcoholic Beverages – Appeal of Order to Close Place of Business

FOR the purpose of specifying that, in an appeal from a decision of the Board of License Commissioners of Prince George's County, the court may not stay an order of the Board to close a place of business that is licensed to sell alcoholic beverages; and generally relating to the Board of License Commissioners of Prince George's County.

BY repealing and reenacting, without amendments,
Article 2B – Alcoholic Beverages
Section 16–101(a)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article 2B – Alcoholic Beverages
Section 16–101(b)(4)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

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

FOR the purpose of ~~expanding rights and remedies for private enforcement suits under the State prevailing wage law; authorizing certain employees to seek certain compensation and additional remedies from certain employers under certain circumstances; authorizing certain employees to file certain court actions; requiring that certain actions be brought within a certain time period; providing that a certain contract is not a bar to the recovery of certain remedies; authorizing a court to award certain employees certain wages, other compensation, and fees in certain circumstances; authorizing certain employees to bring an action on their behalf and on behalf of certain other employees; subjecting certain persons to certain civil penalties; making it a crime for an employer to engage in certain conduct against certain employees; prohibiting a contractor or subcontractor from engaging in certain conduct against certain employees; subjecting a contractor or subcontractor to certain penalties for certain violations~~ altering the amount of liquidated damages a contractor must pay for certain prevailing wage law violations; and generally relating to ~~private enforcement actions~~ the payment of liquidated damages under the State prevailing wage law.

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section ~~17–224~~ 17–222
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

Senate Bill 658 – Senators Peters, Currie, and Garagiola

AN ACT concerning

Political Subdivisions – Government Imposed Restrictions on Income Producing Real Property – Fiscal Impact Study

FOR the purpose of requiring a local government to request a certain study from the Governor before enacting an ordinance or adopting a regulation that imposes rent restrictions ~~or affordability requirements~~ on certain residential property;

requiring the Governor ~~to direct~~, based on a competitive bid process to contract for a certain State entity to perform a certain study; requiring the Governor to make certain appropriations for the study; requiring the findings of the study to be submitted to the Governor and certain committees of the General Assembly; providing that the Act does not apply in certain jurisdictions; providing that this Act does not apply to certain proposed rent restrictions; providing for the application of this Act; and generally relating to political subdivision rent restrictions ~~or affordability requirements~~.

BY adding to
Article 24 – Political Subdivisions – Miscellaneous Provisions
Section 19–105
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

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

Senate Bill 760 – Senator Middleton

AN ACT concerning

State Personnel – At–Will Employment – Reforms and Reports

FOR the purpose of repealing certain provisions of law that designate certain positions and employees as being in the executive service or management service or as special appointments in the State Personnel Management System; ~~requiring the Secretary of Budget and Management to designate management service positions in the System that must be filled without regard to certain criteria and that may be filled with regard to certain criteria; requiring the Secretary to provide certain information~~ altering the information that the Secretary of Budget and Management must provide to the Governor and the General Assembly ~~on certain management service positions~~; ~~providing that certain management service positions may be filled with regard to certain criteria; altering the criteria for designating certain positions in the professional service; altering the criteria for designating certain positions in the management service~~ providing for the application of certain provisions of law; repealing a provision of law that designates individuals in certain positions in the management service or the executive service as special appointments; excluding from the scope of certain provisions of law governing appointments in the skilled service and the professional service the recruitment for and the appointment to a ~~professional service position~~ position in the skilled service or professional service under certain circumstances; requiring the Department to adopt certain regulations relating to the recruitment for and appointment to certain positions; altering the circumstances under which an appointing authority may select a candidate for a certain position by recruitment; repealing a certain obsolete provision relating to certain professional assistants; repealing a certain

requirement that certain employees in certain demonstration sites be in the management service or a special appointment in the System; ~~requiring the Secretary of Budget and Management and the Secretary of Transportation to compile a list of certain employees on or before a certain date of a certain years; requiring the Secretary of Transportation to provide a certain list of employees to the Secretary of Budget and Management on or before a certain date; requiring the Secretary of Budget and Management to submit a certain report on or before a certain date~~ 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; requiring the Secretary of Budget and Management to conduct a certain evaluation of certain special appointments and report the results of the evaluation on or before certain dates; providing that certain at–will positions shall remain at–will positions until the positions become vacant; and generally relating to State personnel, employment categories, and special appointments.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section ~~4–201,~~ 4–302, ~~5–208, 6–402, 6–403, 6–405(a),~~ 6–405, 7–201, and 7–203
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Correctional Services
Section 3–215(b) and 4–204
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing and reenacting, with amendments,
Article – Economic Development
Section 2–115
Annotated Code of Maryland
(2008 Volume)

BY repealing and reenacting, with amendments,
Article – Education
Section 2–104(c)
Annotated Code of Maryland
(2008 Replacement Volume)

BY repealing
Article – Family Law
Section 10–119.2(f)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,

Article – Family Law
Section 10–119.2(g) through (j)
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Health – General
Section 19–107, 19–206, and 19–2106(d)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Health Occupations
Section 14–204(d)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – State Finance and Procurement
Section 5A–316
Annotated Code of Maryland
(2006 Replacement Volume and 2007 Supplement)

BY ~~adding to~~ repealing and reenacting, with amendments,
Article – State Government
Section ~~8–3A–02~~ 6–105(a)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

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

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

FOR the purpose of requiring the ~~Department~~ Secretary of Health and Mental Hygiene to ~~apply for a certain waiver under the federal Social Security Act on or before a certain date; requiring a certain waiver to include certain goals and objectives; requiring a certain waiver to include certain benefits and consumer protections regarding the choice of certain long–term care facilities; requiring certain coordinated care organizations to reimburse certain facilities at certain rates; requiring certain coordinated care organizations to meet certain~~

~~certification requirements; requiring the Department to report annually on the status of a certain program; defining certain terms; and generally relating to long–term care eligibility requirements and waiver services in the Maryland Medical Assistance Program~~ submit certain reports to the General Assembly on or before certain dates; providing for the purpose of a certain program; requiring the Secretary to convene a certain stakeholder group and provide for a certain stakeholder process; providing for the membership of a certain stakeholder group; requiring the Department to submit a federal waiver on or before a certain date under certain circumstances; and generally relating to the Department of Health and Mental Hygiene and a report on long–term care supports and services.

~~BY adding to~~
~~Article – Health – General~~
~~Section 15–141.1~~
~~Annotated Code of Maryland~~
~~(2005 Replacement Volume and 2008 Supplement)~~

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

Senate Bill 937 – Senator Dyson

AN ACT concerning

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

FOR the purpose of prohibiting the State or a local government in the State from selling or disposing or otherwise allowing an encroachment of certain abandoned railroad corridor property in St. Mary's County; specifying an exception; defining a term; and generally relating to certain abandoned railroad corridor property in St. Mary's County.

BY repealing and reenacting, without amendments,
Article – Natural Resources
Section 5–1010
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY adding to
Article – Natural Resources
Section 5–1011
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, without amendments,

Article – Transportation
Section 7–901
Annotated Code of Maryland
(2008 Replacement Volume)

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

Senate Bill 962 – Senator Pinsky

AN ACT concerning

Town of University Park Employees – Participation in the Employees' Pension System

FOR the purpose of requiring certain employees of the Town of University Park to participate in the Employees' Pension System of the State of Maryland as of a certain date; providing for certain employees of the Town of University Park to receive service credit for certain prior service; providing that certain employees of the Town of University Park who become members of the Employees' Pension System after a certain date may not receive certain service credit; and generally relating to employees of the Town of University Park participating in the Employees' Pension System.

BY repealing and reenacting, with amendments,
Article – State Personnel and Pensions
Section 23–201(a), 23–204(b), and 31–111
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

BY adding to
Article – State Personnel and Pensions
Section 31–111.5
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

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

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

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 Maryland 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 and Executive Nominations.

Senate Bill 1057 – Senator Klausmeier

AN ACT concerning

Public Service Companies – Termination of Electric and Gas Service – Extreme Temperatures

FOR the purpose of prohibiting a public service company from terminating electric or gas service to a residential customer in a certain area because of nonpayment on a day for which the forecasted high temperature in the area is at or below a certain temperature; prohibiting a public service company from terminating electric service to a residential customer in a certain area because of nonpayment on ~~certain days if~~ a day for which the forecasted ~~heat index~~ temperature in the area is at or above a certain ~~level;~~ temperature; requiring the Public Service Commission to require certain public service companies to designate certain weather station areas for certain purposes; providing for the construction of this Act; requiring the ~~Public Service~~ Commission to adopt regulations to carry out this Act; and generally relating to public service

companies and the termination of electric and gas service to residential customers.

BY adding to
Article – Public Utility Companies
Section 7–307.1
Annotated Code of Maryland
(2008 Replacement Volume and 2008 Supplement)

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

Senate Bill 1059 – Chair, Finance Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Cigarette Business Licenses – Cigarette Manufacturers – Definitions and Scope of License

FOR the purpose of altering the definition of "manufacturer" in connection with the licensing of cigarette businesses and certain cigarette safety standards to include certain persons who operate cigarette manufacturing plants outside the United States and certain participating manufacturers; providing that a cigarette manufacturer license authorizes the licensee to sell certain unstamped cigarettes to certain cigarette wholesalers located outside of Maryland under certain circumstances; defining a certain term; and generally relating to cigarette manufacturers and the licensing of cigarette businesses.

BY repealing and reenacting, with amendments,
Article – Business Regulation
Section 16–201, 16–206(a), and 16–601(d)
Annotated Code of Maryland
(2004 Replacement Volume and 2008 Supplement)

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

Senate Bill 1070 – Senator Middleton

AN ACT concerning

Nonprofit Health Service Plans – Hearing and Order – Impact of Law by Another State

FOR the purpose of authorizing the Maryland Insurance Commissioner to hold a certain hearing to review and evaluate a certain impact, if another state enacts

a law that requires a nonprofit health service plan operating in this State to provide a certain program or benefits; requiring the Commissioner, based on the review and evaluation, to make a certain determination; requiring the Commissioner to issue a certain order for a certain purpose, under certain circumstances; authorizing the order to include a prohibition on the nonprofit health service plan subsidizing the program or benefits in a certain manner; and generally relating to a hearing and order by the Maryland Insurance Commissioner on the impact of a law by another state on a nonprofit health service plan in this State.

BY repealing and reenacting, without amendments,
Article – Insurance
Section 1–101(mm)
Annotated Code of Maryland
(2003 Replacement Volume and 2008 Supplement)

BY repealing and reenacting, with amendments,
Article – Insurance
Section 14–124
Annotated Code of Maryland
(2006 Replacement Volume and 2008 Supplement)

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

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB 0100**
SPONSOR: The Speaker (Admin)
SUBJECT: Budget Bill Fiscal Year 2010

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 Bohanan
Delegate Gaines
Delegate G. Clagett
Delegate Aumann

In addition, the House has appointed in advisory capacity: Delegates

Jones, James and Branch.

The Senate appoints:
Senator Currie, Chair
Senator Kasemeyer
Senator DeGrange
Senator Madaleno
Senator Munson

In addition, the Senate has appointed in advisory capacity: Senators Jones, Brinkley and McFadden.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

MESSAGE TO THE HOUSE OF DELEGATES

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

BILL: **HB 0101**
SPONSOR: The Speaker (Admin)
SUBJECT: Budget Reconciliation and Financing 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 Conway, Chair
Delegate Bohanan
Delegate Gaines
Delegate Hixson
Delegate Schuh

In addition, the House has appointed in advisory capacity: Delegates James, G. Clagett and Branch.

The Senate appoints:
Senator Currie, Chair

Senator Kasemeyer
Senator DeGrange
Senator Madaleno
Senator Munson

In addition, the Senate has appointed in advisory capacity: Senators Jones, Brinkley and McFadden.

Said Bill is returned herewith.

By Order,

William B. C. Addison, Jr.,
Secretary

Read and ordered journalized.

QUORUM CALL

The presiding officer announced a quorum call, showing 135 Members present.

(See Roll Call No. 823)

ADJOURNMENT

At 9:00 P.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day April 1, 2009, Calendar Day, Tuesday, April 7, 2009.

Annapolis, Maryland
Legislative Day: April 1, 2009
Calendar Day: Tuesday, April 7, 2009

The House met at 10:06 A.M. and pledged Allegiance to the Flag.

Prayer by Delegate Kris Valderrama of Prince George's County.

QUORUM CALL

The presiding officer announced a quorum call, showing 126 Members present.

(See Roll Call No. 824)

The Journal of March 31, 2009 was read and approved.

EXCUSES:
Del. Davis – illness
Del. Glenn – dental surgery
Del. King – illness
Del. Proctor – foot injury
Del. F. Turner – illness
Del. Walkup – illness
Del. Weldon – business

YEAS AND NAYS

HOUSE BILLS PASSED IN THE SENATE

NUMBER	SPONSOR
HB 82	Frederick County Del.
HB 88	Del. Anderson
HB 91	Del. Morhaim
HB 98	Del. Simmons
HB 105	Del. Haddaway
HB 110	Del. Eckardt
HB 111	Del. Eckardt
HB 112	Del. Eckardt
HB 124	Del. Morhaim
HB 144	Del. Waldstreicher
HB 154	Del. Morhaim

HB 177	Del. Lafferty
HB 224	Allegany County Del.
HB 225	Calvert County Del.
HB 245	Del. Feldman
HB 301	The Speaker
HB 317	The Speaker
HB 370	Del. King
HB 393	Del. Rosenberg
HB 400	Anne Arundel Co. Del.
HB 425	Del. Eckardt
HB 449	Del. Manno
HB 452	Del. Haddaway
HB 464	Del. Dumais
HB 721	Frederick County Del.
HB 741	Del. Anderson
HB 911	Carroll County Del.
HB 1105	Del. Frush
HB 1290	Del. Rice

Read and ordered journalized.

HOUSE BILLS PASSED IN THE SENATE

NUMBER	SPONSOR
HB 19	Del. Frick
HB 41	Del. Nathan–Pulliam
HB 42	Del. Haddaway
HB 143	Del. Anderson
HB 169	Del. Anderson
HB 175	Del. Bromwell
HB 198	Del. Elmore
HB 255	Del. Pena–Melnyk
HB 269	Caroline County Del.
HB 287	Del. Beidle
HB 288	Del. Rosenberg
HB 296	The Speaker
HB 302	The Speaker
HB 377	Del. Feldman
HB 402	Del. Robinson
HB 415	Del. Kullen
HB 429	Caroline County Del.
HB 466	Del. Griffith
HB 493	Del. Doory
HB 544	Del. Hucker
HB 638	Del. Waldstreicher
HB 740	Del. Harrison

HB 745	Del. Krebs
HB 781	Del. James
HB 975	Del. Griffith
HB 977	Del. Griffith
HB 1051	Del. Griffith
HB 1191	Del. Conway
HB 1267	Del. Valderrama

Read and ordered journalized.

HOUSE BILLS PASSED IN THE SENATE

NUMBER	SPONSOR
HB 43	Del. Haddaway
HB 59	The Speaker
HB 61	The Speaker
HB 62	The Speaker
HB 69	Del. Feldman
HB 80	Frederick County Del.
HB 93	Del. Costa
HB 171	Del. G. Clagett
HB 199	Del. Carr
HB 242	Del. Harrison
HB 411	Del. Hubbard
HB 412	Del. Hubbard
HB 426	Del. Oaks
HB 440	Del. Bromwell
HB 456	Del. Morhaim
HB 526	Del. Costa
HB 537	Del. King
HB 549	Del. Bromwell
HB 552	Del. Hucker
HB 553	Del. Hucker
HB 590	Del. Kullen
HB 648	Del. Harrison
HB 657	Del. Manno
HB 662	Del. Vaughn
HB 667	Del. Braveboy
HB 687	Del. Braveboy
HB 705	Del. Pena–Melnyk
HB 798	Del. Haddaway
HB 971	Del. Ivey
HB 1068	Del. Davis
HB 1193	Del. Hecht

Read and ordered journalized.

**THE HONORABLE ADRIENNE A. JONES,
SPEAKER PRO TEM, NOW PRESIDING**

THE COMMITTEE ON ECONOMIC MATTERS REPORT #22

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

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

HB0292/453097/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 292
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, strike "2009" and substitute "2008"; in line 12, strike "sources" and substitute "governmental agencies and state licensing entities"; and in line 27, after "employer;" insert "establishing an affiliated insurance producer–mortgage loan originator license; specifying the circumstances under which the license will be issued; exempting an affiliated insurance producer–mortgage loan originator from certain provisions of law applicable to mortgage loan originator licensees;".

On page 2, in line 17, after "definitions;" insert "providing that certain licensing requirements shall apply to retail sellers of manufactured homes under certain circumstances; establishing the circumstances under which certain prelicensing testing requirements shall be effective for certain licensees; requiring the Commissioner to notify certain licensees under certain circumstances;"; in line 21, strike "11–505(d) and (e), 11–506(c)" and substitute "11–505(e)"; in line 22, strike "11–508(b) and (d)" and substitute "11–508(d)(2)"; strike beginning with "11–513(a)" in line 22 down through "(c)" in line 23 and substitute "11–517(c)"; in line 23, strike

"11–523(b),"; in line 25, strike "11–613(a)" and substitute "11–613"; and in line 30, after "11–513.1" insert ", 11–603.1".

AMENDMENT NO. 2

On page 3 in lines 16 and 26, on page 4 in lines 12, 18, and 24, on page 5 in lines 7, 8, and 13, on page 6 in lines 2 and 4, on page 7 in lines 7, 9, 18, 20, 25, and 29, on page 8 in lines 8 and 19, on page 20 in lines 12, 16, 19, 20, and 21, on page 23 in lines 1 and 28, on page 25 in lines 22, 25, and 28, on page 27 in line 26, on page 32 in line 16, on page 33 in line 16, on page 40 in lines 5 and 19, and on page 41 in line 32, in each instance, strike "**RESIDENTIAL**".

On page 3, in line 14, after "**(C)**" insert "**(1)**"; and after line 14, insert:

"**(2) "DWELLING" DOES NOT INCLUDE A RESIDENTIAL STRUCTURE OR MOBILE HOME UNLESS THE RESIDENTIAL STRUCTURE OR MOBILE HOME, OR AT LEAST ONE UNIT CONTAINED IN THE RESIDENTIAL STRUCTURE OR MOBILE HOME, IS OWNER–OCCUPIED.**".

On page 5, in line 5, strike "or"; in line 8, after "purchases" insert "**; OR**

(VI) AN AFFILIATED INSURANCE PRODUCER–MORTGAGE LOAN ORIGINATOR LICENSED UNDER § 11–603.1 OF THIS SUBTITLE";

in line 10, strike "(i)" and substitute "**(J)**"; in line 14, in each instance, strike the bracket; in the same line, strike "**WITHIN**"; after line 28, insert:

"**(L) "MORTGAGE LOAN" MEANS ANY LOAN PRIMARILY FOR PERSONAL, FAMILY, OR HOUSEHOLD USE THAT IS SECURED BY A MORTGAGE, DEED OF TRUST, OR OTHER EQUIVALENT CONSENSUAL SECURITY INTEREST ON A DWELLING OR RESIDENTIAL REAL ESTATE ON WHICH A DWELLING IS CONSTRUCTED OR INTENDED TO BE CONSTRUCTED.**";

and in lines 29 and 31, strike "**(L)**" and "**(M)**", respectively, and substitute "**(M)**" and "**(N)**", respectively.

On page 6, in lines 6 and 12, strike "**(N)**" and "**(O)**", respectively, and substitute "**(O)**" and "**(P)**", respectively; in line 15, after "**PARTNERSHIP**" insert "**, BUSINESS TRUST**"; and strike in their entirety lines 16 through 20, inclusive.

On page 8, strike in their entirety lines 24 through 29, inclusive.

On pages 9 through 11, strike in their entirety the lines beginning with line 15 on page 9 through line 10 on page 11, inclusive.

On page 12 in line 17, and on page 30 in line 2, in each instance, strike "**, AND ANY OTHER SOURCE AS DIRECTED BY THE COMMISSIONER**" and substitute "**WITH SUBJECT MATTER JURISDICTION, AND ANY OTHER STATE LICENSING ENTITY THAT HAS LOAN ORIGINATORS REGISTERED WITH THE NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY**".

On page 14, strike in their entirety lines 12 through 22, inclusive; and strike beginning with "(1)" in line 23 down through "filed." in line 30.

On page 15, strike in their entirety lines 4 through 13, inclusive.

On page 17, in line 3, strike "**IN**" and substitute "**UNDER**"; and strike in their entirety lines 13 through 21, inclusive.

On pages 17 and 18, strike in their entirety the lines beginning with line 27 on page 17 through line 20 on page 18, inclusive.

On pages 18 and 19, strike in their entirety the lines beginning with line 22 on page 18 through line 10 on page 19, inclusive.

On page 19, in lines 20 and 24, in each instance, strike "**$10,000**" and substitute "**$5,000**"; in lines 29, 30, and 32, in each instance, strike the bracket; in line 30, strike "**SECURED**"; and in line 31, strike "**[**;" and substitute a semicolon.

On page 20, strike in their entirety lines 1 through 6, inclusive.

AMENDMENT NO. 3

On page 21, after line 6, insert:

"**(J) "INDIVIDUAL LOAN SERVICER" MEANS AN INDIVIDUAL WHO ON BEHALF OF A NOTE HOLDER OR MORTGAGE LOAN SERVICER:**

(1) COLLECTS OR RECEIVES PAYMENTS, INCLUDING PAYMENTS OF PRINCIPAL, INTEREST, ESCROW AMOUNTS, AND OTHER AMOUNTS DUE ON EXISTING MORTGAGE LOAN OBLIGATIONS OWED TO THE NOTE HOLDER OR MORTGAGE LOAN SERVICER, AT A TIME WHEN THE BORROWER IS IN DEFAULT, OR IN REASONABLY FORESEEABLE LIKELIHOOD OF DEFAULT; AND

(2) WORKING WITH THE BORROWER AND THE NOTE HOLDER OR MORTGAGE LOAN SERVICER, COLLECTS DATA AND MAKES DECISIONS TO MODIFY, EITHER TEMPORARILY OR PERMANENTLY, THE TERMS OF THE MORTGAGE LOAN OBLIGATIONS DESCRIBED IN ITEM (1) OF THIS SUBSECTION OR TO PROCEED WITH COLLECTION EFFORTS THROUGH FORECLOSURE OR OTHER PROCESSES.";

in line 16, in each instance, strike the bracket; and in the same line, strike "(j)" and substitute "**(P)**".

On page 21 in lines 7, 9, 11, 12, and 14, on page 22 in line 29, on page 23 in lines 16 and 31, and on page 24 in lines 1, 3, 4, 7, 22, and 24, strike "**(J)**", "**(K)**", "**(L)**", "**(M)**", "**(N)**", "**(O)**", "**(P)**", "**(Q)**", "**(R)**", "**(S)**", "**(T)**", "**(U)**", "**(W)**", and "**(X)**", respectively, and substitute "**(K)**", "**(L)**", "**(M)**", "**(N)**", "**(O)**", "**(Q)**", "**(R)**", "**(S)**", "**(T)**", "**(U)**", "**(V)**", "**(W)**", "**(X)**", and "**(Y)**", respectively.

On page 24, strike lines 20 and 21 in their entirety.

On page 25, in line 20, strike "**§ 11–601(U)**" and substitute "**§ 11–601(W)**"; in line 26, strike "**AND**"; in line 31, after the second "**A**" insert "**MORTGAGE**"; in line 32, after "**ORIGINATOR**" insert "**; AND**

(5) SUBJECT TO SUBSECTION (E) OF THIS SECTION, AN INDIVIDUAL LOAN SERVICER.

(E) THE EXEMPTION UNDER SUBSECTION (D)(5) OF THIS SECTION IS SUBJECT TO MODIFICATION BY REGULATIONS THAT ARE ADOPTED BY THE COMMISSIONER AND CONSISTENT WITH ANY APPLICABLE WRITTEN

INTERPRETATIONS OF THE FEDERAL SECURE AND FAIR ENFORCEMENT FOR MORTGAGE LICENSING ACT OF 2008 BY THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT PRESENTED THROUGH COMMENTARIES, GUIDELINES, RULES, REGULATIONS, OR INTERPRETIVE LETTERS";

and in line 33, strike "**(E)**" and substitute "**(F)**".

On page 27, after line 30, insert:

"**(F) THIS SECTION DOES NOT APPLY TO AN AFFILIATED INSURANCE PRODUCER–MORTGAGE LOAN ORIGINATOR LICENSED UNDER § 11–603.1 OF THIS SUBTITLE.**

11–603.1.

(A) IN THIS SECTION, "AFFILIATED INSURANCE PRODUCER–MORTGAGE LOAN ORIGINATOR" MEANS AN INDIVIDUAL WHO:

(1) ORIGINATES MORTGAGE LOANS ONLY ON BEHALF OF A SINGLE FINANCIAL INSTITUTION THAT IS:

(I) DESCRIBED IN § 11–502(B)(1) OF THIS TITLE; AND

(II) APPROVED BY THE COMMISSIONER UNDER SUBSECTION (B) OF THIS SECTION;

(2) IS A LICENSED INSURANCE PRODUCER IN GOOD STANDING UNDER § 10–103 OF THE INSURANCE ARTICLE; AND

(3) HOLDS AN APPOINTMENT AS AN INSURANCE PRODUCER FOR AN INSURER THAT CONTROLS, IS CONTROLLED BY, OR IS UNDER COMMON CONTROL WITH:

(I) THE FINANCIAL INSTITUTION DESCRIBED IN ITEM (1) OF THIS SUBSECTION; OR

(II) A MORTGAGE LENDER LICENSEE THAT:

1. IS APPROVED BY THE COMMISSIONER UNDER SUBSECTION (C) OF THIS SECTION; AND

2. ORIGINATES LOANS ONLY ON BEHALF OF THE FINANCIAL INSTITUTION DESCRIBED IN ITEM (1) OF THIS SUBSECTION UNDER AN EXCLUSIVE CONTRACT WITH THE FINANCIAL INSTITUTION.

(B) THE COMMISSIONER SHALL APPROVE A FINANCIAL INSTITUTION DESCRIBED IN SUBSECTION (A)(1) OF THIS SECTION BASED ON THE FOLLOWING CRITERIA:

(1) THE FINANCIAL INSTITUTION IS IN GOOD STANDING WITH ITS PRIMARY STATE OR FEDERAL REGULATOR; AND

(2) THE FINANCIAL INSTITUTION IS IN MATERIAL COMPLIANCE WITH APPLICABLE STATE AND FEDERAL LAW.

(C) THE COMMISSIONER SHALL APPROVE A MORTGAGE LENDER LICENSEE DESCRIBED IN SUBSECTION (A)(3)(II) OF THIS SECTION BASED ON THE FOLLOWING CRITERIA:

(1) THE MORTGAGE LENDER LICENSEE IS IN GOOD STANDING WITH THE COMMISSIONER AND ANY OTHER REGULATOR TO WHICH IT IS SUBJECT; AND

(2) THE MORTGAGE LENDER LICENSEE IS IN MATERIAL COMPLIANCE WITH APPLICABLE STATE AND FEDERAL LAW.

(D) APPROVAL BY THE COMMISSIONER OF A FINANCIAL INSTITUTION UNDER SUBSECTION (B) OF THIS SECTION AND A MORTGAGE LENDER LICENSEE UNDER SUBSECTION (C) OF THIS SECTION SHALL BE IN WRITING.

(E) (1) AN APPLICATION FOR A LICENSE UNDER THIS SECTION SHALL BE IN THE FORM APPROVED BY THE COMMISSIONER.

(2) THE APPLICATION SHALL REQUIRE THE IDENTIFICATION OF:

(I) THE FINANCIAL INSTITUTION DESCRIBED IN SUBSECTION (A)(1) OF THIS SECTION;

(II) IF APPLICABLE, THE MORTGAGE LENDER LICENSEE DESCRIBED IN SUBSECTION (A)(3)(II) OF THIS SECTION; AND

(III) THE INSURER WITH WHICH THE APPLICANT HOLDS AN APPOINTMENT.

(3) AN APPLICATION FOR A LICENSE UNDER THIS SECTION SHALL BE SIGNED BY AN AUTHORIZED REPRESENTATIVE OF:

(I) THE FINANCIAL INSTITUTION IDENTIFIED IN THE APPLICATION; OR

(II) IF A MORTGAGE LENDER LICENSEE IS IDENTIFIED IN THE APPLICATION, THE MORTGAGE LENDER LICENSEE.

(F) NOTWITHSTANDING §§ 11–602(A) AND 11–603 OF THIS SUBTITLE, AND SUBJECT TO THE PROVISIONS OF THIS SECTION, A LICENSE ISSUED UNDER THIS SECTION AUTHORIZES THE LICENSEE TO ACT AS A MORTGAGE LOAN ORIGINATOR.

(G) AN APPLICANT FOR A LICENSE UNDER THIS SECTION AND A LICENSEE UNDER THIS SECTION SHALL COMPLY WITH ALL OTHER REQUIREMENTS FOR LICENSURE AS A MORTGAGE LOAN ORIGINATOR UNDER THIS SUBTITLE.

(H) A LICENSEE UNDER THIS SECTION SHALL LIMIT THE LICENSEE'S ACTIVITIES TO ORIGINATING MORTGAGE LOANS ONLY ON BEHALF OF A SINGLE FINANCIAL INSTITUTION APPROVED BY THE COMMISSIONER UNDER SUBSECTION (B) OF THIS SECTION.

(I) THE FINANCIAL INSTITUTION IDENTIFIED IN A LICENSEE'S LICENSE APPLICATION OR, IF A MORTGAGE LENDER LICENSEE IS IDENTIFIED IN A LICENSEE'S LICENSE APPLICATION, THE MORTGAGE LENDER LICENSEE SHALL:

(1) SUPERVISE THE LICENSEE, INCLUDING PROVIDING DIRECTION THROUGH WRITTEN INSTRUCTIONS OR ELECTRONIC MEANS AND BY PERIODICALLY EXAMINING THE LICENSEE'S BOOKS, RECORDS, AND OTHER ASPECTS OF THE LICENSEE'S BUSINESS;

(2) BE HELD JOINTLY AND SEVERALLY LIABLE WITH THE LICENSEE FOR CLAIMS ARISING OUT OF THE LICENSEE'S MORTGAGE LOAN ORIGINATION ACTIVITIES; AND

(3) MEET, OR CAUSE THE LICENSEE TO MEET, THE SURETY BOND REQUIREMENTS UNDER § 11–619(C) OF THIS SUBTITLE.

(J) EXCEPT AS PROVIDED IN SUBSECTION (K) OF THIS SECTION, A LICENSEE UNDER THIS SECTION MAY NOT:

(1) AID OR ASSIST A BORROWER TO OBTAIN A MORTGAGE LOAN FROM A FINANCIAL INSTITUTION OTHER THAN THE FINANCIAL INSTITUTION IDENTIFIED IN THE LICENSEE'S LICENSE APPLICATION;

(2) EXCEPT FOR COMPENSATION BASED ON THE PRINCIPAL BALANCE OF A MORTGAGE LOAN, BE COMPENSATED BY ANY PERSON FOR MORTGAGE LOAN ORIGINATION ACTIVITIES ON A BASIS THAT DEPENDS ON THE TERMS OF THE MORTGAGE LOAN, INCLUDING INTEREST RATE OR FEES;

(3) RECEIVE A FINDER'S FEE, AS DEFINED IN § 12–801 OF THE COMMERCIAL LAW ARTICLE;

(4) HANDLE BORROWER OR OTHER THIRD PARTY FUNDS IN CONNECTION WITH THE ORIGINATION OR CLOSING OF A MORTGAGE LOAN;

(5) REFER A BORROWER TO ANY OTHER LICENSEE UNDER SUBTITLE 5 OF THIS TITLE; OR

(6) MAKE OR SERVICE A MORTGAGE LOAN.

(K) A LICENSEE UNDER THIS SECTION MAY FORWARD A CHECK TO THE FINANCIAL INSTITUTION IDENTIFIED IN THE LICENSEE'S LICENSE APPLICATION IF THE CHECK IS:

(1) MADE PAYABLE TO THE FINANCIAL INSTITUTION;

(2) FROM AN APPLICANT FOR A MORTGAGE LOAN; AND

(3) IN CONNECTION WITH AN APPLICATION FOR A MORTGAGE LOAN TO COVER COSTS FOR:

(I) AN APPRAISAL;

(II) A CREDIT REPORT; OR

(III) PROCESSING THE APPLICATION.

(L) AN AFFILIATED INSURANCE PRODUCER–MORTGAGE LOAN ORIGINATOR WHO HOLDS A MORTGAGE LENDER LICENSE UNDER § 11–506(C) OF THIS TITLE ON JULY 1, 2009, MAY CONTINUE TO ORIGINATE MORTGAGES UNDER A VALID MORTGAGE LENDER LICENSE UNTIL DECEMBER 31, 2009, PROVIDED THAT THE AFFILIATED INSURANCE PRODUCER–MORTGAGE LOAN ORIGINATOR TAKES THE ACTIONS NECESSARY TO PARTICIPATE IN THE NATIONWIDE MORTGAGE LICENSING SYSTEM AND REGISTRY, AS REQUIRED BY THE COMMISSIONER.".

On page 29, in line 27, strike "**FEDERAL**" and substitute "**FEDERAL**".

On page 31, in line 5, strike the period and substitute a semicolon; in line 31, strike "**HAS SHOWN A LACK OF**" and substitute "**DOES NOT MEET THE REQUIREMENTS FOR**"; in line 32, strike "**FOR PURPOSES OF**" and substitute "**UNDER**"; and in line 33, strike "**INCLUDE**" and substitute "**NOT BE BASED SOLELY ON**".

On page 32, strike beginning with "**CURRENT**" in line 1 down through "**OF**" in line 2 and substitute "**DEBTS ARISING FROM**"; in line 2, after "**EXPENSES**" insert "**, INCLUDING JUDGMENTS**"; strike beginning with "**CURRENT**" in line 3 down through "**FILINGS**" in line 4 and substitute "**EXCEPT FOR DELINQUENT CHILD SUPPORT PAYMENTS, DEBTS, INCLUDING JUDGMENTS, ARISING FROM DIVORCE PROCEEDINGS OR DIVORCE SETTLEMENTS**"; in line 5, strike "**WITHIN THE PAST 3 YEARS; AND**" and substitute "**ON THE APPLICANT'S PRINCIPAL RESIDENCE;**"; and strike beginning with "**A**" in line 6 down through "**YEARS**" in line 7 and substitute "**THE APPLICANT'S CREDIT SCORE AS REPORTED BY ANY CONSUMER REPORTING AGENCY, AS DEFINED IN 15 U.S.C. § 1681A; OR**

(5) THE APPLICANT'S INVOLVEMENT IN A BANKRUPTCY PROCEEDING UNDER TITLE 11 OF THE UNITED STATES CODE".

On page 34, in line 22, after "**STANDARDS**" insert "**AND LOAN TERMS**"; in line 23, strike "**THE**"; and in the same line, strike "**PRODUCT MARKETPLACE**" and substitute "**PRODUCTS**".

On page 38, strike beginning with "**A**" in line 1 down through "**MAY**" in line 2 and substitute "**NOTWITHSTANDING ANYTHING TO THE CONTRARY IN THIS SECTION OR § 11–605 OF THIS SUBTITLE, AN APPLICANT FOR RENEWAL OF A LICENSE WHO IS DULY LICENSED UNDER THIS SUBTITLE ON JULY 1, 2009:**

(1) MAY";

in line 3, after "**REQUIREMENTS**" insert "**FOR RENEWAL OF THE LICENSE**"; in lines 4, 6, and 8, strike "**(1)**", "**(2)**", and "**(3)**", respectively, and substitute "**(I)**", "**(II)**", and "**(III)**", respectively; in line 9, after "**SUBTITLE**" insert "**; AND**

(2) IS DEEMED TO HAVE SATISFIED THE PRELICENSING EDUCATIONAL COURSE REQUIREMENT UNDER § 11–606 OF THIS SUBTITLE IF THE APPLICANT COMPLETED 20 HOURS OF CONTINUING EDUCATION COURSES APPROVED BY THE COMMISSIONER WITHIN 5 YEARS PRIOR TO THE EXPIRATION DATE OF THE APPLICANT'S CURRENT LICENSE";

strike in their entirety lines 10 through 15; and in line 16, strike "**(G)**" and substitute "**(F)**".

On page 40, after line 10, insert:

"**(B) IN ADDITION TO THE REQUIREMENTS OF THIS SECTION, AN AFFILIATED INSURANCE PRODUCER–MORTGAGE LOAN ORIGINATOR LICENSED UNDER § 11–603.1 OF THIS SUBTITLE SHALL BE SUBJECT TO THE PROVISIONS OF §§ 11–513 AND 11–515 OF THIS TITLE:**

(1) TO THE EXTENT THE COMMISSIONER DETERMINES IS NECESSARY TO ENABLE THE COMMISSIONER TO INVESTIGATE AND EXAMINE THE MORTGAGE LOAN ORIGINATION ACTIVITIES OF THE AFFILIATED INSURANCE PRODUCER–MORTGAGE LOAN ORIGINATOR; AND

(2) AS SPECIFIED IN REGULATIONS ADOPTED BY THE COMMISSIONER.

[(b)**] (C)** A licensee shall pay to the Commissioner a per–day fee set by the Commissioner for each of the Commissioner's employees engaged in any investigation conducted under this section that the Commissioner reasonably considers necessary.

[(c)**] (D)** In connection with an investigation made under this section, the Commissioner may:

(1) Examine the books and records of a licensee or of any other person that the Commissioner believes has violated a provision of this subtitle, any rule or regulation adopted under this subtitle, or any other law regulating mortgage lending or mortgage origination in the State;

(2) Subpoena documents or other evidence; and

(3) Summon and examine under oath any person whose testimony the Commissioner requires.

[(d)**] (E)** (1) If a person fails to comply with a subpoena or summons of the Commissioner under this subtitle or to testify concerning any matter about which

the person may be interrogated under this subtitle, the Commissioner may file a petition for enforcement with the circuit court for a county.

(2) On petition by the Commissioner, the court may order the person to attend and testify or produce evidence.".

On page 41, in lines 7 and 11, in each instance, strike "**$10,000**" and substitute "**$5,000**"; and after line 33, insert:

"**(C) A LICENSEE WHO IS AN AFFILIATED INSURANCE PRODUCER–MORTGAGE LOAN ORIGINATOR SHALL BE DEEMED IN COMPLIANCE WITH THIS SECTION IF THE LICENSEE:**

(1) HOLDS A SURETY BOND THAT WOULD SATISFY THE SURETY BOND REQUIREMENTS UNDER § 11–508 OF THIS TITLE IF THE AFFILIATED INSURANCE PRODUCER–MORTGAGE LOAN ORIGINATOR WERE A LICENSEE UNDER SUBTITLE 5 OF THIS TITLE; OR

(2) IS COVERED UNDER A BLANKET SURETY BOND HELD BY THE FINANCIAL INSTITUTION OR MORTGAGE LENDER LICENSEE IDENTIFIED IN § 11–603.1(A)(3) OF THIS SUBTITLE IF THE BLANKET SURETY BOND:

(I) COVERS ALL AFFILIATED INSURANCE PRODUCER–MORTGAGE LOAN ORIGINATORS; AND

(II) IS IN THE AMOUNT OF $1,000,000 OR ANOTHER AMOUNT AS REQUIRED BY THE COMMISSIONER BY REGULATION.".

On page 43, in line 25, strike "**AS THE COMMISSIONER REQUIRES BY REGULATION, THE**" and substitute "**THE**"; strike beginning with "**ON**" in line 27 down through "**SPECIFIED**" in line 28 and substitute "**AS REQUIRED**"; and in line 29, after "**COMMISSIONER**" insert "**BY REGULATION**".

AMENDMENT NO. 4

On page 43, after line 29, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That licensing required under § 11–602 of the Financial Institutions Article, as enacted by Section 1 of this Act, shall apply to retail sellers of manufactured homes based on interpretations of the federal Secure and Fair Enforcement for Mortgage Licensing Act of 2008 by the United States Department of Housing and Urban Development presented through commentaries, guidelines, rules, regulations, or interpretive letters.

SECTION 3. AND BE IT FURTHER ENACTED, That the prelicensing testing requirement under § 11–609(e)(1)(iii) of the Financial Institutions Article, as enacted by Section 1 of this Act, for licensees described in § 11–609(e)(1) of the Financial Institutions Article, as enacted by Section 1 of this Act, shall be effective when and if the United States Department of Housing and Urban Development determines through commentaries, guidelines, rules, regulations, or interpretive letters that the requirement is applicable to those licensees. If it is determined that the prelicensing testing requirement is applicable to the licensees, the Commissioner of Financial Regulation shall notify the licensees of the necessity for compliance.";

and in line 30, strike "2." and substitute "4.".

SPEAKER OF THE HOUSE MICHAEL E. BUSCH, NOW PRESIDING

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 868 – Delegates Love and Krysiak

AN ACT concerning

Property and Casualty Insurance – Portable Electronics Insurance – Regulation

HB0868/823093/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 868

(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 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 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 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".

On page 3, 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 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.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

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

HB0963/753793/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 963
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "altering" in line 5 down through "incarceration" in line 8 and substitute "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".

AMENDMENT NO. 2

On page 2, strike beginning with "**VIOLATES**" in line 27 down through "**BOTH**" in line 30 and substitute "**IS CHARGED WITH A MISDEMEANOR UNDER THIS SECTION SHALL COMPLY WITH THE COMMAND IN THE CHARGING DOCUMENT TO APPEAR IN COURT BY APPEARING IN COURT IN PERSON**".

On page 2 in line 24, and on page 3 in line 10, in each instance, strike "**EXCEPT AS PROVIDED IN**" and substitute "**SUBJECT TO**".

On page 3, strike beginning with "**VIOLATES**" in line 13 down through "**BOTH**" in line 16 and substitute "**IS CHARGED WITH A MISDEMEANOR UNDER THIS SECTION SHALL COMPLY WITH THE COMMAND IN THE CHARGING DOCUMENT TO APPEAR IN COURT BY APPEARING IN COURT IN PERSON**".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 1436 – Delegate Krysiak

AN ACT concerning

Workers' Compensation Commission – Authority – Employer Compliance

HB1436/763891/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1436
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 18 down through "circumstances;" in line 20.

On page 2, in line 3, strike ", 9–407.1, and 9–407.2" and substitute "and 9–407.1".

AMENDMENT NO. 2

On page 3 in line 19, on page 4 in line 4, and on page 6 in line 22, in each instance, strike "**$10,000**" and substitute "**$5,000**".

On pages 5 and 6, strike in their entirety the lines beginning with line 27 on page 5 through line 15 on page 6, inclusive.

On page 8, in line 8, strike "four" and substitute "two".

The preceding 2 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

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

AN ACT concerning

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

HB1452/563598/1

BY: Economic Matters Committee

AMENDMENTS TO HOUSE BILL 1452
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, after "Requirements –", insert "BRAC –"; and in line 8, after "applicants", insert "affected by the Base Realignment and Closure process".

On page 2, in line 25, after "**(D)**", insert "**(1) IN THIS SUBSECTION, "BRAC" MEANS THE BASE REALIGNMENT AND CLOSURE PROCESS AS ANNOUNCED BY THE UNITED STATES DEPARTMENT OF DEFENSE.**

(2)";

and in line 28, strike "**(1)**" and substitute "**(I)**".

On page 3, in lines 1, 4, and 7, strike "**(2)**", "**(3)**", and "**(4)**", respectively, and substitute "**(II)**", "**(III)**", and "**(IV)**", respectively; strike beginning with "**INTENDS**" in line 7 down through "**STATE**" in line 8 and substitute "**HAS RELOCATED TO THE STATE AS A FAMILY MEMBER OF A BRAC EMPLOYEE**"; in line 26, after "**(D)**", insert "**(1) IN THIS SUBSECTION, "BRAC" MEANS THE BASE REALIGNMENT AND CLOSURE PROCESS AS ANNOUNCED BY THE UNITED STATES DEPARTMENT OF DEFENSE.**

(2)";

and in line 29, strike "**(1)**" and substitute "**(I)**".

On page 4, in lines 1, 4, and 6, strike "**(2)**", "**(3)**", and "**(4)**", respectively, and substitute "**(II)**", "**(III)**", and "**(IV)**", respectively; strike beginning with "**INTENDS**" in line 6 down through "**STATE**" in line 7 and substitute "**HAS RELOCATED TO THE STATE AS A FAMILY MEMBER OF A BRAC EMPLOYEE**"; in line 9, after "**(A)**", insert "**(1) IN THIS SUBSECTION, "BRAC" MEANS THE BASE REALIGNMENT AND CLOSURE PROCESS AS ANNOUNCED BY THE UNITED STATES DEPARTMENT OF DEFENSE.**

(2)";

and strike beginning with "**INTENDS**" in line 27 down through "**STATE**" in line 28 and substitute "**HAS RELOCATED TO THE STATE AS A FAMILY MEMBER OF A BRAC EMPLOYEE**".

On page 5, in line 22, after "**(D)**", insert "**(1) IN THIS SUBSECTION, "BRAC" MEANS THE BASE REALIGNMENT AND CLOSURE PROCESS AS ANNOUNCED BY THE UNITED STATES DEPARTMENT OF DEFENSE.**

(2)";

in lines 25, 27, and 29, strike "**(1)**", "**(2)**", and "**(3)**", respectively, and substitute "**(I)**", "**(II)**", and "**(III)**", respectively.

On page 6, in line 1, strike "**(4)**", and substitute "**(IV)**"; and strike beginning with "**INTENDS**" in line 1 down through "**STATE**" in line 2 and substitute "**HAS RELOCATED TO THE STATE AS A FAMILY MEMBER OF A BRAC EMPLOYEE**".

AMENDMENT NO. 2

On page 6, after line 2, insert:

"SECTION 2. AND BE IT FURTHER ENACTED, That, the State Board of Stationary Engineers, the State Board of Plumbing, and the State Board of Heating, Ventilation, Air Conditioning, and Refrigeration Contractors shall require applicants seeking to waive the examination requirement based on relocation to the State

through the Base Realignment and Closure process to furnish to the respective board documentation verifying that their relocation to the State is a direct result of a family member's involvement in the Base Realignment and Closure process.";

and in line 3, 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.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

House Bill 1512 – Frederick County Delegation

AN ACT concerning

Frederick County – Multivenue Wine License

HB1512/483895/1

BY: Economic Matters Committee

AMENDMENT TO HOUSE BILL 1512
(First Reading File Bill)

On page 2, in line 16, strike "**CLASS A LIGHT WINE**" and substitute "**CLASS 4 LIMITED WINERY**".

The preceding amendment was read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 25 – Anne Arundel County Senators

AN ACT concerning

City of Annapolis – Alcoholic Beverages – Administrative Proceedings and Fines

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably with amendments:

Senate Bill 106 – Anne Arundel County Senators

AN ACT concerning

Anne Arundel County – Alcoholic Beverages Act of 2009

SB0106/553692/1

BY: Economic Matters Committee

AMENDMENTS TO SENATE BILL 106
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 3, strike "altering" and substitute "imposing"; in lines 16 and 17, strike "establishing a certain nonrefundable license renewal fee" and substitute "requiring the Anne Arundel County Board of License Commissioners to prepare an annual budget; specifying the contents of the budget; requiring the Board to submit the budget to the Comptroller for approval and to transmit the budget after it is approved to certain delegations in the General Assembly on or before a certain date; authorizing the Board to engage the services of a certain person for a certain purpose; requiring the county government to provide the Board with certain information"; strike beginning with "and" in line 17 down through "license" in line 18; in line 19, strike "fees" and substitute "fee"; in line 20, strike "and special outdoor entertainment licenses"; and in lines 22 and 23, strike "altering the annual salary of the attorney for the Board;".

On page 2, in line 1, strike "a"; in line 2, strike "provision" and substitute "provisions"; strike beginning with "5–101(c)(1)" in line 6 down through "(d)(2)," in line 8; strike beginning with "and (5)" in line 8 down through "8–202.1(f)," in line 9 and substitute ", 10–204(c),"; in line 9, strike "and (5)(iii)"; after line 12, insert:

"BY repealing
Article 2B – Alcoholic Beverages
Section 5–201(c)(3)
Annotated Code of Maryland
(2005 Replacement Volume and 2008 Supplement)";

strike beginning with "5–101(a)(1)," in line 15 down through "7–101(b)(1)(i)," in line 17; in line 17, strike "(e)(1), (h)(3), and"; in line 18, strike "8–202.1(a) and (c)(1),"; in line 23, after "8–202(j)," insert "and"; and in the same line, strike ", and 10–301(u)".

AMENDMENT NO. 2

On page 3, strike in their entirety lines 14 through 21, inclusive; and strike beginning with "(1)" in line 23 down through "**$480**." in line 25.

On pages 4 through 6, strike in their entirety the lines beginning with line 1 on page 4 through line 15 on page 6, inclusive.

On pages 6 and 7, strike in their entirety the lines beginning with line 25 on page 6 through line 11 on page 7, inclusive.

On pages 7 and 8, strike in their entirety the lines beginning with line 30 on page 7 through line 3 on page 8, inclusive.

On page 8, strike beginning with "**THIS**" in line 19 down through "**2.**" in line 21 and substitute "**A.**"; in line 21, strike the comma and substitute "**THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

B.";

after line 24, insert:

"**C. "BOARD" MEANS THE ANNE ARUNDEL COUNTY BOARD OF LICENSE COMMISSIONERS.**";

strike beginning with "**3.**" in line 25 down through "**THE**" in line 29 and substitute "**2. IN ANNE ARUNDEL COUNTY, THE**"; in line 29, strike "**OF LICENSE COMMISSIONERS**"; in line 30, strike "**A**" and substitute "**STATE AND NATIONAL**"; in

line 31, strike "**CHECK**" and substitute "**CHECKS**"; in the same line, strike "**AND, AS**" and substitute "**.**

3. AS";

and in line 32, strike the comma and substitute "**FOR A CRIMINAL HISTORY RECORDS CHECK, THE BOARD**".

On page 9, in line 2, strike "**LEGIBLE**"; in line 6, strike the second "**THE**"; in lines 11 and 14, strike "**5.**" and "**6.**", respectively, and substitute "**4.**" and "**5.**", respectively; in line 11, strike "**THE**" and substitute "**IN ACCORDANCE WITH §§ 10–201 THROUGH 10–234 OF THE CRIMINAL PROCEDURE ARTICLE, THE**"; in line 12, strike "**OF LICENSE COMMISSIONERS**"; in line 15, after "**SUBPARAGRAPH**" insert "**SHALL BE**"; in line 16, strike "**IS CONFIDENTIAL**" and substitute "**CONFIDENTIAL**"; in line 18, strike "**MAY BE USED**" and substitute "**USED**"; in line 19, strike "**SECTION**" and substitute "**SUBPARAGRAPH**"; and after line 19, insert:

"**6. THE SUBJECT OF A CRIMINAL HISTORY RECORDS CHECK UNDER THIS SUBPARAGRAPH MAY CONTEST THE CONTENTS OF THE PRINTED STATEMENT ISSUED BY THE CENTRAL REPOSITORY UNDER § 10–223 OF THE CRIMINAL PROCEDURE ARTICLE.**".

AMENDMENT NO. 3

On page 9, strike lines 20 through 23, inclusive, and substitute:

"10–204.

(c) (1) Except for licenses granted to places of business located in the City of Annapolis, the Anne Arundel County Board of License Commissioners shall:

(i) Collect all alcoholic beverages license fees; and

(ii) Issue all alcoholic beverages licenses authorized under this article for Anne Arundel County.

(2) (i) The Anne Arundel County Board of License Commissioners shall remit to the county all fees collected by the Board.

(ii) The county shall pay from the receipts the salaries and expenses of the Board and of its employees, as approved by the State Comptroller, and shall devote the balance of the receipts to the general purposes of the county.

(3) (I) FOR EACH FISCAL YEAR BEGINNING JULY 1 AND ENDING JUNE 30 OF THE SUBSEQUENT YEAR, THE ANNE ARUNDEL COUNTY BOARD OF LICENSE COMMISSIONERS SHALL PREPARE AN ANNUAL BUDGET THAT LISTS ALL SIGNIFICANT COMPONENTS OF THE BOARD'S REVENUE AND EXPENSES, INCLUDING PAYROLL, RENT, AND COSTS OF JANITORIAL SERVICES AND UTILITIES.

(II) THE BOARD SHALL:

1. SUBMIT THE BUDGET TO THE COMPTROLLER FOR APPROVAL; AND

2. AFTER THE BUDGET REQUIRED BY SUBPARAGRAPH (I) OF THIS PARAGRAPH IS APPROVED BY THE COMPTROLLER, BUT ON OR BEFORE JANUARY 15 OF EACH YEAR, TRANSMIT THE BUDGET AND RECOMMENDATIONS REGARDING WHETHER ADJUSTMENTS SHOULD BE MADE TO ALCOHOLIC BEVERAGES LICENSE FEES TO THE CHAIR OF THE ANNE ARUNDEL COUNTY SENATE DELEGATION AND THE CHAIR OF THE ANNE ARUNDEL COUNTY HOUSE DELEGATION IN THE GENERAL ASSEMBLY.

(III) TO HELP PREPARE THE BUDGET:

1. THE BOARD MAY ENGAGE THE SERVICES OF AN OUTSIDE FINANCIAL ADVISOR; AND

2. THE COUNTY GOVERNMENT SHALL PROVIDE TO THE BOARD ALL INFORMATION REASONABLY REQUESTED BY THE BOARD.

[(3)**] (4)** The City Clerk of the City of Annapolis shall:

(i) Collect all alcoholic beverages license fees for licenses granted to places of business located in the City of Annapolis; and

(ii) Issue all alcoholic beverages licenses authorized under this article for the City of Annapolis.

[(4)**] (5)** (i) The City Clerk of the City of Annapolis shall remit to the City of Annapolis all fees collected by the City Clerk.

(ii) The City of Annapolis shall devote the receipts to the general purposes of the City.".

AMENDMENT NO. 4

On page 10, in line 20, strike "**$200**" and substitute "**$100**"; in line 23, strike "**(I)**"; strike beginning with "**ISSUE**" in line 23 down through "**LICENSE**" in line 24 and substitute "**GRANT PERMISSION**"; and strike beginning with the period in line 27 down through "**THE**" in line 30 and substitute "**TO PROVIDE THE**".

On pages 10 and 11, strike beginning with the semicolon in line 32 on page 10 through "**BOARD**" in line 5 on page 11.

On page 11, strike in their entirety lines 30 through 32, inclusive, and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read as follows:

Article 2B – Alcoholic Beverages".

On page 12, in line 20, strike "**(I)**"; strike beginning with "may" in line 21 down through "**BOTH**" in line 22 and substitute a comma; and in line 23, after "County" insert "**, MAY IMPOSE THE FOLLOWING PENALTIES:**

(I) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING $2,500;

(II) FOR A SECOND OFFENSE, A FINE NOT EXCEEDING $2,500 OR SUSPENSION OF THE LICENSE FOR A PERIOD NOT EXCEEDING 120 DAYS OR BOTH; OR

(III) FOR A THIRD OR SUBSEQUENT OFFENSE, A FINE NOT EXCEEDING $2,500 OR A SUSPENSION OF THE LICENSE FOR A PERIOD TO BE DETERMINED BY THE BOARD OR BOTH";

and strike in their entirety lines 24 through 30, inclusive, and substitute:

"SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act 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.".

On page 13, in line 1, strike "3." and substitute "4."; and in line 2, strike "July" and substitute "June".

The preceding 4 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 162 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Comptroller)

AN ACT concerning

Alcoholic Beverages – Resident Dealer's Permit

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 269 – The President (By Request – Administration) and Senators Kelley and Middleton

AN ACT concerning

Financial Institutions – Mortgage Lenders and Mortgage Loan Originators

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Davis, Chair, for the Committee on Economic Matters reported favorably:

Senate Bill 434 – Senator Astle

AN ACT concerning

Anne Arundel County – Alcoholic Beverages – Yacht Club License

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON JUDICIARY REPORT #13

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

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

AN ACT concerning

Criminal Procedure – Offender Registry – Minors

HB0593/222715/1

BY: House Judiciary Committee

AMENDMENTS TO HOUSE BILL 593
(First 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"; and in line 23, after "Rules;" insert "authorizing a certain court to order an evaluation of a certain person in making a certain determination;".

AMENDMENT NO. 2

On page 3, in line 18, after "**ACT**" insert "**INVOLVING A VICTIM UNDER THE AGE OF 15 YEARS**"; in lines 19 and 28, in each instance, strike "**§§ 3–303 THROUGH 3–306**" and substitute "**§ 3–303, § 3–304, § 3–305, OR § 3–306**"; and in line 27, after "**ACT**" insert "**INVOLVING A VICTIM 15 YEARS OF AGE OR OLDER**".

AMENDMENT NO. 3

On page 5, strike beginning with "**COURT**" in line 9 down through "**DELINQUENT**" in line 10 and substitute "**SECRETARY OF JUVENILE SERVICES,**".

On page 6, in line 18, strike "**ANOTHER**" and substitute "**A**".

On page 7, after line 7, insert:

"**(4) THE COURT MAY ORDER AN EVALUATION OF THE PERSON IN MAKING THE DETERMINATION UNDER PARAGRAPH (1) OF THIS SUBSECTION.**".

On page 10, in line 3, strike "**UNTIL THE REGISTRANT REACHES 26 YEARS OF AGE**" and substitute "**UP TO 5 YEARS**"; in line 5, strike "**11–701(J)(5)(I)**" and substitute "**11–701(J)(3)(I)**"; and in line 6, after "**SUBTITLE**" insert "**, 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 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

Senate Bill 23 – ~~Senator Colburn~~ Senators Colburn and Pipkin

AN ACT concerning

Caroline County – Department of Corrections Employment Applicants – Polygraph Examinations

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

Senate Bill 58 – Chair, Judicial Proceedings Committee (By Request – Departmental – Human Resources)

AN ACT concerning

Family Law – Termination of Parental Rights

Favorable report adopted.

Delegate O'Donnell moved to make the Bill a Special Order for Wednesday.

The motion was adopted.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

Senate Bill 104 – Senator Stone

AN ACT concerning

Baltimore County – Prospective Employees and Volunteers – Criminal History Records Check

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

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

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

Senate Bill 152 – Senator Frosh

AN ACT concerning

Estates and Trusts – Personal Representatives and Fiduciaries – Powers

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

Senate Bill 153 – Senator Frosh

AN ACT concerning

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

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

Senate Bill 154 – Senator Frosh

AN ACT concerning

Estates and Trusts – Admission of Copy of Executed Will

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

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

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

Senate Bill 259 – The President (By Request – Administration) (Task Force to Combat Driving Under the Influence of Drugs and Alcohol) and ~~Senator Forehand~~ Senators Forehand, Frosh, Gladden, Brochin, Haines, Jacobs, Mooney, Muse, Raskin, Simonaire, and Stone

AN ACT concerning

Criminal Procedure – Drunk and Drugged Driving – Probation Before Judgment

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

Senate Bill 263 – The President (By Request – Administration) (Task Force to Combat Driving Under the Influence of Drugs and Alcohol) and ~~Senator Forehand~~ Senators Forehand, Jacobs, and Mooney

AN ACT concerning

Vehicle Laws – Alcohol Restriction on Driver's License – Penalties for Violations

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

Senate Bill 267 – The President (By Request – Administration) and Senators Forehand, Frosh, Harrington, Lenett, and Raskin

AN ACT concerning

Family Law – Protective Orders – Surrender of Firearms

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

Senate Bill 268 – The President (By Request – Administration) and Senators Brochin, Forehand, Frosh, Harrington, Lenett, and Raskin

AN ACT concerning

Family Law – Temporary Protective Orders – Surrender of Firearms

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

Senate Bill 304 – Senators Kramer, DeGrange, Forehand, Glassman, Haines, Middleton, Muse, and Stone

AN ACT concerning

Crimes – Financial Exploitation of Elderly – Penalty

Favorable report adopted.

FLOOR AMENDMENT

SB0304/473129/1

BY: Delegate Montgomery

AMENDMENTS TO SENATE BILL 304
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 5, after "know" insert "is incompetent or incapacitated and"; and in line 9, after "age" insert "who is incompetent or incapacitated".

AMENDMENT NO. 2

On page 2, in line 8, after "**AN**" insert "**INCOMPETENT OR INCAPACITATED**"; and in line 21, after "**OLD**" insert "**AND INCOMPETENT OR INCAPACITATED**".

The preceding 2 amendments were withdrawn.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably with amendments:

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

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 adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Vallario, Chair, for the Committee on Judiciary reported favorably:

Senate Bill 817 – Senator Jones

AN ACT concerning

Task Force to Study Prison Violence in Maryland – ~~Continuation~~ Reconstitution

Favorable report adopted.

Read the second time and ordered prepared for Third Reading.

THE COMMITTEE ON WAYS AND MEANS REPORT #16

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

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

HB1392/615764/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1392
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in line 2, strike "Technical and Clarifying Corrections" and substitute "Revisions"; strike beginning with "requiring" in line 4 down through "circumstances;" in line 5 and substitute "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;"; strike beginning with "requiring" in line 9 down through "candidate;" in line 13; strike beginning with "altering" in line 19 down through "ballot;" in line 21; and strike beginning with "altering" in line 27 down through "ballots;" in line 28.

On page 2, in line 10, strike "3–501," and substitute "3–304,"; in the same line, strike "8–102, 8–803,"; in line 11, strike "9–307(b),"; and in line 12, strike "11–302(d),".

AMENDMENT NO. 2

On page 3, after line 16, insert:

"3–304.

(a) (1) **[**Notification**]** **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, NOTIFICATION** of a change of address or of a change of name may be made:

(i) by information provided on a voter registration application by the same methods provided for registration pursuant to Subtitle 2 of this title;

(ii) by written notice, signed by the voter and sent by mail or otherwise delivered to the local board in the county where the voter's current voter registration address is located or to which the voter has moved;

(iii) by making application in person at the office of the local board in the county where the voter's current voter registration address is located or to which the voter has moved;

(iv) by information on a voter authority card or other appropriate form filled out in a polling place; or

(v) by changing a name or address with the Motor Vehicle Administration.

(2) AS PROVIDED BY REGULATIONS ADOPTED BY THE STATE BOARD, AN ADDRESS CHANGE MAY BE PROCESSED WITHOUT THE VOTER'S SIGNATURE IF NOTIFICATION OF THE CHANGE IS PROVIDED BY THE U.S. DEPARTMENT OF DEFENSE.

[(2)**] (3)** Except as provided by regulations adopted by the State Board, name and address changes may not be processed when registration is closed.

(b) The local board in the county in which the voter resides shall electronically enter the change of name or address into the statewide voter registration list on an expedited basis at the time the information is provided to the local board.".

AMENDMENT NO. 3

On pages 3 and 4, strike in their entirety the lines beginning with line 17 on page 3 through line 12 on page 4, inclusive.

On pages 5 through 7, strike in their entirety the lines beginning with line 32 on page 5 through line 6 on page 7, inclusive.

On page 8, in line 7, strike the colon; in line 8, strike "**(1)**"; and strike beginning with "**; OR**" in line 10 down through "**OCCURS**" in line 17.

On pages 8 and 9, strike in their entirety the lines beginning with line 18 on page 8 through line 1 on page 9, inclusive.

On pages 12 and 13, strike in their entirety the lines beginning with line 16 on page 12 through line 22 on page 13, inclusive.

The preceding 3 amendments were read and adopted.

Favorable report, as amended, adopted.

Read the second time and ordered prepared for Third Reading.

Delegate Hixson, Chair, for the Committee on Ways and Means reported favorably with amendments:

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

AN ACT concerning

Election Law – Campaign Finance – Revisions

HB1398/545366/1

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL 1398
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, strike beginning with "requiring" in line 8 down through "committee;" in line 11; strike beginning with "requiring" in line 13 down through "authorize;" in line 21; strike line 23 in its entirety; in line 24, strike "clarifying the certain time period when" and substitute "altering the date by which"; and strike beginning with "requiring" in line 25 down through "satisfied;" in line 29 and substitute "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;".

On pages 1 and 2, strike beginning with "repealing" in line 30 on page 1 through "State;" in line 3 on page 2 and substitute "prohibiting a contribution if it is intended to conceal the source of the funds or intended recipient;".

On page 2, in line 7, strike "13–214,"; in the same line, strike "13–220,"; in the same line, strike "13–245,"; in line 9, strike "13–335," and substitute "13–406, and"; in the same line, strike ", and 13–605"; and strike in their entirety lines 17 through 24, inclusive, and substitute:

"BY repealing and reenacting, without amendments,
Article – Election Law
Section 13–407 and 13–408
Annotated Code of Maryland
(2003 Volume and 2008 Supplement)".

AMENDMENT NO. 2

On page 3, in line 13, strike "**WITHIN**" and substitute "**AT LEAST**"; strike beginning with the third "**OF**" in line 13 down through "**CHANGE**" in line 14 and substitute "**BEFORE THE DATE THAT THE NEXT CAMPAIGN FINANCE REPORT IS DUE**"; and strike in their entirety lines 21 through 24, inclusive.

On page 4, strike in their entirety lines 3 through 7, inclusive.

On pages 4 and 5, strike in their entirety the lines beginning with line 26 on page 4 through line 7 on page 5, inclusive.

On pages 6 and 7, strike in their entirety the lines beginning with line 14 on page 6 through line 32 on page 7, inclusive.

On page 8, in line 3, strike "**WITHIN 30**" and substitute "**WITHIN 90**"; and in the same line, after "**CONTRIBUTION**" insert "**OR BY THE END OF THE CURRENT CAMPAIGN FINANCE REPORTING PERIOD, WHICHEVER IS EARLIER**".

On pages 8 and 9, strike in their entirety the lines beginning with line 19 on page 8 through line 23 on page 9, inclusive.

On pages 10 and 11, strike in their entirety the lines beginning with line 25 on page 10 through line 28 on page 11, inclusive.

AMENDMENT NO. 3

On page 14, strike in their entirety lines 11 through 33, inclusive, and substitute:

"13–406.

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

(b) "Incumbent" means a member of the General Assembly.

(c) **(1)** "Legislative newsletter" means an unsolicited document used by an incumbent, without supervision by, or coordination with, the General Assembly, to disseminate information to a constituent, voter, or potential voter about:

[(1)**]** **(I)** the incumbent's performance in legislative office; or

[(2)**]** **(II)** one or more issues of public interest chosen by the incumbent.

(2) (I) "LEGISLATIVE NEWSLETTER" DOES NOT INCLUDE A DOCUMENT THAT IS DISSEMINATED TO RECIPIENTS BY ELECTRONIC MAIL OR ANY OTHER MODE OF ELECTRONIC TRANSMISSION.

(II) A DOCUMENT DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE SUBJECT TO STANDARDS ADOPTED BY THE PRESIDING OFFICERS, OR AN APPROPRIATE ENTITY, OF THE GENERAL ASSEMBLY.

(d) "Publication expense" means an expenditure relating to writing, publishing, printing, issuing, mailing, or distributing a legislative newsletter.

13–407.

Part II of this subtitle does not restrict the use by the General Assembly of any funds appropriated in the State budget.

13–408.

(a) Publication expenses may not be paid from public funds.

(b) Publication expenses may be paid from:

(1) a campaign account of a campaign finance entity of the incumbent if the campaign finance entity complies with all other requirements of this title regarding expenditures and campaign material; or

(2) the personal funds of the incumbent or the spouse of the incumbent if, as to each issue:

(i) the incumbent has not filed a certificate of candidacy;

(ii) the legislative newsletter contains a notice that it is disseminated at the personal expense of the incumbent; and

(iii) within 10 days after the first mailing or distribution of the issue, the incumbent files a campaign finance report with the State Board that contains:

1. a detailed list of publication expenses; and

2. an affidavit that no funds for the legislative newsletter have been solicited or received from any source to supplement the personal funds.".

On page 17, strike in their entirety lines 7 through 13, inclusive, and substitute:

"SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the presiding officers of the General Assembly or, if designated by the presiding officers, the Joint Committee on Legislative Ethics, the Joint Advisory Committee on Legislative Data Systems, or other appropriate entity of the General Assembly, shall adopt reasonable standards for the use of the General Assembly's electronic mail system and other General Assembly resources that may be used in the dissemination of electronic communications.";

and 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.

SPECIAL ORDERS

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

Senate Bill 178 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – ~~Investment Manager Service Fees~~ Investments

STATUS OF BILL: BILL ON 2ND READING. FAVORABLE REPORT ADOPTED.

Read the second time and ordered prepared for Third Reading.

Senate Bill 392 – Senator Exum

AN ACT concerning

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

STATUS OF BILL: BILL ON 3RD READING.

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

Affirmative – 129 Negative – 0 (See Roll Call No. 825)

The Bill was then returned to the Senate.

QUORUM CALL

The presiding officer announced a quorum call, showing 134 Members present.

(See Roll Call No. 826)

THIRD READING FILE

The presiding officer submitted the following Bills for Third Reading:

THIRD READING CALENDAR (HOUSE BILLS) #63

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

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

Affirmative – 109 Negative – 23 (See Roll Call No. 827)

The Bill was then sent to the Senate.

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 – 134 Negative – 0 (See Roll Call No. 828)

The Bill was then sent to the Senate.

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 – 133 Negative – 0 (See Roll Call No. 829)

The Bill was then sent to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #9

Senate Bill 19 – Senator Colburn

AN ACT concerning

Dorchester County – Sheriff – Salary

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

Affirmative – 134 Negative – 0 (See Roll Call No. 830)

The Bill was then returned to the Senate.

Senate Bill 22 – Senators Colburn and Pipkin

AN ACT concerning

Caroline County – Sheriff's Salary

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

Affirmative – 134 Negative – 0 (See Roll Call No. 831)

The Bill was then returned to the Senate.

Senate Bill 47 – Senator Harrington

AN ACT concerning

Environment – Permit Applications – Notice Requirements

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

Affirmative – 134 Negative – 0 (See Roll Call No. 832)

The Bill was then returned to the Senate.

Senate Bill 171 – Senators Lenett and Kittleman

AN ACT concerning

Maryland Condominium Act – Closed Meetings of Board of Directors

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

Affirmative – 134 Negative – 0 (See Roll Call No. 833)

The Bill was then returned to the Senate.

Senate Bill 172 – Senators Lenett and Kittleman

AN ACT concerning

Maryland Homeowners Association Act – Closed Meetings of Homeowners Association

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

Affirmative – 134 Negative – 0 (See Roll Call No. 834)

The Bill was then returned to the Senate.

Senate Bill 224 – Senator Edwards

AN ACT concerning

Garrett County – Code of Ordinances – Review of Salaries

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

Affirmative – 134 Negative – 0 (See Roll Call No. 835)

The Bill was then returned to the Senate.

Senate Bill 364 – Senator Gladden

AN ACT concerning

Real Property – Mechanic's Lien – Certified Interior Design Services

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

Affirmative – 128 Negative – 6 (See Roll Call No. 836)

The Bill was then returned to the Senate.

Senate Bill 378 – Senator Stoltzfus

AN ACT concerning

Somerset County – Fire Company – Appropriations

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

Affirmative – 134 Negative – 0 (See Roll Call No. 837)

The Bill was then returned to the Senate.

Senate Bill 541 – Senator Kelley

AN ACT concerning

Common Ownership Communities – Fidelity Insurance

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

Affirmative – 133 Negative – 0 (See Roll Call No. 838)

The Bill was then returned to the Senate.

Senate Bill 574 – Senators Stoltzfus and Colburn

AN ACT concerning

Wicomico County – Annual Financial Report – Filing Date

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

Affirmative – 134 Negative – 0 (See Roll Call No. 839)

The Bill was then returned to the Senate.

Senate Bill 742 – Senator Kelley

AN ACT concerning

Condominiums and Homeowners Associations – Transition of Control

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

Affirmative – 134 Negative – 0 (See Roll Call No. 840)

The Bill was then returned to the Senate.

Senate Bill 767 – Senator Astle

AN ACT concerning

Fire, Rescue, and Emergency Medical Services in Anne Arundel County – Agreements with Federal Government – Reimbursement

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

Affirmative – 134 Negative – 0 (See Roll Call No. 841)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #10

Senate Bill 73 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Sale of Land Preservation Easements – Confidentiality of Records

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

Affirmative – 134 Negative – 0 (See Roll Call No. 842)

The Bill was then returned to the Senate.

Senate Bill 74 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)

AN ACT concerning

State Tobacco Authority – Repeal

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

Affirmative – 132 Negative – 0 (See Roll Call No. 843)

The Bill was then returned to the Senate.

Senate Bill 78 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Practice of Veterinary Medicine – Students – Immunity

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

Affirmative – 134 Negative – 0 (See Roll Call No. 844)

The Bill was then returned to the Senate.

Senate Bill 90 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Maryland Agricultural Land Preservation Foundation – Valuation of Terminated Easements

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

Affirmative – 133 Negative – 0 (See Roll Call No. 845)

The Bill was then returned to the Senate.

Senate Bill 91 – Chair, Education, Health, and Environmental Affairs Committee (By Request – Departmental – Agriculture)

AN ACT concerning

Lawn and Turf Grass Seed – Testing and Labeling Requirements

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

Affirmative – 134 Negative – 0 (See Roll Call No. 846)

The Bill was then returned to the Senate.

Senate Bill 116 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Veterinary Medical Examiners – Sunset Extension and Program Evaluation

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

Affirmative – 134 Negative – 0 (See Roll Call No. 847)

The Bill was then returned to the Senate.

Senate Bill 117 – The President (By Request – Department of Legislative Services)

AN ACT concerning

State Board of Well Drillers – Sunset Extension and Program Evaluation

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

Affirmative – 131 Negative – 0 (See Roll Call No. 848)

The Bill was then returned to the Senate.

Senate Bill 292 – Senator Edwards

AN ACT concerning

Vehicle Laws – Motor Vehicle and Bicycle Racing Events – Sunset Repeal

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

Affirmative – 134 Negative – 0 (See Roll Call No. 849)

The Bill was then returned to the Senate.

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

EMERGENCY BILL

AN ACT concerning

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

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

Affirmative – 132 Negative – 1 (See Roll Call No. 850)

The Bill was then returned to the Senate.

Senate Bill 449 – Senator Edwards

AN ACT concerning

Allegany County and Garrett County – Exceptional Hauling Permits for Forestry Products – Sunset Repeal

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

Affirmative – 134 Negative – 0 (See Roll Call No. 851)

The Bill was then returned to the Senate.

Senate Bill 614 – ~~Senator Gladden~~ Senators Gladden, Jones, and Kelley

AN ACT concerning

Transportation – Baltimore Corridor Transit Study – Red Line Area

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

Affirmative – 119 Negative – 15 (See Roll Call No. 852)

The Bill was then returned to the Senate.

Senate Bill 652 – Senator Edwards

AN ACT concerning

Allegany and Garrett Counties – Deer Hunting on Private Property – Sundays

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

Affirmative – 122 Negative – 9 (See Roll Call No. 853)

The Bill was then returned to the Senate.

THIRD READING CALENDAR (SENATE BILLS) #11

Senate Bill 66 – Chair, Budget and Taxation Committee (By Request – Departmental – Higher Education Commission)

AN ACT concerning

Supplemental Retirement Plans and Optional Retirement Program – Employing Institutions – Community Colleges

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

Affirmative – 134 Negative – 0 (See Roll Call No. 854)

The Bill was then returned to the Senate.

Senate Bill 146 – Senators Frosh and Madaleno

AN ACT concerning

Municipal Corporations and Taxing Districts – Financial Audits

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

Affirmative – 134 Negative – 0 (See Roll Call No. 855)

The Bill was then returned to the Senate.

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

AN ACT concerning

Education – Baltimore City Community College – Academic Facility Bonds

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

Affirmative – 133 Negative – 1 (See Roll Call No. 856)

The Bill was then returned to the Senate.

Senate Bill 179 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement Agency – Monitoring of Telephone Calls – Quality Assurance

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

Affirmative – 134 Negative – 0 (See Roll Call No. 857)

The Bill was then returned to the Senate.

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

AN ACT concerning

Foster Care – Tuition Exemption – Expanded Eligibility

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

Affirmative – 134 Negative – 0 (See Roll Call No. 858)

The Bill was then returned to the Senate.

Senate Bill 450 – Senator Edwards

AN ACT concerning

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

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

Affirmative – 133 Negative – 1 (See Roll Call No. 859)

The Bill was then returned to the Senate.

Senate Bill 458 – Senator Jones (Chair, Joint Committee on the Management of Public Funds) and Senators Currie, Forehand, and Haines

AN ACT concerning

State Treasurer – Local Government Units – Local Debt Policies

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

Affirmative – 134 Negative – 0 (See Roll Call No. 860)

The Bill was then returned to the Senate.

Senate Bill 484 – Senators Pipkin and Jacobs

AN ACT concerning

Cecil County – Public Facilities Bond Bill

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

Affirmative – 133 Negative – 1 (See Roll Call No. 861)

The Bill was then returned to the Senate.

Senate Bill 517 – Senator Jones (Chair, Joint Committee on the Management of Public Funds) and Senators Currie, Forehand, and Haines

AN ACT concerning

State Debt – Annuity Bond Fund – Payment of Fiscal Agents

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

Affirmative – 134 Negative – 0 (See Roll Call No. 862)

The Bill was then returned to the Senate.

Senate Bill 579 – Senator Jones (Chair, Joint Committee on the Management of Public Funds) and Senators Currie, Forehand, and Haines

AN ACT concerning

State Checks – Electronic Publication of Payee Names

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

Affirmative – 134 Negative – 0 (See Roll Call No. 863)

The Bill was then returned to the Senate.

Senate Bill 591 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Military Service Credit – Clarification and Simplification

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

Affirmative – 132 Negative – 1 (See Roll Call No. 864)

The Bill was then returned to the Senate.

Senate Bill 592 – Senator McFadden (Chair, Joint Committee on Pensions)

AN ACT concerning

State Retirement and Pension System – Compliance with Federal Tax Provisions

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

Affirmative – 133 Negative – 0 (See Roll Call No. 865)

The Bill was then returned to the Senate.

Senate Bill 617 – Senators DeGrange, Astle, Brinkley, King, Kramer, Madaleno, Munson, Peters, and Stoltzfus

EMERGENCY BILL

AN ACT concerning

Local Government – Deposits of Unexpended or Surplus Money

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

Affirmative – 132 Negative – 2 (See Roll Call No. 866)

The Bill was then returned to the Senate.

Senate Bill 779 – Carroll County Senators

AN ACT concerning

Carroll County – Public Facilities Bonds

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

Affirmative – 133 Negative – 1 (See Roll Call No. 867)

The Bill was then returned to the Senate.

Senate Bill 932 – Senator Currie

AN ACT concerning

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

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

Affirmative – 133 Negative – 1 (See Roll Call No. 868)

The Bill was then returned to the Senate.

MESSAGE FROM THE EXECUTIVE

SUPPLEMENTAL BUDGET NO. 2 – FISCAL YEAR 2010

(See Exhibit N of Appendix II)

Read and referred to the Committee on Appropriations.

THE COMMITTEE ON RULES AND EXECUTIVE NOMINATIONS REPORT #13

Delegate Harrison, Chair, for the Committee on Rules and Executive Nominations recommended the following Bill be re–referred to the Committee on Economic Matters:

Senate Bill 955 – Senator Klausmeier

AN ACT concerning

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

The Bill was re–referred to the Committee on Economic Matters.

QUORUM CALL

The presiding officer announced a quorum call, showing 134 Members present.

(See Roll Call No. 869)

ADJOURNMENT

At 11:02 A.M. on motion of Delegate Barve the House adjourned until 10:00 A.M. on Legislative Day April 2, 2009, Calendar Day Wednesday, April 8, 2009.